

Perry v. Schwarzenegger: Day 5 and 6

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Parents and their children. This was the focus of day 5 and 6 of Perry V. Schwarzenegger, which could potentially overturn the gay marriage ban in California, instituted through the passage of Proposition 8 in November 2008. Typically, this discussion is limited to the effects having gay parents can have on their children, but often overlooked is the impact having gay children has on their parents and their views and understanding of gay marriage. While both discussions were front and center in Judge Walker's court room this week, it was the latter one that I believe will have a greater impact on LGBT equality.

Something I've seen in my 11 years as an "out" gay man, is that when gay rights is a hypothetical issue to someone who isn't gay, that person is more likely to support the status quo, which often includes institutional discrimination against the gay community. It doesn't make them bad people, just disconnected and uninformed. However, what changes people's minds more than any campaign ad, or sermon at church, is the experience of actually knowing someone close to you that is gay.

When I came out in 1999, I worked for my county's Sheriff's Department, which is a line of work not typically known for being a paragon of tolerance or equality. I grew up in a traditional Catholic household, and had mostly politically and religiously conservative friends. I knew their thoughts towards gay people reflected what most of America felt at the time and largely feels today; that gay people should not be targets of violence, but also shouldn't necessarily have all the same rights as everyone else. Don't upset the apple cart. Historically, this is not surprising, but rather predictable. The majority of white Americans in the 1950's and early 1960's had a similar apathetic disconnect when it came to civil rights issues concerning African Americans. I can safely say this wasn't because they were bad people, or wanted harm inflicted upon the African American community. It's just that they didn't necessarily see how their struggle related to them, and their life, and their freedom as Americans. And because both races were mostly segregated, whites didn't likely know anyone close to them that was black, and thus did not know all the hardships and discrimination one had to deal with by being black. Once government enforced integration did occur, the argument shifted. Soon whites began to see the injustices taking place every day against the black community, and they also connected that if the government could lawfully discriminate against blacks, then other groups such as Catholics, Italians, Irish, or Jews, could just as easily be next. Personal connections to the black community shifted the debate among most white Americans forever. Unfortunately for the gay community, being gay isn't as easy to identify as race often is, and while it's likely that everyone knows someone gay, many people don't necessarily know those people are gay unless they tell them they are.

I can say from personal experience, when I came out to everyone in my life, for the vast majority, their views towards gay issues and the gay community at large changed drastically. All of a sudden, "gay rights" was no longer a hypothetical issue to my friends and co-workers. They slowly realized gay rights isn't about politics, it's about people, and in my case, someone they were very close to. They knew me before I was gay and they liked me, so why should that change simply because I'm gay? More importantly, they started to see the issues that affected the gay community through the prism of what would affect me, their friend. I can't even count the number of grizzled, old, manly sheriff's deputies who expressed their solidarity with me and in several cases, how it opened their eyes to the homophobia that lies in complacency.

To help make this point on the national stage, San Diego Mayor Jerry Sanders took the stand on day 6 to testify about the impact his daughter's coming out had on his stance towards gay marriage. A former police chief and current Conservative Republican who previously only supported civil unions for gay couples, Sanders choked up when describing his daughter's coming out. "I felt overwhelming love" he said. He went on to testify that "My daughter deserves the same opportunity to have a wedding in front of family, friends and co-workers, to have that recognized lawfully... If government tolerates discrimination against anyone for any reason, it becomes an excuse for the public to do the same thing". Clearly, now that this was no longer just some campaign issue, Mayor Sanders feels very differently about gay marriage and how it impacts someone close to his heart.

Proposition 8 lawyer Brian Raum cross-examined Mayor Sanders and tried to get him to concede that people who oppose gay marriage aren't necessarily filled with hate towards gay people, to which Mayor Sanders rightly agreed. "It can be a situation where it is not based on animus," Mayor Sanders said. But then he added, "That doesn't mean it isn't grounded in prejudice". Exactly! No one who supports gay marriage should try to claim that Americans opposed to gay marriage are simply against it because they hate gay people. This helps no one, and is flatly wrong. However, it is also flatly wrong to continue to support a status quo that is discriminatory and hurts families, be it the child or the parent. The issue of gay marriage will be not be won not by fighting fear and ignorance with an equal amount of anger and name calling. It will be won largely on the merits of the argument that this is not just about equality and freedom for gay people, but the governments role to make sure equality and freedom for everyone is protected, not infringed upon. However, it will also be impacted by a greater awareness of who around us is gay. If we in the gay community no longer wish to live in the shadows, then we must start acting like it, and not be afraid to tell those around us who we are.

It took a courageous man to admit the error of his ways, and testify before God and country, that anything short of full marriage equality was discrimination. Republican Mayor Jerry Sanders is not shill for any party or movement, but simply is expressing what he knows is right, and what is truly American. That courageous move though began with his daughter's

coming out. The gay community needs more stories and indeed more allies like Mayor Sanders, but like Sanders's daughter, it will be up to us to make the first move.