

Perry v. Schwarzenegger: Day 9

Matthew Craffey

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The age old debate of nature vs. choice came to the forefront on Day 9 of the Proposition 8 trial. Proposition 8 lawyer Howard Nielson Jr. tried to elicit a favorable response towards choice from UC-Davis Professor Greg Herek, a plaintiff's expert who has previously testified "that gays and lesbians for the most part do not have a choice in their sexuality, contrary to the position of same-sex marriage foes." Trying to make his case, Nielson quoted portions of the testimony from Kristin Perry and Sandy Stier, who described their "evolution toward realizing they are lesbians." When asked by Nielson if this testimony surprised him, Herek responded "What she described here is she experienced this attraction as an enduring pattern, and after recognizing this pattern in herself, she adopted (the lesbian orientation)." The question I have for people like Nielson is, just what do they think someone has to gain by being gay?

As a gay man, I can personally tell you that being gay was the last thing I ever wanted to be, so much so that suicide for a period of time seemed like a better alternative. If there was anything I could have done back then to make myself straight, I would have done it. God knows, I tried everything I could think of; relationships with women; cutting myself off from any guys I found attractive; praying to God every night that I would meet the woman who would make me straight. And yet, after all of it, I was as gay as I was at 7 years of age, when I first realized I was different, but not sexually aware enough to define how. Prior to that I was a popular, social kid. The guilt of being different, i.e. liking persons of the same sex, made me withdraw from everyone, live in fear, and pray every day that no one would find out my deep, dark, secret. This shame only got worse through high school. Every time the word "fag" or "gay" was muttered, a chill went through my body, and my stomach went sick as my first thought was always, "They're talking about me." In fact, every morning of high school was a nausea-fest of fear and loathing, for that might be the day everyone finds out who I really am. During that time, I would have rather have been dead than be gay.

It wasn't until I turned 21, that I had the courage to start dealing with this issue. Well, part of it was courage, the other part was simply desperation stemming from the realization that either I had to figure this out, or I don't want to live to celebrate another 21 years of shame and self-hatred. Thank God, I did figure it out. I truly believe that my life began at 21, when for the first time I realized that being gay isn't evil, isn't shameful, or wrong. It is who I am. When I had friends for the first time in my life that I felt I could be myself around, that realization was further cemented. I knew life would not be easy as an open gay man. I was fully aware of the obstacles, rejection, hatred and adversity I would face. It was these things that kept me in the closet for so long. But dealing with them I discovered was a lesser evil than living

my life for someone else, as someone else. I would rather live a life as an oppressed group, than one more day as someone who was ashamed of, and afraid to be who he is. Society's homophobia already cost me the first 21 years of my life. I was not about to allow it to steal another 21 years.

One of the main societal disadvantages of living as a gay person is knowing your relationship will legally not be viewed as important, legal, or moral as someone who is straight. The consequences of this were highlighted on Day 9. Many who supported Proposition 8 argue that since California has a Domestic Partnership law, there is no need to "change the definition of marriage" to include gay couples. It's an argument that has been effective in convincing many rational adults, who feel this is the fair compromise. Gays get some legal recognition of their relationship, and the religious community can continue to define marriage the way they have for much of history. Even many gay people, including myself some years back felt this is an adequate first step. The reality is though that "separate, but equal" never quite leads to equal. For instance, domestic partnerships never have the same rights as marriage because only marriage has the protections of federal law. If you get married in California, your marriage and the rights and recognition that come along with it, are recognized in all other 49 states, by federal law. No such thing exists with domestic partnerships. If you are traveling in a state that doesn't have laws recognizing domestic partnerships, and one of you is injured, you could be denied visitation rights, or any legal authority in determining care. With marriage, you can marry someone from another country, and they will be allowed to live legally in the U.S. and become a U.S. citizen after 3 years. No such option exists for gays and lesbians with domestic partnership laws.

Later in day 9 of the trial, Professor Herek was asked if there is a "true distinction for gay and lesbian couples between marriage and domestic partnership, particularly given the strong rights under California's domestic partner laws. Is the distinction really about a word?" Herek responded "It's not simply a word. Just the fact we're here today suggests this is more than a word." He went on to point out the social stigma of once again being reminded that you are not equal, because your relationship is treated differently than everyone else. This is something gays and lesbians have had to deal with their entire lives. He pointed out the testimony of San Francisco writer Helen Zia, who described a feeling of equality for the first time when being allowed to marry her lesbian partner in 2004. Herek says "This is an illustration of how someone in a stigmatized group has that feeling of being different."

And yet, people like Nielson go on believing that this is some sort of "choice." That there is some sort of secret benefit that comes with living as a gay person, other than the genuine satisfaction of coming to terms with who you really are, and living that life in spite of the challenges it presents. I could no easier life as a straight man than someone like Howard Nielson Jr. could live as a gay one. And I would argue that no one has a better understanding of who they are than someone who has had to confront discrimination, hatred, and rejection, and

yet still acknowledge that those things are a small price to pay for no longer hating themselves. Yes, gays and lesbians likely know who they are better than anyone else, because we have had to go through hell to get here. The real question is why are we forced to go through hell simply to be who we are?