

San Francisco Chronicle

Anniversary of same-sex weddings; 3 years after Newsom ordered city to marry gay, lesbian couples, hundreds of backers honor mayor at City Hall

February 13, 2007

By Wyatt Buchanan

San Francisco Mayor Gavin Newsom received a hero's tribute from hundreds of same-sex couples and their supporters at a rally Monday to mark the three-year anniversary of the granting of marriage licenses to more than 4,000 gay and lesbian couples.

The mayor, burdened the past two weeks by the scandal of his affair with a former aide who is married to his ex-campaign manager, smiled sheepishly as wave after wave of cheers and applause came from the crowd at City Hall.

"It's rare in life that you could mean these words more: I really needed that," Newsom said.

The rally followed a news conference earlier in the day, at which Newsom told a throng of reporters gathered in his office that he is "more resolved than ever" on allowing same-sex couples to marry.

"For me this is a long battle, but it is one that will be won inevitably," he said at the news conference. "It's only won through courage and constancy and works. You've got to continue to remind people what's at stake and not give up or deviate from your purpose."

The mayor acknowledged "setbacks" in the fight for same-sex marriage as well. But he did not second-guess his decision to grant marriage licenses to gay and lesbian couples -- an action the California Supreme Court ultimately ruled he did not have legal authority to take.

"There's never a wrong time to do something right," Newsom said, adding that there has been progress in countries around the world -- Canada, Spain and South Africa all have legalized same-sex marriage -- since 2004.

California's high court is now considering whether couples in the state have a constitutional right to marry, an issue that has been in the spotlight nationwide since Newsom's action. State supreme courts in New York and Washington and a California appellate court have ruled since 2004 that same-sex couples do not have a constitutional right to marry. In New Jersey, where the case began prior to the San Francisco marriages, the high court ruled that same-sex couples deserved all the rights and benefits of marriage but not the title.

Voters in 26 states also have approved constitutional amendments barring same-sex couples from marriage in election battles that frequently evoked Newsom and San Francisco.

The leader of the National Center for Lesbian Rights -- which represents the lead plaintiff in the California marriage case now before the state Supreme Court -- praised Newsom and called his granting of the marriage licenses "part of his leadership that will never be forgotten."

"There has been no more, in my career, transformative and powerful a series of events as when I first got the call from the mayor's office that it was his intention to give marriage licenses to gay and lesbian couples," said Kate Kendall, executive director of the legal center.

The center's lawyers had considered filing a lawsuit prior to the mayor's actions three years ago, but were concerned about timing and the interest of courts in the matter.

"I think when the history gets written about all of this, one of the key outcomes of what the mayor did is he prepared the court to be ready -- and, in fact, anxious and interested -- to hear and analyze a lawsuit," Kendell said. Both Kendell and Shannon Minter, the center's legal director, said the California court's ruling would have major national significance.

Losing "wouldn't be the end game, of course, because people are not going to stop fighting for their families, but it would be a significant loss for our community for a long time," Minter said.

Matt Foreman, executive director of the **National Gay and Lesbian Task Force** in New York, said Newsom's decision to grant marriage licenses to same-sex couples "added fuel to the fire" for constitutional bans nationwide.

But he said the action's true legacy will be revealed in 2008, when Californians are likely to see a constitutional ban on same-sex marriage on their ballots.

"If we lose in California, we will be set back for years and years nationally. If we win in California, the hope of marriage equality in my lifetime remains alive," said Foreman. He said the issue rests with voters, no matter the state Supreme Court's decision.

Couples married in 2004 applauded Newsom on Monday, and a plaintiff in the California case called Newsom a "hero."

"It was a tremendous act of leadership. ... I truly felt my government was doing something for me," John Lewis said at Monday's news conference. He and his partner of 20 years, Stuart Gaffney, married at City Hall in 2004, are both plaintiffs case.

At the rally, San Francisco resident Bevin Shamel -- who has been with his partner, Joey Burrage, for eight years -- recalled the March day three years ago when he and Burrage were driving to City Hall to be married. On their way there, they heard on the radio that the state Supreme Court had stopped the marriages. The couple wear wedding rings regardless.

"We say we're married in our hearts and we wear the rings to symbolize that," Shamel said.

At the news conference, Newsom also took a few shots at President Bush --whose 2004 State of the Union address inspired him to authorize issuing the marriage licenses, he said -- and at Vice President Dick Cheney, who recently refused to answer questions on CNN about his lesbian daughter, who is pregnant, calling the questions "out of line."

"I think it's unfortunate that the vice president does not want to talk about the pending birth of his granddaughter when he was at the forefront of advancing efforts that I would argue not only discriminate against his daughter," but also his granddaughter, Newsom said.

Cheney has opposed attempts to amend the U.S. Constitution to ban same-sex marriage, however.

Newsom said the same-sex marriage bill introduced by Assemblyman Mark Leno, D-San Francisco, if passed, will give Gov. Arnold Schwarzenegger another opportunity to sign same-sex marriage into law without a court order.

Signing the bill, Newsom said, would help prove Schwarzenegger is "a different type of leader than he was two years ago," when he vetoed an identical bill passed by the Legislature.