

Reactions to Prop 8 passage vary by state

Matthew Bajko
November 13, 2008

The passage of Proposition 8 last week has roundly been described as a major setback for the LGBT community. But the impact of having voters repeal marriage rights for same-sex couples is being felt very differently on a state-by-state basis.

For those who reside in states that do recognize same-sex marriages performed in other states, it is a crushing blow for marriage equality and is ratcheting up fears their states will be targeted next by anti-gay groups.

In those states with anti-gay marriage laws already on the books, it is reviving memories of past heated battles and crushing defeats at the ballot box. Whereas in other states, the passage of a gay adoption ban in Arkansas is overshadowing the California measure's passage.

In the Golden State, the success of Prop 8's proponents has been devastating. And should a legal challenge turn out to be unsuccessful in the state's Supreme Court, LGBT leaders said the damage to the LGBT movement could be long lasting.

"Without a doubt, in the short-term it is a setback. We can't sugarcoat that," said openly gay Santa Clara Supervisor Ken Yeager. "History will have to play itself out a little bit longer to see if it is a setback in the long-term."

"If we are able to have same-sex marriage legalized in California over the next several years, then it is just a bump along the way," added Yeager. "If it takes 30 years to get it back, then the setback will be enormous."

Toni Broaddus, the executive director of the Equality Federation, an umbrella group for state LGBT rights groups, echoed Yeager's sentiment that while the immediate sense of Prop 8's passage is a crushing blow, it will not stand the test of time.

"It's never a small thing when people's fundamental rights are taken away from them. In that sense it is a huge loss," said Broaddus, who formerly worked for Equality California, the statewide LGBT group that led the No on 8 campaign. "This is a movement and we have lost before. But we intend to win marriage rights in every state in the country so we will be back in California."

The federation hosted its annual board retreat in San Francisco last week, just days after the November 4 election. Leaders from the various state LGBT groups in town for the meeting expressed differing opinions on how the failure to defeat Prop 8 was playing out back in their home states.

Mark St. John, a lobbyist for Indiana Equality, said his fellow gay Hoosiers had mixed reactions.

"They are disappointed. At the same time marriage equality is not the number one concern for people in Indiana," he said, noting the state is one of the few without a hate crimes law or protections against sexual orientation discrimination when it comes to housing, the workplace, or public accommodations. "They feel the pain but also say it doesn't necessarily affect me when I am still in danger of being fired because I am gay."

Alexis Blizman, formerly with Equality New Mexico, said many of her LGBT neighbors and friends are closely following what happens in California, as her state recognizes same-sex marriages performed elsewhere. She estimated at least 100 couples from New Mexico had gotten married in California over the last five months and are now in "legal limbo."

She herself did not get married prior to Election Day as she and her partner of 14 years, Beth Adams, wanted to wait to see what the outcome would be on Prop 8. She suggested the LGBT community was wrong for placing too much emphasis on the California ballot fight.

"Real change will come when states in the middle of the country will start making changes," said Blizman, adding she was hopeful for a favorable ruling in a marriage equality case being heard by the Iowa courts. "Now the other dominoes will fall. It is a disappointment but certainly I am hopeful for the future."

Unlike California, New Mexico does not have ballot initiatives. The state's LGBT community is hopeful it can pass a domestic partnership bill through its legislature next year.

"We came within one vote the last few years," said Blizman.

In North Carolina, gay leaders are worried they will face another push to pass a constitutional amendment banning same-sex marriage, despite the fact the state has a Defense of Marriage Act. The state is the only one left in the South without one after Tuesday's passage of Amendment 2 in Florida.

"Having a state like California have this in its constitution brings added pressure to amend our constitution," said Ian Palmquist, executive director of Equality North Carolina.

Like in Indiana, North Carolina's LGBT community is focused on winning basic rights at the moment, such as safe schools legislation and hate crimes laws, said Palmquist.

"We are working on really basic issues. Marriage is a ways down the road for us," he said. "There were some folks who came out and got married fully knowing it wouldn't be recognized by the state."

In Ohio the concern is focused more on protecting adoption rights for gays and lesbians rather than the marriage fight, said Lynne Bowman, director of Equality Ohio. The state passed a constitutional amendment banning same-sex marriages in 2004.

"While we mourn with all of our friends in California, more of an impact to us is the adoption ban passed in Arkansas. We are afraid it is the next tactic the right-wing will use against us," said Bowman.

Two years ago a bill banning gay adoptions was introduced in the Ohio Legislature but it went nowhere, said Bowman. And this year mailers charged that a Democratic state candidate supported gay adoptions; he went on to defeat the Republican incumbent.

Nonetheless, Bowman said, "The adoption ban thing really scares us."

In the long run, all agreed that gaining marriage rights for gay and lesbian couples is inevitable.

"Like the civil rights movement, there will be hits and misses and bumps in the road, but we will get there," said St. John.

California state Senator-elect Mark Leno (D-San Francisco) also expressed optimism for the future. Leno noted that in just eight years opposition to same-sex marriage in the state dropped from 61 percent in favor during the vote on Prop 22 to just 52 percent voting for Prop 8 last week.

And with younger votes far more likely to favor marriage equality than those older than 65, Leno predicted it is only a matter of time until the majority of California voters backs same-sex marriage.

"We have to remember what we have done in eight years is so extraordinary. We moved the dial," said Leno. "There is a shifting of the demographics. We know those under 35 embrace marriage equality more than those over 65. That debate evaporates over so many years. It is all very encouraging. The day is ever getting closer."

Rea Carey, executive director of the National Gay and Lesbian Task Force Action Fund, also expressed an optimistic view of the future for LGBT rights despite the heartache from the stinging defeats across the country last week.

"The anger of many in our community is intense and palpable but somehow we will all need to dig deep and channel our anger and sadness into fulfilling the promise of marriage equality across the country. We will get there," stated Carey following the vote. "Public opinion is steadily moving in our favor, and in time, with continued work and renewed investment, fairness and equality will ultimately prevail."