

## Prop 8 Fight Reveals an Ally and an Alibi

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A wave of protests and litigation over California's vote to deny same-sex couples the freedom to marry have shifted public attention forward from the circumstances surrounding Prop 8's narrow passage on Nov. 4.

But the gay community and its friends would do well to dwell a moment on why the measure reached the ballot and who took their side in the most expensive political fight in the history of the gay-rights movement. Both questions hold lessons for the future.

Passage of the measure cut off marriage rights secured just 24 weeks earlier, realized in the civil ceremonies of more than 18,000 couples. It also set off a round of recriminations familiar to losing campaigns. In this case, the finger-pointing among Prop 8 foes took on racial overtones, amid surveys showing a majority of whites opposed the marriage ban while majorities of African Americans and Latinos backed it.

Lost in the parsing of black and brown balloting was the figure on Asian Americans, who tipped against Prop 8. Hyperbole on blogs and mainstream news about racial divides and fissures in California's progressive coalition obscures the fact that an important people of color community rejected Yes-on-8's appeals to intolerance.

This result was no accident. It reflected sustained organizing, independent fund-raising, and thoughtful communication by Asian American supporters of equal marriage that began three years ago.

Asian Americans, at 6 percent of all voters, admittedly account for half the size of the African American electorate and a quarter of the Latino voter base in the state. Thus smaller, funded efforts at suasion within the community can reach a greater share of the whole, especially when they begin early. Asian American opponents of Prop 8 did not capture their suburban and rural constituents. But they heavily won over the large population of urban stakeholders. In the city of Los Angeles, where pluralities of all people of color voted to eliminate equal marriage rights, Asian Americans rejected the measure by a more than 3-to-2 margin.

Local coalitions such as API Equality leveraged the powerful public voices of leaders such as state Board of Equalization chair Judy Chu, Assemblymember Fiona Ma, and labor activist Courtni Sunjoo Pugh.

History provided a useful basis of argument. Latino opponents of Prop 8 seldom compared its revocation of rights from gay people with the anti-immigrant Prop 187 of 1994, an epic act of scapegoating via ballot measure that continues to resonate in California. But Asian American foes of Prop 8 weren't shy in forging compelling parallels with the toll of ignorance, racial discrimination, and even Japanese-Americans' internment during WWII in order to sway their families, friends, and neighbors. Replicating and investing in such communication and coalition are a sure bet for gay-rights advocates hoping to win future showdowns at the polls.

But avoiding altogether any further ballot measures on marriage is an even surer method for securing equality under law. Up-or-down votes on a minority's civil rights furnish extreme religious groups a high-profile forum to distort and demean the lives of gay people. This is why it's regrettable that California Gov. Arnold Schwarzenegger set the stage for Prop 8 by single-handedly blocking same-sex marriage from becoming law through the traditional process.

Twice, in both 2005 and 2007, Schwarzenegger vetoed state bills recognizing gay couples' freedom to marry after state lawmakers duly passed the legislation. The year after the governor's second veto, it was a four-member majority of the state supreme court that showed the political courage to recognize and establish the freedom. Even that advance owes nothing to the governor: his lone appointee to the court was in the bloc that rejected gay couples' claims.

After the ruling, and the filing of petitions by religious right-wing groups aimed at overturning it, Schwarzenegger adopted a new cover story for his failure of leadership on the issue. He came out personally against Prop 8. The maneuver deflected attention but provided cold comfort to equality advocates, forced to raise more than \$30 million in attempting to defeat the measure. Having stood twice before on the brink of winning marriage equality through their elected representatives, they instead faced a barrage of ads condemning it as the ill-gotten output of elitist judges. Thanks a lot, Arnold.

Upon Prop 8's approval, the governor had another alibi to cover his culpability on the issue. He said the court should strike it down. Yet more than any other person, he remains responsible for putting marriage equality in jeopardy in California and leaving its future in the court's hands. Having changed the state constitution, Prop 8 is now beyond both his reach and the legislature's. For the time being, at least, it has foreclosed the very process that the governor stymied twice before.

Schwarzenegger will have to answer to gay-rights supporters for his role in Prop 8 if he challenges Senator Barbara Boxer for her seat in 2010. Should advocates for equal marriage not prevail in court, it's possible a vote to repeal the marriage ban could appear on the same ballot. By prioritizing and building long-term alliances within communities of color, advocates for equality could make history on two fronts in the same election. They could put marriage equality back on the table in California and take Arnold's aspirations off it.

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