

San Francisco Chronicle

March in the Castro on eve of Prop. 8 hearing

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Thursday, March 5, 2009

Supporters of same-sex marriage marched from the Castro district to the state Supreme Court on the eve of a hearing to decide the fate of Proposition 8 - the controversial amendment to the state Constitution that bans marriages of two men or two women.

The state Supreme Court will hear arguments today on the validity of California's ban on same-sex marriage, which voters approved in November after an emotionally charged campaign.

A ruling is due within 90 days of the hearing.

Prop. 8 amended the state Constitution to declare that marriage only between a man and a woman is valid or recognized in California. It overturned the court's May 15 ruling throwing out state laws that banned same-sex marriage.

"Taking away a civil right we had is a violent act," said Stuart Milk, nephew of the late San Francisco Supervisor Harvey Milk, to a crowd gathered at the intersection of Castro and Market Streets before the march.

"As Harvey would say, when you let the majority deprive the minority of their civil rights, you start a shopping list," he said. "Who is next?"

The crowd, bundled against the chill, carried signs reading, "We All Deserve the Freedom To Marry," and "Down with Prop. 8!" as they marched along Market Street. The peaceful protest stretched for two city blocks past stopped Muni street cars while police held back traffic at the intersections.

The group made their way to City Hall, where a pianist and singer entertained the crowd with love songs. Some of the participants planned to camp out in the Civic Center Plaza to be there for the hearing.

It will be shown on a JumboTron for those who don't have access to viewing rooms set up in the San Francisco Public Library.

Along with arguments over the constitutionality of Prop. 8, the court will hear views on whether 18,000 same-sex marriages performed in California before the November election should remain legally recognized if the ballot measure is upheld.

Petey Barna of San Francisco is among the 18,000 couples wondering if she will be legally married to her partner after the court's ruling. She came to the march with her 11-year-old son, Yuri.

"I'm here to keep my mom's marriage together," Yuri said.

Protect Marriage, the leading coalition defending Prop. 8, contends voters have the power to define marriage under the state Constitution and the court must accept their decision.

Immediately after the November election, lawsuits challenging Prop. 8 were filed by two groups of same-sex couples and by local governments led by the city of San Francisco. The plaintiffs argued that a measure depriving a minority of fundamental rights is such a drastic change to the state constitution that it is a revision, which exceeds the power of initiatives.

Prop. 8 foes also argue that the measure violates the constitutional separation of powers by preventing the judiciary from protecting a minority group.

Among the plaintiffs named in the lawsuits challenging Prop. 8 are the United Church of Christ, based in Cleveland. The Rev. Michael Schuenemeyer flew from Ohio to march in San Francisco. He married his partner of five years in Southern California last October.

"This issue is fundamentally not about marriage equality," he said, "It's about the court's responsibility to look out for people's civil rights being taken away. How much longer would we have had slavery in this country if everyone had had a right to vote on the Civil Rights Act?"

Attorney General Jerry Brown, whose office defended the previous same-sex marriage ban, renewed his call for Prop. 8 to be overturned in a statement posted Tuesday.

Prior to the Civic Center gathering, members of the police bomb squad detonated a suspicious package found at a bus stop outside City Hall on Van Ness north of Grove Street. Surrounding streets were shut down from 4:15 to 7:45 p.m. but did not affect the march, said Sgt. Wilfred Williams. Arson investigators are trying to find out if there is a connection between the package and the nearby Prop. 8 events.

Where to watch

Where people can watch the arguments before the California Supreme Court on Proposition 8's legality. The hearing starts at 9 a.m. and is expected to last three hours.

-- Television: The arguments will be carried on the California Channel, which is carried on Comcast cable systems in the Bay Area. The channel number varies from city to city, so check local listings.

-- Online: A live Webcast will be available at www.calchannel.com.

-- Public showings: The arguments will be shown on a JumboTron in San Francisco's Civic Center Plaza. There will also be public viewings in the Koret Auditorium in the San Francisco Main Library basement, 100 Larkin St.; in an auditorium at the State Building, 455 Golden Gate Ave.; and at the San Francisco LGBT Community Center, 1800 Market St.