

# Acceptance of gay marriage grows as court takes time to rule

By Jennifer Medina, New York Times

LOS ANGELES – Less than five years after California voters approved a constitutional amendment banning same-sex marriage, the fate of that referendum – and the ability of thousands of gay men and lesbians to marry – is expected to be decided by the United States Supreme Court this week.

But even as the decision is awaited, there is not much apprehension here, in the current epicenter of the fight over same-sex marriage.

Proponents now say they have little doubt that even with the worst outcome from the court – upholding the ban – California voters would legalize gay marriage if the measure made it on the ballot again. That level of confidence is evidence of how the cultural and political landscape has shifted here, but also of the lessons learned from the unexpected defeat of five years ago. Even opponents of same-sex marriage, looking at many of the same polls, say they would have a far more difficult battle if California voters were given another chance to vote on the issue.

In the four years since the legal challenge to the state's constitutional amendment, Proposition 8, was first filed, gay marriage has become legal in eight more states. Last year, President Obama became the first sitting president to speak out in favor of same-sex marriage, and voters in Maine, Maryland and Washington approved same-sex marriage proposals.

Many prominent Republicans – most recently Senator Lisa Murkowski of Alaska – now say they favor same-sex marriage, a

significant change from just several years ago.

A poll from the Pew Research Center last month showed that 51 percent of Americans supported same-sex marriage, up from less than 40 percent in 2009. Several polls show overwhelming support from young people; a recent Field Poll in California showed that 78 percent of voters under 39 favor making gay marriage legal.

“There’s no other social issue that you could compare that has had this pace of progress,” said Chad Griffin, the president of the Human Rights Campaign and founder of the American Foundation for Equal Rights, which filed the legal challenge against California’s constitutional amendment in 2009. “When we filed the case, there was far less national support for marriage, but now we’ve had the single greatest public awareness campaign we’ve ever had. It has woken up the world and infused some incredible fuel for the movement for equality.”

Couples all over the state, almost unconcerned with the law, say they are simply waiting for the time when they can have a state-recognized marriage, drawing up wedding plans that they hope to put into action soon.

“We’re going to live our lives the same way anyway – if they say no, we’re still going to be together and create a family,” said Katie Woodrick, a 33-year-old teacher. She proposed to her partner, Suzanne Murphy, 34, three years ago, though they have held off getting married until the case is decided. “But until it’s legal, I worry it will feel fake or pretend. We want the recognition that we’re not different from anyone else, that this is a normal thing to do and that we’re accepted.”

In many ways, the preparations for the decision are heading down two tracks: Countless same-sex couples are taking steps to plan weddings, while public officials are preparing for the

possibility that they will have to return to the ballot as early as next year.

“There is no doubt that if we need to put this back on the ballot, we will and that would absolutely favor marriage equality,” said Gavin Newsom, the state’s lieutenant governor and former mayor of San Francisco, who was a prominent opponent of Proposition 8. “There is no real worse case here. If the court rules to uphold Prop. 8, there will be such a backlash that it would galvanize everyone in the state.”

Still, some advocates caution against too much optimism, pointing out that in 2008, polls initially showed that voters were against Proposition 8. But it passed with 52 percent of the vote.

“We were the underdog the last time around, too,” said Frank Schubert, a political strategist who spearheaded the fight against the gay marriage ban in California and several other states. While same-sex marriage proponents would most likely have a significant financial advantage, he said, a win would be far from inevitable. “If we win in the courts, then all of the sudden it’s a replay with the wind at our backs. People haven’t changed their beliefs; some of them have just been cowed into silence.”

Many advocates say the most important changes have come from one-on-one conversations – that having gay neighbors, co-workers or family members has changed the minds of many people once opposed to same-sex marriage.

“The level of visibility we have now is just tremendously different,” said Lorri L. Jean, the chief executive of the Los Angeles Gay and Lesbian Center. “But the last thing we should say is that this is a slam dunk. If the decision comes our way, it is going to be a death knell for the other side, but we are still going to have a lot of things left to fight for.”

Last summer, Jason Rodich, 31, a rabbinical student at Hebrew

Union College in Los Angeles, married his longtime partner, Fran Benjamin, 26, in their hometown, Minneapolis. The Jewish ceremony had no legal standing, but the two wear rings and refer to each other as husband. Since the Minnesota State Legislature legalized same-sex marriage last month, the couple has considered returning home to get legal status. But with both of them in graduate school here, they are eagerly awaiting the Supreme Court's decision on the state's same-sex marriage ban. As they have begun to look for jobs, they are limiting their search to states with strong protections for gay parents.

"We never thought about waiting for a legal piece of paper, but right now there is a whole patchwork of laws we have to consider," Rodich said. "Things have changed, yes, so I would like to think it is inevitable. Legal status would make it clear we are welcome. It is deeply important to our generation and everyone who comes after us."