

Gay and Lesbian Activists Alliance of Washington, D.C.

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Lessons From D.C. Marriage Equality Victory

by Richard J. Rosendall, President

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Three years after D.C. enacted civil marriage equality, President Obama made equality a centerpiece of his second inaugural address: "We, the people, declare today that the most evident of truths – that all of us are created equal – is the star that guides us still; just as it guided our forebears through Seneca Falls, and Selma, and Stonewall."¹ His connection of different struggles matches GLAA's own perspective. In June 2013, the U.S. Supreme Court issued rulings in *Windsor* and *Perry* that ended federal discrimination against married same-sex couples and added California to the ranks of marriage equality states.

As the fight for equality continues, others may benefit from the District's experience as the nation's first majority-black jurisdiction to enact civil marriage equality. The seeds for victory were sown over decades as trust among diverse communities was built in collaborations on many issues.²

The role of faith

Part of our successful marriage strategy was not just fighting religious bullies, but working with affirming clergy of many faiths, who organized DC Clergy United for Marriage Equality.³ A more recent nationwide effort is The NALT Christians Project,⁴ in which LGBT-affirming Christians make YouTube videos that refute the notion that all Christians are anti-gay. The District's experience was repeated in the Maryland referendum in 2012, as exemplified by Rev. Delman Coates of Clinton, Maryland, who made a commercial that powerfully countered the messages of anti-gay ministers.⁵

The separation of church and state is not about banishing faith from the public square, but prohibiting government from imposing one group's beliefs upon others. It is about recognizing that living in our diversity of faiths is undermined by the use of religious doctrines as the basis for public policy. At the same time, the LGBT community's long battle against religious bullies need not blind us to the heritage of the civil rights struggle in which some were inspired by their faith to liberate, not to oppress. Embracing and working with LGBT-affirming faith leaders is much more productive than allowing the radical right an unchallenged and undeserved monopoly on religious discussions.

¹ Inaugural Address, President Barack Obama, January 21, 2013, <http://tinyurl.com/aawslvf>

² "A Timeline on Marriage Equality in D.C.," Gay and Lesbian Activists Alliance, March 31, 2010, <http://tinyurl.com/czpho79>

³ DC Clergy United for Marriage Equality, "Declaration of Religious Support for Marriage Equality," June 2, 2009, http://www.columba.org/files/DC_CLERGY_UNITED_FOR_MARRIAGE_EQUALITY.doc.pdf

⁴ The NALT Christian Project, <http://notalllikethat.org>

⁵ "It's About Fairness: Rev. Delman Coates for Question 6," video, 2012, <http://youtu.be/HjbuwRqpvcck>

That being said, the battle against religious bullies is not over. The religious right is fighting to turn America's religious freedom from a shield into a sword against public policies and groups they dislike. Posing as victims, they demand a religious trump card that would nullify civil rights protections and allow the redlining of public commerce and healthcare along lines of gender, class, and sexual orientation.

We at GLAA have navigated the church-state boundary. In 2009, as the D.C. Council was considering the Religious Freedom and Civil Marriage Equality Amendment Act, the Catholic Archdiocese of Washington sought an exemption to the D.C. Human Rights Act so they could discriminate against gay employees and clients as a government contractor for foster care services. That not only went beyond First Amendment protections, it twisted the Gospel by rendering everything to their God and nothing to Caesar, the public square that people of all faiths must share. Fortified by decades of gay rights advocacy, District officials refused to be bullied.⁶

The "freedom for me, but not for thee" stance, pushed through the prism of corporate rights (as in the Hobby Lobby case⁷ being heard this term in the U.S. Supreme Court), advances the prospect of a new feudalism in which workers enjoy fewer protections and opportunities while business owners are free to run roughshod.

If discrimination is wrong, as most voters believe, then carving out overbroad exceptions, in which "micro churches" can opportunistically pop up and impose their will anywhere at any time, undermines the respect and tolerance that cement our pluralistic democracy. "Religious freedom" is a vague and slippery term. Casting a keen eye on its misuse is essential if we are to preserve the real thing.⁸

Ripeness is all

Some in the LGBT movement scorn incremental approaches. We understand impatience; it fuels our own activism. But impatience must be channeled productively. Demanding total equality right now does not make it happen, any more than punishing imperfect allies in public office creates someone better to replace them. Effective policymaking requires getting the details right. D.C.'s marriage equality victory resulted from strategizing, researching, organizing, drafting, negotiating, messaging, and electioneering. Every issue does not ripen at the same time. As Bismarck said, "Politics is the art of the possible." An all-or-nothing approach usually ends with nothing.

GLAA built our long effort for civil marriage equality on thorough preparation. We researched marriage in the D.C. Code. We consulted experts in LGBT family law. Working with D.C. Council members and their staffs, we pushed 18 separate expansions of the city's domestic partnership law to give registered partners the same rights at the local level as married couples. We tracked candidates' positions on marriage equality. We helped build a broad-based coalition. We helped create a foundation to conduct voter research, and a campaign organization to be ready in the event of an anti-gay ballot measure (though we had persuaded the city in 1979 to

⁶ "The Archdiocese of Washington and Church-State Separation," from *Agenda: 2010*, Richard J. Rosendall, Gay and Lesbian Activists Alliance, July 8, 2010, http://www.glaa.org/archive/2010/agenda2010.htm#_Toc266257901

⁷ *Sebelius v. Hobby Lobby Stores, Inc.*, SCOTUSblog, <http://www.scotusblog.com/case-files/cases/sebelius-v-hobby-lobby-stores-inc/>

⁸ "Rationing Religious Freedom" (excerpt), Richard J. Rosendall, *The Huffington Post*, December 19, 2013, <http://ift.tt/1ereJy2>

prohibit ballot measures that would infringe rights guaranteed under the D.C. Human Rights Act). We distributed talking points. We worked with Congresswoman Norton to deal with opponents on Capitol Hill. We wrote testimony and letters to the editor. We won support from opinion leaders like Colby King of *The Washington Post*.⁹ We used social media. We published our policy brief. As we stated in honoring marriage equality activists in 2010, "[I]t was not policy victories alone that brought us here. LGBT people have deep roots in this city. We helped build and enrich our communities."¹⁰ Success was the result of a smart, sustained effort that began long before the final bill was introduced.

⁹ "Distinguished Service Award to Colbert I. King," Richard Rosendall, GLAA 34th Anniversary Reception, April 20, 2005, <http://www.glaa.org/archive/2005/rosendallking0420.shtml>

¹⁰ "Distinguished Service Awards for Marriage Equality Activists," Richard Rosendall, GLAA 39th Anniversary Reception, April 20, 2010, <http://www.glaa.org/archive/2010/rosendallmarriage0420.shtml>