

2004 Annual Report

Freedom to Marry
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**FREEDOM TO MARRY
2004 ANNUAL REPORT**

INTRODUCTION	1
WINNING THE FREEDOM TO MARRY—A YEAR IN REVIEW	1
A YEAR OF GROWTH BUILT ON A STRONG FOUNDATION	3
1. THE ‘GO-TO’ CENTER FOR MARRIAGE EQUALITY	4
2. SHAPING AND GETTING THE MESSAGE OUT	6
• <i>Freedom to Marry Week</i>	6
• <i>Framing the Debate</i>	6
• <i>Election Analysis</i>	7
• <i>Marriage Equality—The Book</i>	8
• <i>Voices of Equality</i>	9
3. REACHING OUT TO NON-GAY ALLIES	9
• <i>Enlisting the Support of Religious Leaders</i>	10
• <i>Reaching Communities of Color</i>	10
• <i>In Partnership with Labor</i>	11
• <i>Outreach Strategies</i>	11
• <i>Youth Outreach</i>	12
4. AN EFFECTIVE FINANCIAL RESOURCE	12
THE WORK AHEAD	13
CONCLUSION	14

2004 ANNUAL REPORT

Freedom to Marry's second year was momentous, a watershed year in civil rights for gay people. The marriage equality movement **reached Freedom to Marry's initial goal of achieving marriage equality in one state** when Massachusetts began issuing civil marriage licenses to same sex couples on May 17. Thousands of same-sex couples are now legally married, while across the nation the civil rights debate is fully joined and hearts and minds are changing in response to this powerful new reality and transformative living example.

After May 17, we continued to defend and build on this breakthrough across the country while mounting a collaborative, sustained, and affirmative campaign—guiding and assisting diverse state and national partners and enhancing their individual and collective capacity.

Still the only national organization dedicated solely to the goal of ending discrimination in marriage, Freedom to Marry continues to facilitate and bring together gay and non-gay organizations and their many approaches—through the courts, changing laws, public action, and education—into a larger whole, framing the larger debate, and fostering heightened outreach to the non-gay public and our allies.

Freedom to Marry accomplishes its work in four ways:

- a **Strategy and Support Center** for our local and state partners,
- a **Catalyst** that drives and influences the national debate,
- an **Alliance-Builder** enlisting local and national non-gay allies, and
- a **Funding Engine** helping to augment local, state and national freedom to marry resources

Since its founding by Evan Wolfson in January 2003, Freedom to Marry has helped over 30 partner organizations, both gay and non-gay, national and state, in their work to win marriage. And we are making progress in the needed enlistment of new supporters and resources.

In addition to giving an overview of the state of the marriage movement last year in the section **Winning the Freedom to Marry--A Year in Review**, and a general update of our organization in **A Year of Growth Built on a Strong Foundation**, this report will highlight the work we achieved in fulfilling our four roles in the following chapters: (1) **The 'Go-To' Center for Marriage Equality**; (2) **Shaping and Getting the Message Out**; (3) **Reaching Out to Non-Gay Allies**; and (4) **An Effective Financial Resource**. Finally, this report concludes with **The Work Ahead**, which briefly outlines our goals for 2005.

WINNING THE FREEDOM TO MARRY—A YEAR IN REVIEW

"...we must continue our vigorous fight for the freedom to marry and the equal protections, rights and responsibilities that safeguard our families, strengthen our commitments, and continue to transform understanding of our lives and our relationships."

Civil Rights. Community. Movement.

January 13, 2005

by 22 National LGBT Civil Rights Organizations
A Joint Statement of Unity

2004 was a year of indelible marriage images: from same-sex couples getting married in Massachusetts and, with their kids and loved ones, waiting on line for marriage licenses in San Francisco and other cities; to George W. Bush publicly supporting an anti-gay amendment to the Constitution and crystallizing debate; to an unprecedented number of voices speaking up about our lives and love. In the midst of this extraordinary year, Freedom to Marry continued to build a national movement and grow as an organization.

Much as 2003, our first year, found us making powerful strides toward marriage equality with the historic rulings in Canada and Massachusetts, 2004 brought even more dramatic developments and new non-gay involvement, as well as continued and escalating attacks from our opponents in the form of state anti-gay ballot measures, legislation, and constitutional amendment in several states as well as a proposed federal anti-gay constitutional amendment.

At least seven things changed for the marriage equality movement in 2004:

- Marriage became a reality in Massachusetts, with more than 4,000 gay couples legally wed.
- Non-gay allies spoke up, and non-gay people got to see a cascade of images and hear the stories. San Francisco's mayor Gavin Newsom began issuing marriage licenses to same-sex couples on Freedom to Marry Day, February 12, and public officials in New Jersey, New Mexico, New York, and Oregon were inspired and followed suit. 4,000 licenses were issued in San Francisco before the California State Supreme Court ordered a stop and the licenses were later ruled to be invalid. Over 3,000 couples wed in Multnomah County, Oregon; their marriages are now being litigated.
- A concerted effort to amend the U.S. Constitution to attack gay people failed to pass in both the House and Senate thanks to opposition from surprising voices, some conservative and Republican, as well as our advocates and allies.
- President George W. Bush publicly declared that he could live with civil unions – a measure of acknowledgement and protection for same-sex couples, a placeholder for equality that didn't even exist five years ago, and a product of our fight to end discrimination in marriage.
- 13 states ratified anti-gay state constitutional amendments, 11 of these on Election Day. 14 other such measures failed to pass out of state legislatures.
- Election Day exit polls showed 25% of Americans support an end to discrimination in marriage and a further 35% are getting there through support for civil union. The overwhelming majority of legislators who opposed anti-gay measures won reelection, and, in Massachusetts, every pro-marriage candidate won and anti-marriage candidates were defeated.
- While the election results and post-election spin created problems for us and gave new excuses to those not fully committed to our cause, the movement and many allies—including people of color, labor, and religious groups (see *Reaching Out To Non-Gay Allies*, p. 9)—developed a greater understanding of the possibilities and challenges confronting us, and recommitted with greater unity and determination to the long-term and multi-faceted work ahead.

Freedom to Marry was a key player in preparing for, shaping, implementing, and reacting to these historic developments through our work with partner organizations, the media, opinion-leaders, and non-gay allies. **With our focus on framing and following a strategic vision and collaboration,** we enabled our partners to accomplish their tasks more effectively and leverage their limited resources in 2004 through technical assistance, direct financial support, and the expertise of our program staff.

Despite the expected defeats in the states passing anti-gay amendments, the freedom to marry movement is winning the struggle. As executive director Evan Wolfson wrote a month before the election, we do not expect to win in every state simultaneously; no civil rights movement in

American has ever done so (**see attached speech, *Marriage Equality and Some Lessons for the Scary Work of Winning***). We have now entered what Evan describes in his book, *Why Marriage Matters*, as the “patchwork” phase that is the classic American pattern of civil rights advance – in which some states move toward equality faster, while others resist and even regress for a period, as hearts and minds open. Remembering that as explained in the aforementioned speech—“wins trump losses,” Freedom to Marry, its coalition, and our allies must tackle three baskets of work in the year ahead:

- winning marriage and making it real in more states
- repelling federal and state attacks and, where we can’t win outright, fighting so as to gain some ground, move public opinion (even if not all the way), and put partner organizations and allies’ voices in a better position for the next battle (i.e. “losing forward”); and
- enlisting more messengers and voices to reach more people, moving the middle toward fairness or “strategic indifference” as young people on our side come into ascendancy.

A YEAR OF GROWTH BUILT ON A STRONG FOUNDATION

While responding to these tremendous changes to the marriage landscape as well as working and strategizing with our partner organizations, Freedom to Marry managed to reconfigure its staff, adding two new positions in 2004: a Deputy Director for Administration, Finance, and Operations to manage our budget and office infrastructure; and a Mobilization Coordinator to focus on outreach and enlistment of non-gay allies (see *Reaching Out To Non-Gay Allies*, p. 9).

After two years of planning and consultation with local and national leaders, Freedom to Marry began operations in 2003 with a budget of \$1.1 million, enabling us to function as a catalyst and national coalition-builder while offering our partners in-the-field technical assistance and training, program support, and funding. The inaugural round of fund-raising proved that Freedom to Marry could bring new resources to this civil rights movement from both non-gay and gay sources, including some multi-year funding.

In 2004, Freedom to Marry raised its budget to \$1.4 million, with more than a quarter of our expenditures going towards regranteeing (**see attached Statement of Activities**). And for FY2004-2005, we have already raised a total of \$1.16 million from both individual and institutional funders. We are now working to secure renewal grants or commitments from a number of our current **core funders**, many of whom are committed to Freedom to Marry as a multi-year campaign, in addition to seeking additional funders both for Freedom to Marry itself and/or other organizations in the marriage field (**see attached Sources of Revenue**).

2004 Ongoing Support from Core Funders

- \$300,000 – Evelyn & Walter Haas, Jr. Fund (multi-year)
- \$300,000 – Anonymous (multi-year)
- \$200,000 – Individual major donor (multi-year)
- \$150,000 – Gill Foundation
- \$100,000 – Open Society Institute (doubled from previous year)
- \$100,000 – Columbia Foundation (multi-year)

Although Freedom to Marry has consciously not done small donor, direct mail, or special event fundraising—in part to avoid competing with our partners, and in part to remain to lean, as we promised in launching—we do receive unsolicited donations from time to time. Examples include the fundraising concerts produced by Josh Wood Productions in New York and Washington, D.C. called Wed-Rock which netted over \$30,000, and the art gallery auction Art for Equality which raised over \$12,000 in addition to creating buzz and community support. We have also been supported by various individual efforts ranging from Chicago triathlete Evan Siegel, who pledged the proceeds of three of his races to Freedom to Marry, to the students of Piedmont High School in

California who raised funds selling T-shirts supporting marriage equality, to a bequest from the estate of Ada R. Ersken in memory of Eli J., Ada R. and Linda M. Ersken.

Our Steering Committee continued to take shape, helping us with organizational and programmatic development. We also benefited from consultants offering their services pro bono, notably, an organizational-development "coach" provided by the Open Society Institute and a communications expert counseling us on how to improve our staffing and approach, secured by one of our Steering Committee members.

Pro-Bono Services

- Legal Consultant – Sonnenschein Nath & Rosenthal LLP, Kansas City, MO
- Organizational Development Consultant – Sage Consultants, St. Louis, MO
- Communications Consultant – Logos Consulting, Chappaqua, NY

At our semi-annual meeting of Steering Committee members and staff, it was decided to bring Freedom to Marry to the next level by increasing the staff in 2005. We are about to hire a Director of Communications to deploy our diverse, non-gay spokespersons or Voices of Equality as well as experts and advocates such as Evan; implement much of this in-house, rather than through the outside firms we have previously used; and help drive a broad strategic campaign approach to move public opinion and work with our partners. We will also soon hire a second staffer to back up communications functions, and serve as Executive Assistant to support our Executive Director and his coalition leadership.

1. THE 'GO-TO' CENTER FOR MARRIAGE EQUALITY

*Freedom to Marry is **a strategy and support center** for our local and state partners.*

As the 'Go-To' Center for the marriage equality movement, Freedom to Marry in 2004 continued to provide vision, technical assistance, strategic planning, message development, community organizing, trainings, and compilation of needed materials.

The resource needs of our partners vary greatly – from up-to-date polling information to tested messages, from templates for effective public-education programs and speakers-bureau training modules to contacts for sharing specific expertise and experience. Beyond the ongoing and routine consultation between Freedom to Marry staff and state and local leaders, we have facilitated or co-hosted various gatherings and trainings. One example is the **Marriage Training Institute** at the National Lesbian & Gay Task Force's Creating Change Conference, which we hosted for the second year in a row, bringing together 85 activists and leaders from 20 states **(for more examples of ally-building trainings, see Reaching Out to Non-Gay Allies, p. 9).**

Freedom to Marry organized or participated in crucial strategy meetings across the country. Both Evan and Program Director Harry Knox have engaged in deep strategic conversations with partners and players in several key states, including Arizona, California, Connecticut, Maryland, Massachusetts, New Mexico, New Jersey, New York, Oregon and Washington.

To cite a specific example of an ongoing partnership in a state, Freedom to Marry was **very involved in the marriage equality movement in New Mexico during 2004**. Those working for the freedom to marry had several different needs throughout the year, but their primary request was for assistance in merging and re-branding New Mexico's existing LGBT advocacy organizations into one effective voice. Freedom to Marry provided a facilitator for the required meetings of the extant groups, and staff support for the organizations during the transition. In addition, we helped the new organization plan for future public education initiatives and helped its leadership develop a pro-marriage legislative strategy for 2005. We stand ready to work with them anew once past the defensive challenges they are dealing with right now in the state legislature.

As an example of Freedom to Marry's resource-center work on the national front, Harry Knox coordinated the update of the state **Matrix of Information** we originated and compiled. An unprecedented effort to pool information and help shape a strategic and collaborative set of priorities for movement organizations as well as funders, the Matrix document categorizes each state based on criteria related to the political and legal climate of the state, its current status with regard to marriage equality, and pertinent media and socio-economic considerations. In January, we delivered the Matrix to activists as well as select funders on behalf of the coalition of national organizations and state groups we facilitate.

An Information Resource on the Web

The Freedom to Marry web site took a quantum leap forward this year, becoming the leading online destination for the most diverse and comprehensive information on marriage equality, a "portal to the marriage movement." Under Managing Director Barbara Todd Kerr's stewardship, **FreedomtoMarry.org has become an exciting and informative source of support, education and resources for all of our national, state and local partners** (through both public and password-protected areas). Our web site showcases the work of partner organizations, manifesting the coalition and collaboration we seek to foster. Perhaps most important, freedomtomarry.org offers supporters of marriage—individuals *and* organizations, gay *and* non-gay—a place to go to feel instantly connected to, and united with, the breadth, passion, and vision of the marriage equality movement.

The Story Center

One of the most significant developments on our web site this year was the programming for the "Story Center," the online database we created with several of our partner organizations to capture couples' personal stories about why marriage is important to them. Maintained by both Freedom to Marry and the ACLU, the Story Center gives Freedom to Marry's partners an increasingly broad picture of who "we" are and supplies more "people resources" for use by the press. The information collected is put to a variety of uses, including: identifying plaintiffs for legal cases, research about families and children, statistical analysis, and more. In a separate stage and with participants' permission, we edited and posted selected stories from the database for public education. **There are now over 650 personal stories from same-sex couples posted in the Story Center**, some of which are being used by the ACLU and other partners for public education and litigation work (as an example of how the Story Center serves as a resource, **see the attached article, *Making a case for marriage*, The Baltimore Sun**).

Taking the Web Site to the Next Level

We also provided additional categorization of the variety of resources on the site to make them even easier for users to find:

- We reorganized the **Essential Resources** section, our resource archives, to focus on the most recent materials while enabling additional features such as our Voices of Equality section to stand out in their own area.
- We created the **Just Getting Started? Learn More** section, a gateway to basic information for people who are new to the marriage equality issue. The material and links on this page highlight the points of contention that are most often cited in the media and, thus, are most often on peoples' minds.
- We also added new faces to the site, continuing our **commitment to graphically demonstrate the diversity of gay and non-gay support** for the Freedom to Marry.

Web traffic exceeded expectations in November, more than doubling what we saw in October. In fact, the post-election anti-gay punditry drove 20% more visitors to our site than even our previous high watermarks set during the marrying months of February and March 2004 (**see attached Freedom to Marry Web Traffic bar chart**).

Now that the site has hit its one-year anniversary, **we are about to roll out a substantial redesign/redevelopment**. Our upgrade will build on what is already successful on the site, in the process making it clearer and more explanatory and welcoming for newcomers to the cause and to this organization, and making it easier for searchers to find specific information or items.

2. SHAPING AND GETTING THE MESSAGE OUT

*Freedom to Marry acts as **a catalyst that drives and influences the national debate**.*

In 2004, Freedom to Marry built on the state-by-state priorities and campaign approach begun in our inaugural year by guiding partners in developing marriage strategies and by fostering collaboration and tools to bring them into play. Working closely with over 30 partner organizations throughout the U.S. ranging in size and capacity from small grassroots groups to large state or national organizations (**see attached National Partners and State Partners**), Freedom to Marry fulfilled and continues to play our intended role in getting this coalition to work together for marriage equality, and in prompting outreach to new non-gay organizational allies. We are also guiding our colleagues to more consistent, strong messaging around protections for families, the real harms and unfairness that the denial of marriage causes, and the affirmative case for the freedom to marry.

Freedom to Marry Week

An example of this work is our annual Freedom to Marry Week **Resource Kit** for organizers of events large and small, local and statewide in scope, which included templates for events like house parties and state house speak-outs, sample press releases, sample sermons for religious events, and ways to connect with other activists and organizations. A collaborative product put together with the assistance of the Human Rights Campaign (HRC), the Gay & Lesbian Alliance Against Defamation (GLAAD), Metropolitan Community Churches (MCC), Soulforce, and Lambda Legal, the kit was made available for use by advocacy groups and activists. The decision of San Francisco's mayor, Gavin Newsom to provide marriage licenses to same sex couples on February 12, 2004 made it *literally* Freedom to Marry Day, took the eighth annual event to a stratospheric new level and gave a national context for the more than 70 events that took place around the country. We are now working on Freedom to Marry Week 2005, Feb. 12-19, and anticipate hundreds of actions around the country.

Framing the Debate

In the wake of increased attacks from marriage equality opponents in the form of anti-gay ballot measures, the threat of an anti-gay constitutional amendment, and post-election misinformation, Freedom to Marry worked hard to counteract, define, and reshape the very language and focus of the marriage equality debate in 2004. In addition to our ongoing convening conference calls and working groups to shape the messages delivered by our partners, here are some examples of other ways we framed the debate:

- Executive Director Evan Wolfson gave speeches such as his "Marriage Equality and Some Lessons for the Scary Work of Winning" (**see attached**) to the "Lavender Law" Conference, the National Lesbian & Gay Law Association's annual gathering of attorneys, legal academics, and law students. In this framing speech, Evan again laid out the history and arc of our marriage movement, and discussed the concepts of *Wins*

Trump Losses and Losing Forward. This speech continues to be widely circulated and quoted, was published in *The Advocate*, and will be printed in a Tulane University law journal and distributed by a non-gay ally, the Sexuality Information & Education Council of the United States (SIECUS).

- In essays published on our web site like “What do the election results mean for the movement toward marriage equality?” (**see attached**), Evan reminded us to view the Big Picture and explained how, despite the attacks we encountered in 2004, we are on the road to winning marriage equality.
- Recruiting allies and voices, we consulted with opinion-leaders who can help deliver the message to audiences we might not reach as effectively, including, for example, Frank Rich (columnist for *The New York Times*), George Lakoff (author of *Don't Think of an Elephant: Know Your Values and Frame the Debate*), Faye Wattleton (former head of Planned Parenthood), Peter Beinart (editor of *The New Republic*), and Rick Pearlstein (author of *Before the Storm: Barry Goldwater and the Unmaking of the American Consensus*), as well as organizational allies such as the National Conference for Community & Justice (formerly the National Conference of Christians & Jews).

As non-gay involvement (such as the issuance of licenses in San Francisco, etc.) and marriage litigation brought by our partner organizations and others (Arizona, California, Connecticut, Florida, Indiana, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, and Washington) have surged, our guidance to partners and colleagues has never been more in demand or more followed. This is truly a fulfillment of what Freedom to Marry was designed to do and to be.

Freedom to Marry serves these partners and colleagues:

- Freedom to Marry Coalition partners – national and state, gay and non-gay
- The overlapping Washington, D.C.-based coalition against the proposed federal constitutional amendment
- Legal roundtable groups
- Litigation attorneys for various state marriage equality cases
- Politicians nationwide
- Media and opinion-leaders

Election Analysis

Freedom to Marry did a great deal of work, helping shape how events are presented to the public and how our movement and allies respond to the opposition, while preparing for the next stage of the struggle. An example of this was the creation of our Election Analysis section on our web site following the election results of November 2nd. As soon as the returns were in, it quickly became apparent that Freedom to Marry needed to compile and disseminate the hard work our partners and others were doing to shape a good understanding of the election. Here could be found archived articles by groups such as America Coming Together, The Task Force, and Lambda Legal, as well as pundits and analysts, demonstrating that gay rights and marriage did not determine the November election results. With the Election Analysis section, we were able to put partner advisories and analyses front and center, thus helping to set the tone for much of the movement's response—and the media's shift—in the subsequent weeks. In addition, on November 3 we posted Evan's corrective post-election analysis under his byline column, “Ask Evan Wolfson.”

Marriage Equality—the Book

2004 also saw the publication of Evan's first book, *Why Marriage Matters: America, Equality, and Gay People's Right to Marry* which provided the general public with a published text of the arguments put forth by Evan on marriage equality. Freedom to Marry garnered considerable attention from Evan's summer book tour and the wave of media and meetings that preceded, accompanied, and followed it. For three weeks, Evan traveled to 10 cities from Boston to Seattle; did radio interviews all across the spectrum (from Christian radio to Air America); and met with activists in battleground states (particularly California, Massachusetts, Oregon, and Washington). *Why Marriage Matters* garnered favorable reviews in many prominent publications around the country, including the cover of the Sunday *Los Angeles Times Book Review*. The book has been nominated for a Lambda Literary Award and will be coming out in paperback in May.

"Because its author has been at the forefront of the battle for equality in marriage for over 20 years, this book is informed with an astute understanding, a rare breadth of vision, and an unrivaled passion for what has become the most majorly debated issue facing us today. We at Insight Out Books are delighted to recognize this astoundingly important book as the **ISO 2004 Book of the Year**... We at ISO are grateful for Evan Wolfson's insight, good work, and stunning book."

—David Rosen, Editor-in-Chief
Insight Out Books

In addition to the activities surrounding his book tour, Evan spoke and/or made a great number of presentations throughout the year. A sampling:

- American Bar Association Section of Litigation, Annual Conference, Scottsdale, AZ
- American Constitution Society 2004 National Convention, Washington, D.C.
- Americans United for the Separation of Church and State, Washington, D.C.
- Center for Policy Alternatives briefing for state elected officials, Washington, D.C.
- Christian television's The Total Living Network, "Town Hall" debate sponsored by the American Constitution Society, Minneapolis
- Citigroup in NYC, (at the request of Out & Equal)
- Colorado Association of Funders, (at the request of the Gill Foundation)
- Metropolitan Community Church (MCC) reception for activists and screening of "Tying the Knot," Norfolk, VA
- National Lesbian & Gay Journalists Association's annual convention, New York
- Open Society Institute forum, New York
- Pace University panel, White Plains, NY
- "Lavender Law" Conference, annual gathering of The National Lesbian & Gay Law Association, Minneapolis
- Columbia University School of Law, in honor of the 50th anniversary of *Brown v. Board of Education*
- Demos: A Network for Ideas & Action, the national, non-profit public policy research and advocacy organization, meeting in New York
- Equality Maryland annual event, MD
- Gay & Lesbian Medical Association's annual conference, Palm Springs, CA
- Gill Foundation gathering of national activist groups and experts (communications consultants, academics, researchers, etc.), New York
- Horizons Foundation, San Francisco, in support of local marriage efforts in California
- PFLAG Annual Convention, Salt Lake City
- Planned Parenthood Federation gathering of key officials and chapter heads, Washington, D.C.
- University of Utah debate, Salt Lake City
- Wingspan, Southern Arizona's LGBT Community Center's annual dinner, Tucson, AZ

VOICES OF EQUALITY—a national network of non-gay spokespersons

Our Voices of Equality—a group of leaders committed to publicly supporting marriage Equality—remained a primary goal for increasing the visibility of the marriage equality movement. Here are some of them:

- **Ross C. “Rocky” Anderson**, Mayor of Salt Lake City
- **Dr. Randall Bailey**, Professor of Hebrew Scriptures, Interdenominational Theological Seminary; an influential voice to African-American pastors working in the Eastern U.S. over the past 20 years
- **Lama Surya Das**, the most senior Buddhist leader in the U.S. and one of the foremost American Lamas in the Buddhist tradition; founder of the Western Buddhist Teachers Network with the Dalai Lama
- **Dolores C. Huerta**, Co-founder, with Cesar Chavez, and First Vice President Emeritus of the United Farm Workers of America, AFL-CIO (“UFW”).
- **John Lewis**, U.S. House of Representatives (D-GA), civil rights leader and last living speaker from the 1963 Civil Rights March on Washington
- **Rev. Thomas J.S. Mikelson**, Parish Minister of the First Church and First Parish of Cambridge-Unitarian Universalist in Cambridge, MA
- **Jan Schakowsky**, U.S. House of Representatives (D-IL), ranking Democrat on the Commerce, Trade and Consumer Protection Subcommittee
- **Rev. Dr. Ken Samuels**, Pastor of Victory Church, a congregation of more than 8,000 in Decatur, GA

Freedom to Marry recruited Latina labor rights icon **Dolores Huerta** to create Spanish radio messages for our use and the use of our partners.

We are in the process of enlisting the support of Rev. Dr. Ken Samuels and Dr. Randall Bailey to shore up support from allies in the Texas Legislature’s Black Caucus. An example: providing one of these spokespersons for interviews on African-American radio programs.

Mobilizing our Voices of Equality without a fully functioning communications department in place remained one of our biggest challenges in 2004. Stay Tuned.

3. REACHING OUT TO NON-GAY ALLIES

*Freedom to Marry acts as **an alliance-builder** enlisting local and national non-gay allies.*

As a coalition-builder, Freedom to Marry continues to enhance and support the enlistment of local and national non-gay allies and non-gay public support. Mobilization of non-gay allies—with a particular emphasis on African-American, Latino, faith, and labor communities—remains one of Freedom to Marry’s top priorities. To take this outreach to a new level, Freedom to Marry brought labor and LGBT activist veteran Lisbeth Meléndez Rivera on board as our Mobilization Coordinator in 2004. In this capacity, Lisbeth has three primary roles: implementing Freedom to Marry’s direct organizing, particularly in labor and Latino communities; overseeing and working with colleagues and people we place at groups such as the National Black Justice Coalition (NBJC) and the LGBT advocacy group of the AFL-CIO, Pride at Work, among others; and laying the foundation for the placement and support of marriage advocates in non-gay organizations. Together, Lisbeth and

Freedom to Marry's Program Director, Harry Knox managed a constellation of direct staff work, program assistance, technical assistance, and regranting aimed at boosting our enlistment and support of non-gay voices.

Enlisting the Support of Religious Leaders

Our work to engage new non-gay supporters for marriage equality among faith leaders and their constituents grew significantly in 2004. Some highlights:

- We funded a colloquy of theologians from around the country, resulting in **An Open Letter to Religious Leaders on Marriage Equality (see attached)**. This letter was designed to provide earned-media opportunities to redirect the media's focus toward religious leaders who support the freedom to marry. It will also be used as an organizing tool (as a sign-on document) for the several states that are developing clergy coalitions to speak out in support of marriage equality.
- Freedom to Marry made a grant of \$25,000 to the **United Church of Christ Coalition** on LGBT Concerns in support of their education and organizing efforts leading up to an expected vote on full support for marriage equality at the denomination's 2005 General Synod. The grant allowed the Coalition to provide national train-the-trainer programs, as well as regional education and mobilization events for those who will be working for passage of a pro-marriage equality statement in May 2005. If this proceeds as expected, the UCC will become the first mainline Christian denomination to endorse the freedom to marry.
- With a grant from Freedom to Marry, leaders of the **National Conference for Community & Justice** (NCCJ; formerly National Conference of Christians & Jews) did the internal work to take a stand for marriage equality and developed a three-year strategy for national and regional education, advocacy and dialogue in support of their position. NCCJ's vast network of progressive faith leaders is a major new resource to the movement for marriage equality. We worked closely with their staff as they prepared to advocate for endorsement of the freedom to marry.
- Our grant to **Claiming the Blessing**, the internal advocacy group within the Episcopal Church USA, supported regional trainings on the use of the new liturgical blessing for same-sex couples. The training resources included significant messaging around the need for legal marriage equality and also included the first theological document comparing and contrasting Christian theological approaches to issues related to marriage and same-sex couples. These resources have been very popular among progressive faith leaders hungry for this kind of practical material.
- Freedom to Marry worked with documentary producer Peter Barbosa (*De Colores, All God's Children*) to create a public education program directed toward faith **groups within African-American and Latina/o communities**. We assisted in redirecting those programs toward a focus on marriage equality, and supported a series of 21 such programs nationally and a train-the-trainer event, led by culturally-competent presenters, that facilitated the expansion of such programming around the country.

Reaching Communities of Color

Mobilization of non-gay allies, with a particular emphasis on African-American, Latino and Labor communities, was one of Freedom to Marry's top priorities in 2004, and continues to be in 2005. Some examples of our work last year:

- Freedom to Marry seeded and helped create the **National Black Justice Coalition** (NJBC), a new organization of African-American leaders and voices for marriage equality.

In addition to strategic counsel, Freedom to Marry provided a seed grant of \$25,000, enabling NBJC to hire its first staffer, Strategic Director Alexander Robinson. In his new position, Alexander worked with us to expand the number and diversity of African-American Voices of Equality. Our grant also allowed the nascent organization to hire a grant writer—in order to pursue several other funding sources that have expressed interest in funding their work—and a part-time administrative assistant, helping NBJC find support from generous institutional funders and grow to a projected budget of over \$300,000.

- NBJC has proven invaluable to our goals of expanding our **messaging into African-American populations**. One of our methods was to fund NBJC in a print advertising campaign that featured the first-ever gay ads (let alone marriage equality advocacy ads) in 11 African-American publications in five cities around the country. This campaign instantly elevated NBJC's profile and assisted them in speaking to a key audience. The print ad campaign was coupled with a limited earned-media campaign. A targeted contribution of \$40,000 from one of our major donors covered the cost of this effort, which Freedom to Marry helped shape.
- Freedom to Marry has played a central role in inspiring and launching the **National Latino Coalition for Justice & Marriage Equality**, a group made up of leaders of national and regional Latina/o organizations working for marriage equality. This group has been developing an ongoing game plan for education and mobilization activities among Latina/os nationally and is enhancing our efforts to recruit more non-gay voices within those communities.
- Freedom to Marry also capitalized on opportunities for prospective **placement of organizers** for marriage equality in non-gay Latina/o settings. In New Mexico, we met with LGBT leaders who introduced us to non-gay Hispanic leaders who have helped us develop a non-gay placement for a Hispanic organizer in that frontline state. We are working with Phyllis Santiago of the Northern New Mexico Immigrant Coalition and with leaders of MALDEF – the Mexican-American Legal Defense and Education Fund – about these possibilities. Antonia Hernandez, former head of MALDEF, produced Spanish-language pro-marriage equality messages for radio broadcast.

In Partnership with Labor

The 2004 vote of labor organizations such as the Communications Workers of America (CWA), and the Service Employees International Union (or SEIU, the largest and fastest growing union in the AFL-CIO) to support marriage equality encouraged several international unions to pass marriage resolutions with membership-wide votes and local support. We're also encouraged by the positive role of Pride at Work, the gay labor network has had in these efforts. Together with the union votes, both are hopeful indicators that Freedom to Marry's patient efforts to work toward a **non-gay placement** grant and other ways of deepening the outreach to and improving the mobilization of labor is gaining ground.

Outreach Strategies

Freedom to Marry was represented at Latina/o and labor conferences around the country this year—including the National Conference of La Raza, League of United Latin American Citizens, and Labor Council for Latin American Advancement. Our Mobilization Coordinator, Lisbeth Meléndez Rivera attended these conferences and distributed Freedom to Marry materials, which are now available to all our partners. These and other **Spanish language materials**—produced by Lisbeth and Nila Marrone of PFLAG NYC—made their debut at the National Conference of La Raza, and are available on our website, along with other Spanish-language resources developed by partner organizations.

YOUTH OUTREACH

Our project with Public Interest and MTV resulted in six outstanding **youth-oriented public service announcements in favor of marriage equality** that ran frequently on MTV throughout October. The PSA's were part of MTV's "Choose or Lose" campaign to inspire voting by young adults.

Freedom to Marry (and those we consulted with, including the Gill Foundation) guided and helped fund this project with the Emmy Award-winning Public Interest Productions, a Los Angeles-based nonprofit that develops and produces PSA's and other film and video projects for use by other nonprofits.

MTV "Choose or Lose" Marriage Spots: www.MarriageRights.org

- | | | |
|--------------|-------------|----------------|
| - "Piercing" | - "Threats" | - "Donuts" |
| - "Sex Toy" | - "Hot Dog" | - "Permission" |

Freedom to Marry played an important part in shaping the ads, which were hip, edgy, and appropriately pro-marriage. They drove viewers to a youth-oriented website—which we also helped to design and fund—presenting both sides of the cause. Freedom to Marry was the voice for the pro side, and the site in turn guided readers to www.freedomtomarry.org for further information.

4. AN EFFECTIVE FINANCIAL RESOURCE

*Freedom to Marry is **an engine of funding** helping to augment local, state, and national movement resources.*

Freedom to Marry continued its vital work raising money to fund non-gay and gay groups working together, and also stimulated parallel funding at the local level, assisting our partners in their development efforts. In FY 2003-2004, Freedom to Marry distributed nearly \$284,000 in regrants. In addition to building basic or enhancing basic capacity in key states and reflecting our desire to support and model a variety of methodologies and elements (i.e., public education, message-development and polling, outreach), many of these regrants focused on outreach and public education to target constituencies such as faith-based groups, labor, and people of color.

Our Grantmaking Grid document outlines our grantmaking and partner support for 2004 (**see attached**).

In this grantmaking role, Freedom to Marry supported groups with whom we work closely as activists and strategists in non-funding capacities as well. As intended, our regranting demonstrated a campaign-approach responsiveness and dexterity in providing financial resources in ways not always practical for larger funders. Some examples:

- Freedom to Marry provided substantial funding for an **Emergency Marriage Summit Meeting** of state groups sponsored by the Federation of Statewide LGBT Political Advocacy Organizations (since renamed, thankfully, the Equality Federation). Fifty activists, including Evan Wolfson, representing 30 states attended and developed 28 individual state plans. These plans have several uses: to foster greater movement-wide

cooperation and collaboration, to assist local organizations in upgrading their work, and to help funders identify and address the needs of the field.

- We provided three **trainers for the summer meeting of the Equality Federation**. These statewide advocacy groups are the front line organizations working in state legislatures as well as with city and county governments to procure greater equality for lesbian, gay, bisexual, and transgender citizens. Thanks to Freedom to Marry, Cathy Renna of Fenton Communications did a four-hour workshop on designing and implementing a comprehensive media communications plan in support of the marriage equality, which was of particular help to those states facing anti-marriage ballot initiatives; Alexander Robinson of the NBJC led a workshop on messaging to African-American audiences; and another trainer led a similar workshop on messages that work with Latina/o audiences, incorporating focus-group research Freedom to Marry helped fund.
- Another highlight of our regranting: Freedom to Marry paid for development of **outstanding TV ads run by the Basic Rights Education Fund in Oregon** as part of public education on marriage equality and same-sex couples and kids. BREF raised \$2 million for a comprehensive media campaign that has moved the hearts and minds of many Oregonians. We were particularly proud of this partnership.

CIVIL MARRIAGE COLLABORATIVE—a New Source of Funding

The new Civil Marriage Collaborative—a national group of institutional funders formed in 2004 to strategize ways to boost the marriage work and capacity in targeted states—is showing the potential for bringing more non-gay resources to this civil rights cause, and doing so with strategic leadership from philanthropists themselves. CMC is helping shape basic priorities and prep funders for the some of the funding decisions they are making, as well as working with activists to be ready to use these new resources well and think through how to get other funding for their enhanced work.

The CMC met in 2004 with Evan as an advisor and Freedom to Marry's core funders as central figures in the guidance given to its host, the Proteus Fund. The process was a huge success and has resulted in an unprecedented collaborative contribution of nearly 1 million additional dollars thus far to approximately 10 state groups in grants ranging from \$50,000-\$125,000.

CMC is a fulfillment of two of Freedom to Marry's goals –bringing a new level of (non-gay) resources into the field for state partner organizations working collaboratively on marriage equality, and to inspire the philanthropic community to rise to the occasion and work more collaboratively as well. By year's end, Evan was working closely with funders and our coalition partners to prepare for the likely next round of grantmaking by the Civil Marriage Collaborative, which met in January 2005.

THE WORK AHEAD

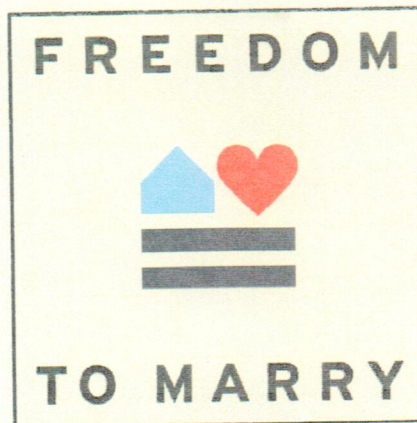
Freedom to Marry and our movement achieved the first part of its strategy in 2004, thanks to the legal breakthrough of civil marriage licenses in a first state, Massachusetts. Now we are working on the longer-term work of defending that start, making it real elsewhere, fostering the cultural engagement that is moving the middle, and helping reap benefits and position the lesbian/gay civil rights movement for further successes along the way to full nationwide equality.

At its semiannual meeting of Steering Committee members and staff, Freedom to Marry identified the following top **Program Goals for 2005**:

- Continue to coordinate a collaborative coalition to drive ongoing freedom to marry strategy. **Our primary coalition focus: win the freedom to marry in one or more states in the next 6-36 months**, supporting campaigns to achieve that affirmative goal in several states and putting others in play on a longer timeframe. **Other key coalition tasks**: repel attacks or “lose forward” in as many states as possible, assist in defeating federal attacks (constitutional and otherwise), and enlist more voices.
- Equip state and local organizations for effective public education and mobilization campaigns as a backdrop to the ongoing waves of electoral, legislative, and legal battles.
- Act as a leadership recruitment and mobilization center for new non-gay national and regional voices and allies, and enlist more *diverse* voices into the debate, with emphasis on moving the middle (**see attached speech *Marriage Equality and Some Lessons for the Scary Work of Winning***). Freedom to Marry will work to pioneer new models for this, including more nimble, project-oriented campaign-style grants in states and key constituencies, including non-gay allies.
- Make one or more of the “non-gay placement” grants for which we have been laying the foundation.
- Work with leading coalition partners to institutionalize better collaboration and a sustained strategic campaign approach, and help recruit more funders to this shared effort.
- Create an in-house communications team to: 1) create long-range communications strategies that are both national and state-by-state; 2) deploy, in a systematic way, our Voices of Equality spokespersons as well as Evan in the media and public forums; and 3) facilitate and leverage the work of national and local groups, and gay and non-gay partner organizations.

CONCLUSION

This is a moment of peril for our movement, as our opponents press forward with fierce determination and the understanding that this is their last chance to turn back the tide of history in favor of ending the exclusion of gay Americans from marriage and full equality. We face serious challenges, internal as well as external, and clearly have to do more, and do it better. At the same time, the momentous advances of 2003 and 2004, building on the work before, prove that we can fulfill America's promise of social change and justice. Freedom to Marry has its part to play—and with your continued support, together we will accomplish this civil rights transformation, continue shaping history, and make our country what we believe it should be.



2004 Annual Report Attachments

Freedom to Marry
116 West 23rd Street, Suite 500
New York, New York 10023
212-851-8418 | 646-375-2069 (fax)

2004 Annual Report – Attachments

I. Organizational Information

1. Staff Biographies
2. Steering Committee Biographies
3. Astraea Lesbian Foundation for Justice, Board of Directors

II. Financial Summary

4. Statement of Financial Position
5. Statement of Activities
6. Sources of Revenue

III. Selected Freedom to Marry Work Product

7. Web Traffic
8. National Partners
9. State Partners
10. Evan Wolfson, *What do the election results mean for the movement toward marriage equality?* (November 3, 2004)
11. *An Open Letter to Religious Leaders on Marriage Equality*, Religious Institute on Sexual Morality, Justice, and Healing (2004)
12. Regranting Grid

IV. Selected News Articles / Op-Eds / Speeches

13. Evan Wolfson, *Keynote Address to Lavender Law Conference – “Marriage Equality and Some Lessons for the Scary Work of Winning”* (October 4, 2004)
14. Stephanie Shapiro, *Making a case for marriage*, Baltimore Sun (January 23, 2005)
15. John Cloud, *The Time 100*, Time (April 26, 2004)
16. Tony Mauro, *The Wedding Ring Leader*, The American Lawyer (June 2004), reprinted in Legal Times
17. John Roemer, *Law and Marriage*, San Francisco Daily Journal (August 3, 2004)
18. WSJ Online Editors, *Names to Know*, Wall Street Journal Online Edition (December 24, 2004)

V. Other

19. Select Media Placements, Awards and Recognition

I. Organizational Information

FREEDOM TO MARRY

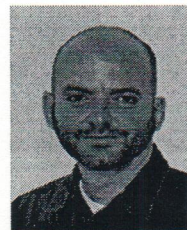
Staff



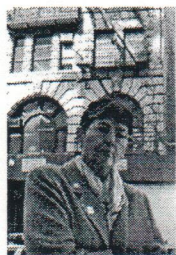
Evan Wolfson is Executive Director of *Freedom to Marry*, the gay and non-gay partnership working to win marriage equality nationwide. Before founding *Freedom to Marry*, Evan served as marriage project director for *Lambda Legal Defense & Education Fund*, was co-counsel in the historic Hawaii marriage case, and participated in numerous gay rights and HIV/AIDS cases. Evan previously served as Associate Counsel to Lawrence Walsh in the Iran/Contra investigation, and as an Assistant District Attorney in Brooklyn, New York. Between Yale College and Harvard Law School, Evan spent two years with the Peace Corps in West Africa. Citing his national leadership on marriage equality and his appearance before the U.S. Supreme Court in *Boy Scouts of America v. James Dale*, the *National Law Journal* in 2000 named Evan one of "the 100 most influential lawyers in America." In 2004, Evan was named one of the "Time 100," *Time* magazine's list of "the 100 most influential people in the world." Evan Wolfson's first book, *Why Marriage Matters: America, Equality, and Gay People's Right to Marry*, was published by Simon & Schuster in July 2004.



Charles Ignacio began his activist work as the producer of "In the Life" for its first ten years, the last five as the executive producer of this Emmy-nominated series on gay life. Under Charles's tenure, "In the Life" grew from airing on a handful of PBS stations to over 130, received its first Ford Foundation grant, and garnered multiple GLAAD Media Awards, an Empire State Pride Agenda Award, a Lambda Liberty Award, and four National Lesbian and Gay Journalists Association awards for stories highlighting the contributions of, as well as the challenges faced by the LGBT community. Prior to managing the programming for *In the Life* Media during a tremendous period of growth, Charles was an operations supervisor at Thirteen/WNET, and worked in broadcast advertising at Home Box Office. A media producer, writer, and speaker, Charles has written for *The Advocate* and was included in the Out 100 list of achievers for 2002. In 2004, Charles and his partner of 11 years registered their Domestic Partnership in their home state of New Jersey.



Harry Knox is Program Director of *Freedom to Marry*. His non-profit management and political advocacy experience includes positions such as Business Manager for Patient Services and Comprehensive School Health Programs for the American Cancer Society, Georgia Division; Director of Development at Equality Florida; and Executive Director of Georgia Equality, Georgia's only statewide LGBT advocacy organization. Under Harry's leadership, Georgia Equality successfully pursued the state's first LGBT-inclusive legislation, The Georgia Anti-Domestic Terrorism Act, and obtained partnership benefits for employees at Coca-Cola, BellSouth, Delta Air Lines, Atlanta Gas Light, and Cingular Wireless. Harry is proud of his Master of Divinity degree from Lancaster Theological Seminary, but may be proudest of receiving the Cordle Award for promotion of God's diversity, given to him by those who knew him best and still felt he deserved it – the members of St. Mark United Methodist Church in Atlanta, GA.



Barbara Todd Kerr is *Freedom to Marry*'s Senior Managing Editor. She brings to the movement a background that has ranged from education as a journalist to running database-driven websites and from work on daily TV newscasts to public television documentary production. In the early '80's Barbara was co-producer, with Vito Russo, of *Our Time*—a 13 installment hour-long magazine television series addressing LGBT issues. In the spring of 2003 she completed a documentary video and handbook about diversity geared to inner city teens, initiated by a New Jersey faith-based community outreach group. Barbara is also an activist and was a co-founder of the Feminist Anti-Censorship Taskforce (F.A.C.T.). In her recent work with web developer Mediapolis, Barbara oversaw the technical side of websites for Lambda Legal, American Foundation for AIDS Research (amfAR), and the Women's Sports Foundation. A fourth client, Bowl.com, was a finalist for a Webby Award. If her name sounds familiar, yes, Barbara is related to Mary Todd Lincoln and Christine Todd Whitman—though quite a few times removed. All this and she can cook and sew, too!

FREEDOM TO MARRY

Staff

Continued



Lisbeth Meléndez Rivera is Freedom to Marry's Mobilization Coordinator. A Puerto Rican Lesbian, Lisbeth was the former Director of Community Education & Training, for LLEGÓ, The National Latina/o Lesbian, Gay, Bisexual and Transgender Organization. Under Lisbeth's leadership LLEGÓ developed their first field mobilization and training department addressing non-health related issues. As a 15-year veteran of the LGBT and Labor movements, Lisbeth has extensive experience organizing and training at the intersections of sexual orientation, gender identity and culture specifically as they relate to communities of color. Having organized with a variety of unions, from the Laborer's to UNITE!, Lisbeth has crisscrossed the country training workers and community leaders in organizing, leadership development and community-building strategies from a grassroots perspective. Lisbeth has served on the Boards of the Massachusetts Coalition for Occupational Safety & Health, the National Youth Advocacy Coalition, Pride at Work & the National Organizer Alliance. She has also been a volunteer with Women's Institute for Leadership Development (WILD), Haymarket People's Fund, and many other organizations. After many recognitions and awards Lisbeth is most proud of receiving the Social Justice Award from the Immigrant Workers Resource Center for services provided to immigrants and refugees in Massachusetts. A biologist and sociologist by education, it is her calling to social justice that makes her passions flare and her days move forward.



Noran Camp is the Office Administrator of Freedom to Marry. Noran took over the administrative responsibilities for the office in July 2003. Noran came here after a brief early career as a computer programmer, and a long subsequent career as a general litigator and a securities lawyer. In those roles, Noran worked at corporate law firms, public interest law firms, and the Securities and Exchange Commission. Noran's work in the non-profit sector began at the outset of his legal career, when he interned at Equal Rights Advocates, and at the Lesbian Rights Project (now the National Center for Lesbian Rights). Noran also worked at The Legal Action Center for the City of New York, and currently volunteers at Lighthouse International.

FREEDOM TO MARRY

Steering Committee



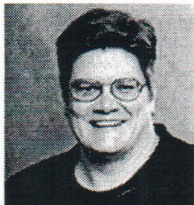
Rev. John Buehrens has been a leading religious spokesperson for sexual justice and civil rights. He served as President of the Unitarian Universalist Association from 1993-2001. He was a co-author of the "Religious Declaration on Sexual Morality, Justice and Healing," a speaker at the Millennium March for Equality, and a co-founder of Progressive Religious Partners. He currently serves as Minister of the First Parish in Needham, MA. John has been married since 1972 to the Rev. Gwen Langdoc Buehrens, a priest in the Episcopal Church.



Mandy Carter is one of the nation's leading African-American lesbian activists. Currently, she is the Development Coordinator for Southerners On New Ground. During the thirty-five-plus year span of her activism, she has worked for such organizations as the National Black Lesbian & Gay Leadership Forum, the War Resisters League, the Human Rights Campaign, Equal Partners in Faith, Ladyslipper Music, People For the American Way Foundation, and Floridians Representing Equity & Equality. Mandy's passion in her organizing work is about the connecting of the issues of race, class, gender and sexual orientation against the backdrop of equality and justice.



Tracey Conaty has been active in the LGBT civil rights movement for over 15 years. As a field organizer with the National Gay & Lesbian Task Force, Tracey worked with activists across the country, including on-the-ground work in campaigns in Maine and Washington State. Tracey later became NGLTF's communications director. She also served as press secretary for the "No on Knight" statewide campaign fighting the anti-gay/anti-marriage ballot measure in California. She subsequently did a stint with a Washington, DC public relations firm, and did extensive community organizing in the District of Columbia on the issue of hate crimes. Tracey is currently conducting campaign communications for one of the largest labor unions in the country, the American Federation of State, County & Municipal Employees ("AFSCME").



Barbara Cox began teaching at California Western School of Law after four years with a joint appointment in the Law School and the Women's Studies Department at the University of Wisconsin-Madison. She served as Associate Dean for Academic Affairs at California Western, is the past chair of the Association of American Law Schools Section on Gay and Lesbian Legal Issues, is Chair of the A.A.L.S. Section on Women in Legal Education and she served on an AALS taskforce. Barb was co-chair of the Madison, WI, Taskforce on Alternative Family Rights which drafted the city's domestic partnership ordinance (one of the first in the nation) and she helped obtain partner health insurance benefits at CWSL. Barb is a public speaker and has published numerous articles on issues concerning marriage equality. She and her partner have been together for over thirteen years.



Leslye M. Huff practices labor and employment law in general practice in Beachwood, Ohio, and was formerly an Assistant Director of Law for the City of Cleveland. Leslye – a champion of the right to marry – is the author of several articles, and the founder of the LesBiGay Law Students Association. She was awarded a Diversity Fellowship by the American Bar Association as Council Representative to the ABA-Young Lawyers Division. Leslye has maintained a 22-year committed relationship with her best friend and life-partner, Mary Ostendorf, MS.N., RN. As partners for life, they have reared two sons and are the proud grandparents of three children.

FREEDOM TO MARRY

Steering Committee

Continued



Producer **Jordan Roth** is currently working on the new Broadway musical, *The Mambo Kings*. He produces *The Donkey Show*, the disco club event now in its 5th year Off-Broadway at Club El Flamingo, which has also been seen in London, Edinburgh, France and Finland. Recently, he produced the Broadway production of *The Rocky Horror Show* at the Circle in the Square Theater (Best Musical Revival - Tony Award Nomination, Drama Desk nomination, Outer Critics Circle nomination and Drama League nomination). He graduated summa cum laude from Princeton University with degrees in philosophy and theatre. Jordan serves on the Board of Trustees of Gay Men's Health Crisis, Broadway Cares/Equity Fights AIDS and the Horace Mann School. Jordan was included in the Out 100 list for 2000.



Cherry Spencer-Stark is a grandma, nurse, and long-time political activist. Currently president of the American Civil Liberties Union of Georgia, Cherry has also served as founding co-chair of Georgia Equality (the political and advocacy voice of Georgia's LGBT citizens and their allies), treasurer of the Georgia Nurses Association, board member at AIDS Treatment Initiatives, and one of the first women members of the Marietta Rotary Club. Cherry received the 1996 Human Rights Campaign Community Leadership Award and was a 2002 recipient of the Atlanta Pride Community Builders Award. She is married to James E. Stark, Ph.D, a forensic psychologist and expert in gay/lesbian parenting. Since the passage of the 1993 anti-gay resolution in her home county of Cobb, Cherry has been a continual thorn in the side of Georgia's radical right-wing groups and politicians. Cherry's proudest moment was taking on then-Congressman Bob Barr about the 1996 federal anti-marriage law he sponsored (the so-called "Defense of Marriage Act") and leaving him sputtering.



Tim Sweeney has been a leader in lesbian and gay, HIV, and healthcare reform activism for more than twenty-five years. Currently a Program Director at the Evelyn & Walter Haas, Jr. Fund in San Francisco, Tim's work there focuses on funding programs in the gay and lesbian community, including major support for organizations implementing a California law that safeguards the rights of gay, lesbian, bisexual and transgender students. Before his move West, Tim was Deputy Executive Director for Programs of the Empire State Pride Agenda and Foundation, where he worked for the passage of New York state hate crimes law and the repeal of NY's "sodomy" law. He also helped lead the battle to secure over \$5,000,000 in state funding for lesbian and gay health and human service organizations, including programs for gay teens. From 1986 to 1993, Tim was the Deputy Director and then Executive Director of Gay Men's Health Crisis (GMHC), helping to build the largest community-based HIV/AIDS service, prevention and advocacy organization in the world. Before that, Tim served five years as Executive Director of Lambda Legal Defense & Education Fund.

Astraea Lesbian Foundation for Justice

Board of Directors

Name & Hometown

Professional Affiliation

OFFICERS:

Brenda Funches, *Board Chair*
Los Angeles, CA

Educator, Retired

Kimberly Aceves, *Board Secretary*
Oakland, CA

Executive Director,
Youth Together

Members:

Carol Alpert
Brooklyn, NY

Law Librarian
Retired

Marion Banzhaf
New York, NY

Director
Sonya Staff Foundation

Stephanie Blackwood
New York, NY

Co-founder/Account Director
Double Platinum

Alice Y. Hom
Los Angeles, CA

Director
Intercultural Community Center
Occidental College

Denise Liggett
Hyattsville, MD

Financial Planner
AXA Advisors

Nada Michael
Milwaukee, WI

Program Manager & Director of Evaluation
Public Allies

Nusrat Rabbee
Berkeley, CA

Visiting Assistant Professor
UC-Berkeley Department of Statistics

Sandra J. Robinson
Bethesda, MD

Graduate Student
Howard University

Victoria Watkins
New York, NY

Account Executive
Pira Energy Group

Samira Ibrahim
Brooklyn, NY

Toni Lester
Boston, MA

II. Financial Summary

FREEDOM TO MARRY

Statement of Financial Position

for the year ending December 31, 2004

ASSETS

Current Assets

Cash	\$ 645,788
Short-term investments	732,741
Total current assets	<u>\$ 1,378,530</u>

Non Current Assets

Prepaid expenses	\$ 3,069
Accounts receivable, security deposit	16,500
Total non current assets	<u>\$ 19,569</u>

TOTAL ASSETS	<u><u>\$ 1,398,099</u></u>
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LIABILITIES & FUND BALANCE

Current Liabilities

Accounts payable	\$ 1,331
Accrued expenses	23,806
Payroll liabilities	574
Employee benefits	14,932
Total current liabilities	<u>\$ 40,643</u>

Due to/Due from

Due to/from Astraea Foundation	\$ 209,507
Due to/from Temporarily restricted	120,100
Due to/from Permanently restricted	32,500
Total Due to/Due from	<u>\$ 362,107</u>

TOTAL LIABILITIES	<u>\$ 402,750</u>
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FUND BALANCE	\$ 556,024
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Net surplus/(Deficit)	439,326
Ending fund balance	995,349

TOTAL LIABILITIES & FUND BALANCE	<u><u>\$ 1,398,099</u></u>
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FREEDOM TO MARRY

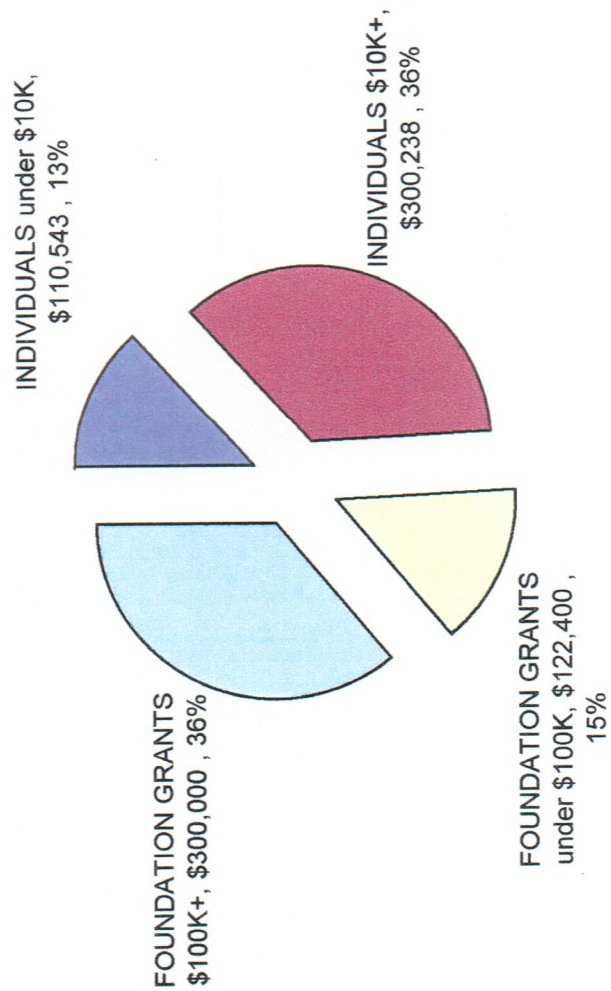
Statement of Activities

*for the fiscal year ending June 30, 2004
and the calendar year ending December 31, 2004*

	FY 2003-2004	CY 2004
Support and Revenue		
Individual contributions	\$ 417,963	\$ 720,978
Foundation contributions	<u>415,350</u>	<u>708,500</u>
Total support and revenue	\$ 833,313	\$ 1,429,478
Expenses		
Program grant awards	\$ 283,880	\$ 400,880
Program travel	31,132	63,831
Program business expense	4,542	12,439
Program conference and workshop fees	13,778	15,088
Program & communications consultants	105,081	89,237
Communications, fundraising & public education	21,341	74,845
Program, communications & fundraising personnel	389,352	503,599
Administration	<u>195,261</u>	<u>257,132</u>
Total expenses	\$ 1,044,367	\$ 1,417,052
Increase (Decrease) in Net Assets	\$ (211,054) *	\$ 12,427
Net Assets		
As of June 30, 2003	\$ 772,657	
As of June 30, 2004	<u>\$ 561,603</u>	

* Although FY03-04 indicates a deficit, this is because part of FY03-04's revenue was raised in FY02-03 -- Freedom to Marry had raised most of its first-year budget before starting operations. This is also a result of Freedom to Marry moving to a fiscal year from a calendar year to match the financial reporting of our fiscal sponsor, the Astraea Foundation. Note also the increase in spending from FY03-04 to CY04 is partly due to our organization's growth by creating two new staff positions.

SOURCES OF REVENUE



- INDIVIDUALS under \$10K
- INDIVIDUALS \$10K+
- FOUNDATION GRANTS under \$100K
- FOUNDATION GRANTS \$100K+

III. Selected Freedom to Marry Work Product

Web Traffic - 2004

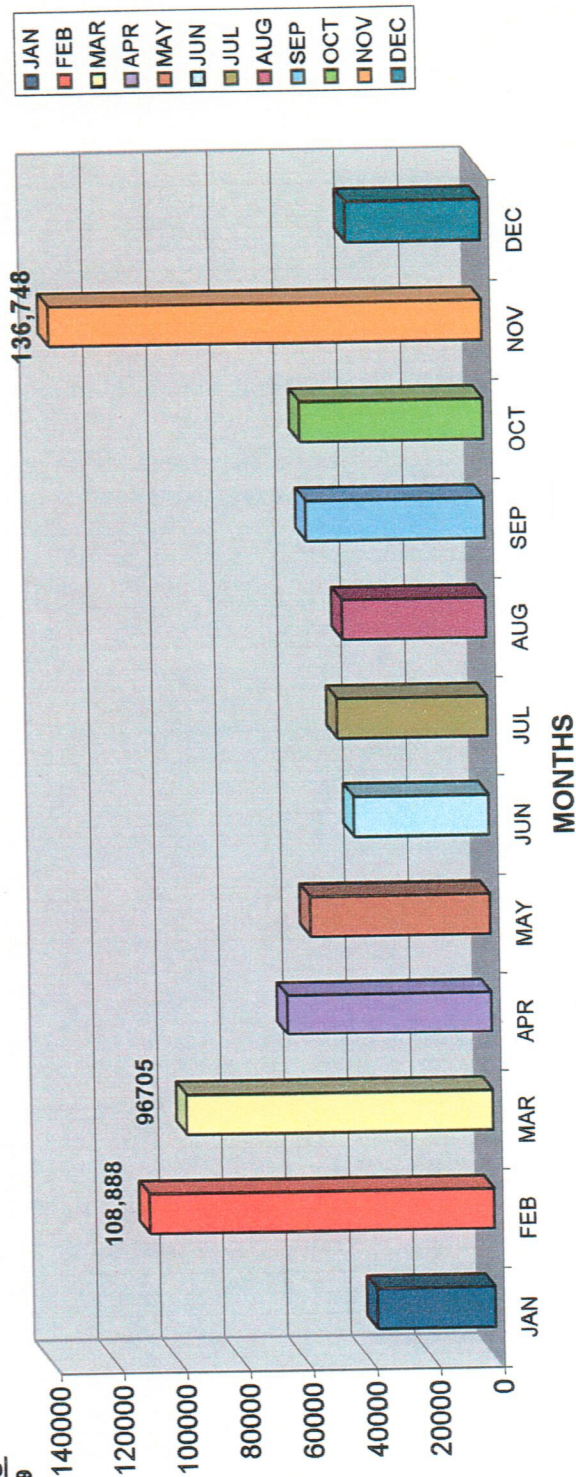
February's Freedom to Marry Week arrived on the heels of President Bush's remarks on marriage during his State of the Union Address. That spurred San Francisco mayor Gavin Newsom to issue marriage licenses to gay couples beginning February 12th—Freedom to Marry Day. Our web traffic continued at a high level into March as officials in four other states were inspired by Newsom and followed suit. November broke records with the general election and the anti-gay "values" punditry in the media driving visitors to our site.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
37,203	108,888	96,705	64,330	56,708	42,500	47,367	45,305	56,280	57,894	136,748	42,541	792,469

Web Traffic 2004

PAGE VIEWS

TOTAL 792,269



Freedom to Marry National Partners

American Civil Liberties Union (ACLU) www.aclu.org Contact: Emily Tynes, Communications Director	National	The ACLU works daily in courts, legislatures and communities throughout the country to defend and preserve the individual rights and liberties guaranteed by the Constitution and laws of the United States.
Children Of Lesbians and Gays Everywhere (COLAGE) www.colage.org Contact: colage@colage.org 415-861-5437	National	COLAGE fosters the growth of daughters and sons of LGBT parents by providing education, support, and community, advocating for their rights and for the rights of their families, and by promoting acceptance and awareness in society.
Don't Amend www.dontamend.org Contact: info@dontamend.org	National	This effort is a hybrid of online + grassroots organizing, initiated by the people who founded the StopDrLaura actions, as a way to mobilize people to fight the Right Wing's effort to amend the U.S. Constitution to forever eliminate the possibility of marriage for gay people.
Family Pride Coalition www.familypride.org Contact: info@familypride.org 202.331.5015 202.331.0080 fax	National	Originally known as the Gay Fathers Coalition, and then as Gay & Lesbian Parents Coalition International (GLPCI), Family Pride is a national education and civil rights organization that advances the well-being of lesbian, gay, bisexual, and transgendered parents and their families through mutual support, community collaboration, and public understanding.
Gay & Lesbian Alliance Against Defamation (GLAAD) www.glaad.org Contact: 646.871.8019	National	GLAAD promotes and ensures fair, accurate and inclusive representation of people and events in the media as a means of eliminating homophobia and discrimination based on gender identity and sexual orientation.
Gay & Lesbian Victory Fund www.victoryfund.org Contact: 202.842-8679 202.289.3863 fax	National	The Victory Fund is committed to increasing the number of openly gay and lesbian public officials at federal, state and local levels of government by recruiting, training, and supporting openly LGBT candidates and officials.
Human Rights Campaign (HRC) www.hrc.org Contact: 202-628-4160 202-216-1572 TTY202-347-5323 faxhrc@hrc.org	National	HRC is the nation's largest lesbian and gay organization working to advance equality based on sexual orientation and gender expression and identity to ensure that LGBT Americans can be open, honest, and safe at home, at work, and in their communities.
Lambda Legal www.lambdalegal.org Contact: 212-809-8585 212-809-0055 fax pressqueries@lambdalegal.org	National	Lambda Legal is a national legal group committed to achieving full recognition of the civil rights of, and combating the discrimination against, the LGBT community, and people with HIV/AIDS, through impact litigation, education, and public policy work.

Freedom to Marry National Partners

Log Cabin Republicans www.lcr.org Contact: 202.347.5306 202.347.5224 fax info@lcr.org	National	Log Cabin operates within the Republican Party for the equal rights of all Americans, including gay men and women, according to the principles of limited government, individual liberty, individual responsibility, free markets, and a strong national defense.
Marriage Equality USA (MEUSA) www.marriageequality.org Contact: 877-571-5729	National	Marriage Equality works to secure the freedom and the right of same-sex couples to engage in civil marriage, with all the federal and state benefits that entails, through a program of education, media campaigns, and community partnerships.
National Black Justice Coalition www.nbjcoalition.org Contact: 202.349.3756 info@nbjcoalition.org	National	<p>The National Black Justice Coalition is an ad hoc coalition of black lesbian, gay, bisexual, and transgendered leaders who have come together to fight against discrimination in our communities.</p> <p>The goal of the organization in 2005 is to build black support for marriage equality and to educate the community on the dangers of the proposal to amend the U. S. constitution to discriminate against gays and lesbians.</p>
National Center for Lesbian Rights (NCLR) www.nclr.org Contact: 415.392.6257 415.392.8442 fax info@nclrights.org	National	NCLR is a national legal resource center devoted to advancing the rights and safety of lesbians and their families through a program of litigation, public policy advocacy, free legal advice and counseling, and public education.
National Conference for Community and Justice www.nccj.org Contact: Shannon Perry 212.545.1300	National	The National Conference for Community and Justice, founded in 1927 as the National Conference of Christians and Jews, is a human relations organization dedicated to fighting bias, bigotry and racism in America. NCCJ promotes understanding and respect among all races, religions and cultures through advocacy, conflict resolution and education.
National Gay & Lesbian Task Force (NGLTF) www.nglftf.org Contact: Sheri A. Lunn, Director of Communications 323-857-8751 slunn@nglftf.org	National	The Task Force is building a national civil rights movement of LGBT people through the empowerment and training of state and local leaders, and through the research and development of national policy.
National Organization for Women (NOW) www.now.org Contact: 202-628-8669 202-785-8576 fax202-331-9002	National	NOW is the largest organization of feminist women and men in the United States, striving to eliminate discrimination and harassment against women in the workplace, schools, the justice system, and all other sectors of society.

Freedom to Marry National Partners

Parents, Families & Friends of Lesbians & Gays (PFLAG)

www.pflag.org

Contact:

Alice Leeds

Director Of Media Relations and Publicity

202-467-8180 x 228 DC

212-874-0675 NYC

917-523-5029 cell

aleeds@pflag.org

National

PFLAG promotes the health and well-being of LGBT persons, and their families and friends, through support, education, and advocacy with the intention of ending discrimination and securing equal civil rights.

People for the American Way (PFAW)

www.pfaw.org

Contact:

Media Relations Staff

202-467-4999

media@pfaw.org

National

People for the American Way is a national membership organization focused on protecting democratic values and institutions currently threatened by the political influence of the Radical Right.

Soulforce

www.soulforce.org

Contact:

Laura Montgomery Rutt

Director of Communications

717-278-0592

laura@soulforce.org

National

Soulforce is an interfaith movement committed to ending spiritual violence perpetuated by religious policies and teachings against LGBT people through the application of the principles of non-violence as taught and lived by Mahatma Gandhi and Martin Luther King.

Universal Fellowship of Metropolitan Community Churches (UFMCC)

www.mccchurch.org

Contact:

Jim Birkitt

Director of Communications

(310) 360-8640 x226

jimbirkitt@mccchurch.org

National

MCC is a Christian Church founded in, and reaching beyond, the Gay and Lesbian communities, embodying and proclaiming Christian salvation and liberation, Christian inclusivity and community, and Christian social action and justice.

Federation of Statewide LGBT Organizations

www.federationlgbt.org

Contact:

813-870-3735

813-870-1499 fax

nadine@eqfl.org

National

A network of state/territory organizations committed to working with each other and with national and local groups to strengthen statewide lesbian, gay, bisexual, and transgender advocacy organizing and secure full civil rights in every U.S. state and territory.

Freedom to Marry State Partners

ALABAMA	Equality Alabama P.O. Box 6199 Montgomery, AL 36106 334-549-2567 www.equalityalabama.org
ARIZONA	Arizona Human Rights Fund & Foundation P.O. Box 25044 Phoenix, AZ 85002 602-650-0900 www.ahrf.org
ARKANSAS	Arkansas Equality Network 1601 S. Louisiana Street Little Rock, AR 72206 501-375-2850
CALIFORNIA	Equality California 2370 Market Street San Francisco, CA 94114 415-581-0005 www.eqca.org
COLORADO	Colorado Anti-Violence Program P.O. Box 181085 Denver, CO 80218 303-839-5204 http://www.coavp.org Equal Rights Colorado P.O. Box 181267 Denver, CO 80218 303-898-7771 www.equalrightscolorado.org
CONNECTICUT	Love Makes a Family 44 Wright Drive Avon, CT 6001 860-674-8942 www.lmfct.org
DISTRICT OF COLUMBIA	Gay & Lesbian Activists Alliance P.O. Box 75265 Washington, DC 20013 202-667-5139 www.glaa.org
FLORIDA	Equality Florida 1302 South Dale Mabry #652 Tampa, FL 33629 813-870-3735 www.eqfl.org
GEORGIA	Georgia Equality P.O. Box 95425 Atlanta, GA 30347 404-327-9898 www.georgiaequality.org MEGA Family Project P.O. Box 29631 Atlanta, GA 30359 404-808-3350 http://www.megafamilyproject.org
ILLINOIS	Equality Illinois 3712 N. Broadway #125 Chicago, IL 60613 773-477-7173 www.eqil.org

Freedom to Marry State Partners

IOWA	Equality Iowa P.O. Box 1797 Des Moines, IA 50306 515-243-1276 politicianIA@aol.com
KENTUCKY	Kentucky Fairness Alliance P.O. Box 3912 Louisville, KY 40201 502-897-1973 www.kentuckyfairness.org
LOUISIANA	Equality Louisiana P.O. Box 53075 New Orleans, LA 70153 504-628-6435 www.equalityla.org
MAINE	Equality Maine P.O. Box 1951 Portland, ME 04104 207-761-3732 800-556-5472 toll-free in Maine http://www.equalitymaine.org/
MARYLAND	Equality Maryland 8121 Georgia Avenue, Suite 501 Silver Spring, MD 20910 301-587-7500 www.equalitymaryland.org
MASSACHUSETTS	The Freedom to Marry Coalition of Massachusetts 11 Beacon Street, Ste. 1125 Boston, MA 02108-3011 617-482-1600 http://www.equalmarriage.org/ MassEquality.org 11 Beacon Street, Suite 1125 Boston, MA 02108 617-878-2300 www.massequality.org Massachusetts Gay & Lesbian Political Caucus P.O. Box 246, State House Boston, MA 02133 617-262-1565 www.mglpc.org LGBT Political Alliance of Western Massachusetts P.O. Box 1244 Northampton, MA 01060 413-427-6433 www.wmassalliance.org Religious Coalition for the Freedom to Marry 11 Beacon Street, Suite 1125 Boston, MA 02108 917-878-2360 617-878-2380 fax www.rcfm.org

Freedom to Marry State Partners

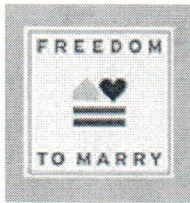
MICHIGAN	<p>Triangle Foundation 19641 W. Seven Mile Road Detroit, MI 48219 313-537-3323 www.tri.org</p> <p>Michigan Equality P.O. Box 13133 Lansing, MI 48901 800-858-9107 www.michiganequality.org</p>
MINNESOTA	<p>Outfront Minnesota 310 38th Street, #204 Minneapolis, MN 55409 612-822-0127 www.outfront.org</p>
MISSISSIPPI	<p>Equality Mississippi P.O. Box 6021 Jackson, MS 39288 601-936-7673 www.equalityms.org</p>
MONTANA	<p>Pride Inc. P.O. Box 775 Helena, MT 59624 406-442-9322 www.gaymontana.com/pride</p>
NEBRASKA	<p>Citizens for Equal Protection 1105 Howard Street, Suite 2 Omaha, NE 68102 402-398-3027 www.cfep-ne.org</p>
NEW HAMPSHIRE	<p>New Hampshire Freedom to Marry Coalition P.O. Box 4064 Concord, NH 3302 603-223-0309 www.nhftm.org</p>
NEW JERSEY	<p>NJ Lesbian & Gay Coalition P.O. Box 11335 New Brunswick, NJ 8906 732-828-6772 www.njlqc.org</p> <p>Garden State Equality c/o Steven Goldstein 585 Standish Road Teaneck, New Jersey 07666 917-449-8918</p>
NEW MEXICO	<p>Equality New Mexico P.O. Box 27268 Albuquerque, NM 87125 505-244-0201 www.eqnm.org</p>
NEW YORK	<p>Empire State Pride Agenda 16 West 22nd Street, 2nd Floor New York, NY 10010 212-627-0305 www.prideagenda.org</p>
NORTH CAROLINA	<p>Equality North Carolina P.O. Box 28768 Raleigh, NC 27611 919-829-0343 www.equalitync.org</p>

Freedom to Marry State Partners

NORTH DAKOTA	Equality North Dakota P.O. Box 5222 Fargo, ND 58105 701-388-9227 www.equalitynd.org
OHIO	Ohioans for Growth & Equality P.O. Box 12413 Columbus, OH 43212 614-543-0209 www.ohioansforgrowth.org
OREGON	Basic Rights Oregon P.O. Box 40625 Portland, OR 97240 503-222-6151 www.basicrights.org
PENNSYLVANIA	The Center for Lesbian & Gay Civil Rights 1211 Chestnut St, Ste 605 Philadelphia, PA 19107 215-731-1447 www.center4civilrights.org
RHODE ISLAND	Ocean State Action 99 Bald Hill Road Cranston, RI 02920 401-463-5368 401-463-5337 fax bergmarti@cs.com
SOUTH CAROLINA	SC Equality Coalition P.O. Box 544 Columbia, SC 29202 803-741-1590 www.scequality.org
TENNESSEE	Tennessee Equality Project P.O. Box 330895 Nashville, TN 37203 615-481-5658 www.tnep.org
TEXAS	Lesbian/Gay Rights Lobby of Texas P.O. Box 2340 Austin, TX 78768 512-474-5475 www.lgrrl.org
UTAH	Equality Utah 175 West 200 South, Suite 2010 Salt Lake City, UT 84101 801-355-3479 www.equalityutah.org
VERMONT	Vermont Freedom to Marry Task Force P.O. Box 481 South Hero, VT 05486 802-388-2633 www.vtfreetomarry.org
VIRGINIA	Equality Virginia 6 North 6th Street, Suite 401 Richmond, VA 23219 804-643-4816 www.equalityvirginia.org
WASHINGTON	Equal Rights Washington 1115 E. Pike Street Seattle, WA 98122 206-324-2570 www.equalrightswashington.org

Freedom to Marry State Partners

WISCONSIN	Action Wisconsin 122 State St, Ste 309 Madison, WI 53703 608-441-0143 www.actionwisconsin.org LGBT Center Advocates / Milwaukee LGBT Center 315 W. Court St Milwaukee, WI 53212 414-271-2656 www.mkelgbt.org
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FORMATTED FOR EASY PRINTING

What do the election results mean for the movement toward marriage equality?

By EVAN WOLFSON , Freedom to Marry, November 03, 2004

Some initial reflections...

The White House

A divided America went to the polls and it appears that George W. Bush has won this very close race. Bush will now have a third chance to fulfill his claimed desire to be "a uniter, not a divider" – a chance he squandered following his accession to power amidst divisions in 2000 and, again, following the surge of national unity post-September 11, when he chose to conduct his first term as the most deliberately divisive president in American history.

During the campaign, Bush embraced an unprecedented assault on the Constitution for political purposes, becoming the first president to call for amending our nation's most precious document so as to take rights away from a group of Americans. His campaign operatives also unleashed a state-by-state campaign of attacks on gay families to deny marriage rights and roll back other legal protections for same-sex couples and unmarried heterosexuals (more on this below). He willfully blurred the line between religious *rites* of marriage, properly up to each house of worship without government interference, and the legal *right* to marry, which government should assure with equality to all.

And yet despite this cruel strategy, in the closing days of the campaign Bush pointedly distanced himself from his own party's sweepingly anti-gay platform and, sincerely or not, declared **his support for civil unions** and other legal protections short of equality in marriage for gay Americans.

"I don't think we should deny people rights to a civil union, a legal arrangement, if that's what a state chooses to do."

- George W. Bush, interviewed by ABC's Charles Gibson (10/24/2004)

Most analysts read this as a testament to the powerful momentum toward ending discrimination against gay people and their families furthered by the marriage debate, and an indication of where the center of the country is in its movement toward equality.

Will Bush, his allies and operatives, and his base continue their attacks on gay people and the state constitutions, or move to reduce or end discrimination against Mary Cheney and America's other gay sons and daughters? Time will tell.

State-by-state attacks

It appears that the right-wing's fierce onslaught on gay families, which in 2004 took the form of over a dozen attack amendments to state constitutions, was unstoppable in the short term. On November 2, eleven states ratified amendments barring the right to marry and, in eight of the measures, any other legal protections for their same-sex couples, unmarried heterosexuals, and their children.

Painful as these discriminatory measures will be for families and those who love them in these states; for businesses who recognize that discrimination undermines the ability to create productive and competitive workplaces; and for our nation, once again made a house divided by the opponents of civil rights equality, they will not stop our advance toward marriage equality.

Here are a few key points to keep in mind:

- Thirty-eight years ago **Martin Luther King, Jr.** spoke about what some described as a "backlash" against the civil rights movement.

"There really is no white backlash, because that gives the impression that the nation had decided it was going to solve this problem and then there was a step back because of developments in the civil rights movement. Now, the fact is that America has been backlashing on the civil rights question for centuries now... The backlash is merely the surfacing of prejudices, of hostilities, of hatreds and fears that already existed and they are just now starting to open."

- Dr. Martin Luther King, Jr., "Seventh Annual Gandhi Memorial Lecture," Howard University, Washington, D.C., (11/6/1966)

What we saw on November 2nd. was no "backlash." As our civil rights movement works to end discrimination, we are in a struggle with today's opponents of equality, who do not believe in an America where all have equality under the law; a place where differences, liberty, and the pursuit of happiness are respected for all; a nation that honors the separation of church and state; a country that sees men and women as equal and equally able to build lives with the partner of their choice. That struggle will not be won (or lost) overnight.

- In fact, despite the expected defeats in these eleven battles, we are winning the struggle. As I wrote a month before the election, we can't expect to win in every state simultaneously – no civil rights movement in American ever has. Exit polls yesterday showed 60% of the American people now support marriage equality or civil unions, an astonishing increase from just a decade ago. And as long as we continue to advance and secure the freedom to marry in more states, our critical task in the months ahead, **wins trump losses**.

- Though our opponents were attacking gay people's right to marry and legal equality, our side in most of these battles did not have the resources and time to really talk about gay lives and marriage rights in

humanizing ways. We can't be surprised to have taken these losses; in some ways we hadn't yet begun to fully engage in these states, and didn't give the fair-minded middle a chance to take a deep breath, hear the stories and see the faces of the real families affected by anti-gay discrimination, think it through, and embrace the need for change to end discrimination. Where we came closest to mounting that kind of engaged campaign, in Oregon, we came closest to winning.

This necessary discussion that will move the middle can start now in all fifty states, including those waking up to a loss today. Building on what we were able to achieve in the short-term electoral campaigns, we can engage in a true campaign of winning hearts and minds... and thus, from Ohio to Oregon, from Michigan to Mississippi, prove that we know how to **lose forward** as well as win.

- It isn't over in any state; our work has just begun. If we can move even George Bush to profess support for civil unions – something that didn't even exist five years ago – we can surely continue to move the middle toward fairness. (For example, in Massachusetts yesterday pro-equality candidates won, voters having had a chance to see the reality of marriage equality and embrace it.) In all fifty states, including many where we were temporarily outmatched this time, we can push past attacks to talk about our families and fairness and thus bring on buyer's remorse. (For example, see last night's repeal of the anti-gay ballot measure in Cincinnati, where voters had a chance to experience discrimination and came to reject it.) **The key is to engage, not surrender.**

What comes next?

In the months ahead, the marriage equality movement – gay and non-gay organizations working through diverse methodologies (outreach, alliance-building, discussion, litigation, legislation) in many states as well as nationally – has to do the following:

- **Continue to secure marriage equality in more states**, alongside Massachusetts, Canada, and other leading democracies in Europe and other parts of the world
- **Repel anti-gay attacks, whether at the state or national level**, whether in the form of bad laws or dangerous constitutional amendments
- **Contest the appointment of judges not committed to equality for all**, and defend the independence of the courts whose constitutional role is to stand up against the prejudices of even the majority and the passions of the moment
- **Continue to speak to and reach out to more non-gay allies...** and **especially youth**, who are on our side -- and enable them to find their voice and vote

During the first Bush term -- even with Republican control of Congress, reckless assaults on the courts and gay people, and an unprecedented attempt to polarize

Americans along religious lines for political purposes – even amidst all that, we won the right to marry in Massachusetts and a Supreme Court ruling, written by a Reagan appointee, that the day of the "gay exception" to equality is over. In a second Bush term, whatever our opponents do, we can and will win, if we engage.

Our battle is here, it's not going away, the time is now, and the truth shall set us -
- and our nation -- free.

EXIT QUESTION

"Which comes closest to your view of gay and lesbian couples?"

(In the sample, 3% self-identified as gay, lesbian, or bisexual; 97% did not.)

- They should be allowed to legally marry: 25% (of which 76% voted for Kerry, and 22% for Bush, 1% for Nader);
- They should be allowed to legally form civil unions, but not marry: 35% (of which 47% voted for Kerry, 52% for Bush, 0% for Nader);
- There should be no legal recognition of their relationships: 36% (of which 29% voted for Kerry, 70% for Bush, 0% for Nader)

- **Conducted by Edison/Mitofsky** for ABC, the Associated Press, CBS, CNN, Fox, and NBC News.

More articles and analysis about the 2004 election.

[Home](#)

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ASK EVAN WOLFSON: [Why should I be for 'gay marriage'](#)



Religious Institute on Sexual Morality, Justice, and Healing
www.religiousinstitute.org

AN OPEN LETTER TO RELIGIOUS LEADERS ON MARRIAGE EQUALITY

As religious leaders, we are committed to promoting the well-being and moral and spiritual integrity of persons and society. Today, we are called to join the public discussion about marriage equality. There are strong civil liberties arguments for ending the exclusion of same-sex couples from the legal institution of marriage. Here we invite you to consider **religious foundations** for securing the freedom to marry for same-sex couples. Marriage equality is about more than gaining equal access to the legal protections and responsibilities of marriage. It raises fundamental questions about justice and power, intimate relationships, sexuality and gender, respect for diverse families, and the role of religion as well as the state in these matters.



AFFIRMING SEXUALITY AND THE CENTRALITY OF RELATIONSHIP

Our religious traditions celebrate that humans are created in and for relationship and that sexuality is God's life-giving and life-fulfilling gift. We affirm the dignity and worth of all persons and recognize sexual difference as a blessed part of our endowment. There can be no justification for discrimination on the basis of sexual orientation or gender identity. As religious leaders, we believe that **all** persons have the right to lead lives that express love, justice, mutuality, commitment, consent and pleasure, including but not limited to civil and religious marriage.



AFFIRMING MARRIAGE AND FAMILY

From a religious perspective, marriage is about entering into a holy covenant and making a commitment with another person to share life's joys and sorrows. Marriage is valued because it creates stable, committed relationships; provides a means to share economic resources; and nurtures the individual, the couple, and children. Good marriages benefit the community and express the religious values of long-term commitment, generativity, and faithfulness. In terms of these religious values, there is no difference in marriages between a man and a woman, two men, or two women. Moreover, as our traditions affirm, where there is love, the sacred is in our midst.



ALWAYS REFORMING

Marriage is an evolving civil and religious institution. In the past, marriage was primarily about property and procreation whereas today the emphasis is on egalitarian partnership, companionship, and love. In the past, neither the state nor most religions recognized divorce and remarriage, interracial marriage, or the equality of the marriage partners. These understandings changed, and rightly so, in greater recognition of the humanity of persons and their moral and civil rights. Today, we are called to embrace another change, this time the freedom of same-sex couples to marry.



SCRIPTURE AND TRADITION

The biblical call to justice and compassion (love neighbor as self) provides the mandate for marriage equality. Justice as right relationship seeks both personal and communal well-being. It is embodied in interpersonal relationships and institutional structures, including marriage. Justice seeks to eliminate marginalization for reasons of race, gender, sexual orientation, or economic status.

We find support for marriage equality in scripture and tradition in their overriding messages about love, justice, and inclusion of the marginalized. Even so, we cannot rely exclusively on scripture for understanding marriage today. For example, biblical texts that encourage celibacy, forbid divorce, or require women to be subservient to their husbands are no longer authoritative. At the same time, there are also many biblical models for blessed relationships beyond one man and one woman. Indeed, scripture neither commends a single marriage model nor commands all to marry, but rather calls for love and justice in all relationships.



MARRIAGE EQUALITY SUPPORTS STRONG FAMILIES

In our nation, families take many forms. All families should be supported in building stable, empowering, and respectful relationships. Marriage equality is a means to strengthen families and is especially beneficial to children raised by same-sex couples. The state should not deny same-sex couples access to civil marriage. Many such couples are in long-term committed relationships and yet remain without legal and, in many cases, religious recognition. Conversely, because the emotional and spiritual bond of marriage is precious, the state should not compel anyone to marry (e.g., in order to qualify for public assistance).



RELIGIOUS PLURALISM

The United States is one of the most diverse religious countries in the world. No single religious voice can speak for all traditions on issues of sexuality and marriage, nor should government take sides on religious differences. Therefore, religious groups must have the right to discern who is eligible for marriage in their own tradition. In addition, all clergy should be free to solemnize marriages without state interference. We also note that many religious traditions already perform marriages and unions for same-sex couples. We call on the state neither to recognize only certain religious marriages as legal nor to penalize those who choose not to marry. The benefits and protections offered by the state to individuals and families should be available according to need, not marital status. The best way to protect our nation's precious religious freedom is to respect the separation of church and state when it comes to equality under the law.



A HIGHER STANDARD

We call on religious and civic leaders to promote good marriages based on responsibility, equity, and love, without restrictions based on the biological sex, procreative potential, or sexual orientation of the partners.

Good marriages:

- are committed to the mutual care and fulfillment of both partners
- increase the capacity of the individuals to contribute to the common good
- assure that all children are wanted, loved, and nurtured
- are free of threats, violence, exploitation, and intimidation.



IN CLOSING

The faiths we affirm challenge us to speak and act for justice for all who seek to express their love in the commitment of marriage. Some people of faith differ with us; others may be undecided. To each and all, we reach out and seek to promote what is best for individuals, couples, families, children, and society. Our commitment is not only for the legal rights of some, but relational justice for all.

The Open Letter was developed at a colloquium of theologians sponsored by the Religious Institute on Sexual Morality, Justice, and Healing and funded by Freedom to Marry. Participants included Rabbi Dr. Rebecca Alpert, Temple University; Rev. Steve Clapp, Christian Community; Rev. Marvin Ellison, Bangor Theological Seminary; Rev. Dr. Larry Greenfield, Protestants for the Common Good; Rev. Debra W. Haffner, Religious Institute; Dr. Mary Hunt, WATER; Rev. Barbara Lundblad, Union Theological Seminary; Rev. Michael Schuenemeyer, United Church of Christ Wider Church Ministries; Rev. Dr. Traci West, Drew University.

The Open Letter was funded by a grant from Freedom to Marry. For ideas on how clergy can actively promote marriage equality, see the Action Kit, www.freedomtomarry.org/taking_action.asp



RELIGIOUS SUPPORT FOR MARRIAGE EQUALITY

Many denominations are considering their policies on holy unions and the legal right to marry. As of fall 2004:

- Several religious denominations have endorsed their clergy performing commitment or union ceremonies for same sex couples. These include the Central Conference of American Rabbis (Reform Judaism), the Ecumenical Catholic Church, Ohalah, Alliance for Jewish Renewal, the Reconstructionist Rabbinical Association, the Unitarian Universalist Association and the Universal Fellowship of Metropolitan Community Churches.
- The United Church of Christ, the American Baptist Churches, the Christian Church (Disciples of Christ), and various Quaker groups leave the decision to perform same sex unions to their clergy, congregations, or local governing bodies. The Presbyterian Church (USA) and the Episcopal Church in the United States of America allow their clergy to bless same sex unions, if their clergy do not call them marriage.
- Several denominations have endorsed the rights of same sex couples to legally marry and/or opposed federal and state efforts to deny marriage equality.
- In 1996, the Unitarian Universalist Association passed a resolution in support of marriage equality. The same year, the Central Conference of American Rabbis passed a resolution supporting the "right of gay and lesbian couples to share fully and equally in the rights of civil marriage." The Executive Council of the United Church of Christ in April 2004 affirmed "equal rights for all couples who seek to have their relationships recognized by the state." Other religious organizations that either support civil marriage for same sex couples and/or who are on record opposing the denial of equal rights to same sex couples include the American Friends Service Committee, Dignity USA, Ecumenical Catholic Church, Interfaith Working Group, Presbyterian Church (USA), Reconstructionist Rabbinical Association, and the Universal Fellowship of Metropolitan Churches.
- More than 2250 religious leaders have endorsed the Religious Declaration on Sexual Morality, Justice, and Healing, which calls for full inclusion of sexual minorities, including their ordination and performance of same sex unions.
- More than 4000 religious leaders have endorsed the marriage resolution sponsored by Freedom to Marry.

Religious Institute on Sexual Morality, Justice, and Healing

304 Main Avenue, # 335
Norwalk, CT 06851

www.religiousinstitute.org

Freedom to Marry Re-granting Grid

Re-grant	Category	Description	Anticipated Impact	Actual Impact	Anticipated Amount	Actual Amount
2003-A GLAD	Massachusetts	Marriage Initiative	Public education efforts around litigation leading to Supreme Judicial Court ruling for marriage equality.	Historic SJC decision required marriage licenses for same-sex couples; unprecedented state, regional, and national media coverage.		\$51,000
2003-B CT-MA Joint Polling Project	Connecticut; Massachusetts	Polling	Public education and increased support through promulgation of positive poll findings in both states.	Outstanding earned media based on very positive findings. MA SJC ruled for marriage equality; narrow loss in first constitutional convention. CT legislature did not take up anti-marriage legislation.		\$28,750
2003-C PFLAG Bergen County	New Jersey	Polling	Public education and increased support through promulgation of positive poll findings.	Exemplary earned media was achieved around outstanding poll findings. Legislature passed historic domestic partnership law.		\$15,000
2003-D Lambda Legal	New Jersey	Marriage Project	Public education through statewide series of town hall meetings and resulting earned media.	Town hall meetings took place in ten communities statewide with more than 5000 in attendance. Outstanding earned media in all markets		\$50,000

Freedom to Marry Re-granting Grid

Re-grant	Category	Description	Anticipated Impact	Actual Impact	Anticipated Amount	Actual Amount
2003-E California Freedom To Marry Coalition	California	Non-gay, Religious and POC Recruitment	Recruitment of significant religious and people of color organizations to the California Coalition for the Freedom to Marry. Informal reason: Staff support for Sylvia Rhue, who is a significant African- American voice in the movement.	and media. Recruited three new people of color organizations, three new religious organizations, and two new non-gay progressive organizations with a third pending. Sylvia Rhue helped give leadership to founding of National Black Justice Coalition.		\$25,000
2003-F Marriage Equality California	California	Fund Raising Capacity Seed Funds	Support for start-up banking, credit card processing, and online donation fees.	All anticipated capacities were set up.		\$930
2003-G Claiming the Blessing	Religious – National	Training within the Episcopal Church USA for use of blessing for same-sex couples	Regional trainings on the use of new liturgical blessing for same-sex couples that includes significant messaging around the need for legal marriage equality.	Report pending.		\$15,000
2004-A Lambda Legal	New Mexico	Polling	Public education and increased support through promulgation of positive poll findings.	Poll findings were positive and spurred greater organizing in the state. Report from grantee is pending on earned media campaign.		\$14,950

Freedom to Marry Re-granting Grid

Re-grant	Category	Description	Anticipated Impact	Actual Impact	Anticipated Amount	Actual Amount
2004-B Religious Institute	Religious; Non-gay – National	Open Letter to Religious Leaders on Marriage Equality	Development and promulgation of new organizing and public education tool for use with non-gay clergy.	The open letter was developed and released with national web exposure and some newspaper coverage. In the first three months of its use more than 325 religious leaders signed the letter, 2/3 of whom are new to the freedom to marry movement. Contact info for these leaders will be made available to state organizers nationally in an ongoing fashion.		\$30,000
2004-C Basic Rights Oregon	Oregon	Polling and Communications Staff Support	Emergency regrant to help with polling project and to help provide a communications professional to handle unanticipated press surrounding legal battles in Oregon.	Report pending.		\$10,000

Freedom to Marry Re-granting Grid

Re-grant	Category	Description	Anticipated Impact	Actual Impact	Anticipated Amount	Actual Amount
2004-D Coalition for Equality NM	New Mexico	Merger Facilitation	Seed money to provide facilitator and support for extant staff in support of merger between Coalition for Equality New Mexico and Basic Rights New Mexico into a new, stronger group with marriage equality as its prime focus.	The merger has taken place. The whole tenor of the LGBT community and its work for marriage equality in NM has been positively affected. Volunteers and donors are less frustrated with competition, press and legislators are seeing a more united front.		\$15,000
2004-E LLEGÓ	Latina/o – National	Polling	Data will be gathered from national poll on baseline Latina/o opinions on marriage equality. Focus groups will provide insight on messages that work with Latina/os. Earned media around positive results.	Baseline poll numbers were slightly better than anticipated. Focus groups showed a high success rate with messages that humanize marriage equality and same sex couples and address the silence in the community about sex in general and homosexuality specifically.		\$25,000

Freedom to Marry Re-granting Grid

Re-grant	Category	Description	Anticipated Impact	Actual Impact	Anticipated Amount	Actual Amount
2004-F Freedom to Marry Foundation (MA)	Religious – Massachusetts	Project Wedding March – organizing people faith to speak for marriage equality	Religious Coalition for the Freedom to Marry will be empowered to hire its first staff person, clergy will be recruited to the coalition from outside Boston and utilized in public education earned media campaign.	Report pending.		\$25,000
2004-G California Freedom to Marry Coalition	California	Non-gay, Religious and POC Recruitment		Five new people of color organizations, five new religious organizations, and five non-LGBT organizations were recruited to the coalition. In addition, an unanticipated colloquy of African-American religious leaders was held.		\$25,000

Freedom to Marry Re-granting Grid

Re-grant	Category	Description	Anticipated Impact	Actual Impact	Anticipated Amount	Actual Amount
2004-H Federation Summit	Support for Multiple States	Summit of state leaders to plan pro- active marriage strategies	Staff leadership of 35 state LGBT organizations met to create strategic plans for their individual states' affirmative advances in light of challenges created by the proposed federal constitutional amendment, anti- marriage amendments and ballot initiatives.	State leaders created individual strategic plans for their states and also benefited greatly from learning pro- active, pro-marriage messages that work with their diverse communities.		\$25,000
2004-I National Black Justice Coalition	African- American -- National	Seed funding for organization created to enlist and employ African-American voices in favor of marriage equality	First staff person will be hired; initial office will be set up.	Alexander Robinson was hired as Strategic Director and basic office operations were set up.		\$25,000
TOTAL 2003-2004						\$355,630

Freedom to Marry Re-granting Grid

Re-grant	Category	Description	Anticipated Impact	Actual Impact	Anticipated Amount	Actual Amount
2004-J UCC Coalition For LGBT Concerns	Religious – National	General Synod 2005 Education and Organizing Project	LGBT advocacy organization within the United Church of Christ will provide train-the- trainer events and will train advocates around the country to work for passage of an endorsement of full legal marriage equality by General Synod in May, 2005.	Report pending.		\$25,000
2004-K Public Interest	Youth – National	Equal Marriage Rights Television Ad Campaign	Public Interest, will produce cutting edge ads for pro bono placement on MTV designed to stimulate young people's thinking about marriage equality and drive them to a website for more information on the issue in advance of the November, 2004 election. Freedom to Marry will help design the site and provide content.	Report pending.		\$25,000

Freedom to Marry Re-granting Grid

Re-grant	Category	Description	Anticipated Impact	Actual Impact	Anticipated Amount	Actual Amount
2004-L National Conference for Community and Justice	Non-Gay – National	Internal Marriage Equality Advocacy	Staff leaders will build internal understanding of marriage equality and develop a three-year strategy to address marriage equality issue nationally and regionally through education, advocacy and dialogue.			\$25,000
2004-M Empire State Pride Agenda	New York	Marriage Equality Public Education Campaign through Director of Organizing	ESPA will hire a Director of Organizing to implement a statewide multi- disciplinary, multi- community public education campaign for marriage equality.			\$65,000
2004-N National Black Justice Coalition	African- American – National	Community Development Meeting	NBJC will convene a colloquy of national African-American leaders to educate them about the need for marriage equality, urge all to fight anti-gay laws and amendments, and move as many as possible to full support for marriage equality.	Significant groundwork has been done to develop relationships in advance of this meeting, which justifies the rather high staff support section of the regrant. Report pending.		\$25,000

Freedom to Marry Re-granting Grid

Re-grant	Category	Description	Anticipated Impact	Actual Impact	Anticipated Amount	Actual Amount
2004-O EyeBright	African-American and Latina/o - National	Ending Homophobia/Marriage Equality Trainings in POC Church Settings	Train-the-trainer and series of 21 community-organizing trainings and meetings designed as educational workshops regarding the issue of homophobia and same-sex marriage in communities of color.			\$25,000
2004-P Basic Rights Education Fund	Non-gay - Oregon	Radio and TV Public Education Advertising Campaign	Regrant will cover production of ads for public education campaign for which they have raised most of the money to support a comprehensive media buy.			\$25,000
2004-Q Northwest Women's Law Center	Washington State	Public Education through Town Hall Meetings, Media	Regrant will support message development, media relations, community building and coalition building activities to aid progress of law suit.		\$25,000	
2004-R Institute for Gay and Lesbian Strategic Studies	Non-gay - California, Michigan, New York	Training LGBT Leaders to Recruit and Retain Non-gay Volunteers	IGLSS will develop and roll out demonstration trainings.			\$25,000
2004-S	Connecticut,	Economic Studies on	Studies will be done in			\$15,000

Freedom to Marry Re-granting Grid

Re-grant	Category	Description	Anticipated Impact	Actual Impact	Anticipated Amount	Actual Amount
Institute for Gay & Lesbian Strategic Studies	Massachusetts, New Mexico	the Impact of Marriage Discrimination	the four states and earned media campaigns rolled-out around the findings.			
2004-1 Action Wisconsin	Wisconsin	Public Education Materials	Brochure	Brochure was produced that has become the template for others produced around the country.		\$1272
2004-2 Marriage Equality California	California	Support for Public Education Rally	Earned media through rally in Sacramento.	Excellent earned media in Sacramento and surprisingly positive media in other places in Northern California.		\$1000

Freedom to Marry Re-granting Grid

Re-grant	Category	Description	Anticipated Impact	Actual Impact	Anticipated Amount	Actual Amount
2004-3 PFLAG Seattle	Washington	Advertising in Support of Town Hall Meeting	Newspaper ad in advance of meeting.	More than 300 people attended this public education event and several thousands were reached with message via ad.		\$500
2004-5 Center for L&G Studies in Religion and Ministry, PSR	African-American – Illinois	Chicago African-American Ministers' Roundtable	Provide facilitator for colloquy of African-American ministers.	Discussions educated ministers about the need for marriage equality, urged them to fight anti-marriage laws and amendments, and urged them to take a pro-active stand for marriage equality. This meeting provided a template for future meetings of this kind.		\$1200
2004-* National Black Justice Coalition	African-American – National	Advertising in African-American newspapers	Educate African-Americans about the effect of marriage discrimination on African-Americans in same sex relationships	Ads were run in 23 African-American newspapers in 12 markets nationwide.		(\$25,000 this was not a regrant per se, but a routed gift from a donor solicited for this purpose by Evan.)

Freedom to Marry Re-granting Grid

Re-grant	Category	Description	Anticipated Impact	Actual Impact	Anticipated Amount	Actual Amount
TOTAL 2003-2004 YTD					\$25,000	\$284,000

**IV. Selected News Articles /
Op-Eds / Speeches**



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Evan Wolfson gives Lavender Law keynote address in Minneapolis

By EVAN WOLFSON , Freedom to Marry, October 04, 2004

September 30, 2004 speech to the National Lesbian & Gay Law Association's "Lavender Law" conference, NLGLA's annual gathering of attorneys, legal academics, and law students.

Marriage Equality and Some Lessons for the Scary Work of Winning

America in a Civil Rights Moment

One of the good things about my job is I have plenty of time on planes and trains in which to read.

Right now I'm reading the Library of America's anthology, *Reporting Civil Rights*. In two volumes, they've collected the journalism of the 1940's, '50's, '60's, and '70's, describing the blow by blow, the day to day, of what the struggles of those years felt and looked like... before those living through that moment knew how it was going to turn out.

Exhilarating, empowering, appalling, and scary.

That's what a civil rights moment feels like when you are living through it – when it is uncertain and not yet wrapped in mythology or triumphant inevitablism.

This year our nation celebrated the 50th anniversary of *Brown v. Board of Education*.

But what followed *Brown* was not the sincere and insincere embrace it gets today, but – in the words of the time –

- legislators in a swath of states declaring "massive resistance"
- billboards saying "Impeach Earl Warren," the then-Chief Justice who wrote the decision
- members of Congress signing resolutions denouncing "activist judges" (sound familiar?)
- and, of course, the marches, Freedom Rides, organizing summers, engagement, hard work, violence, legislation, transformations... pretty much everything we today think of as the civil rights movement – all

after *Brown*.

America is again in a civil rights moment, as same-sex couples, their loved ones, and non-gay allies struggle to end discrimination in marriage. A robust debate and numberless conversations are helping our nation (in Lincoln's words) "think anew" about how we are treating a group of families and fellow citizens among us. Today it is gay people, same-sex couples, LGBT individuals and their loved ones and non-gay allies – we – who are contesting second-class citizenship, fighting for our loved ones and our country, seeking inclusion and equality – and it is scary as well as thrilling to see the changes and feel the movement.

How can we get through this moment of peril and secure the promise?

There are lessons we can learn from those who went before us... for we are not the first to have to fight for equality and inclusion. In fact, we are not the first to have to challenge discrimination even in *marriage*.

The Human Rights Battlefield of Marriage

You see, marriage has always been a human rights battleground on which our nation has grappled with larger questions about what kind of country we are going to be –

- questions about the proper boundary between the individual and the government;
- questions about the equality of men and women;
- questions about the separation of church and state;
- questions about who gets to make important personal choices of life, liberty, and the pursuit of happiness.

As a nation, we have made changes in the institution of marriage, and fought over these questions of whether America is committed to both equality and freedom – in at least four major struggles in the past few decades:

- We ended the rules whereby the government, not couples, decided whether they should remain together when their marriages had failed or become abusive. Divorce transformed the so-called "traditional" definition of marriage from a union based on compulsion to what most of us think of marriage today – a union based on love, commitment, and the choice to be together and care for one another
- We ended race restrictions on who could marry whom, based on the traditional "definition" of marriage, defended as part of God's plan, seemingly an intractable part of the social order of how things have to be
- We ended the interference of the government in important personal decisions such as whether or not to procreate, whether or not to have sex without risking a pregnancy, whether or not to use contraceptives – even within marriage
- And we ended the legal subordination of women in marriage – and

thereby transforming the institution of marriage from a union based on domination and dynastic arrangement to what most of us think of it as today – a committed partnership of equals.

Yes, our nation has struggled with important questions on the human rights battlefield of marriage, and we are met on that battlefield once again.

Patchwork

As in any period of civil rights struggle, transformation will not come overnight. Rather, the classic American pattern of civil rights history is that our nation goes through a period of what I call in my book, *Why Marriage Matters*, "patchwork."

During such patchwork periods, we see some states move toward equality faster, while others resist and even regress, stampeded by pressure groups and pandering politicians into adding additional layers of discrimination before – eventually – buyer's remorse sets in and a national resolution comes.

So here we are in this civil rights patchwork. On the one hand, as the recent powerful and articulate rulings by courts in Washington and New York states demonstrated in the past few weeks, several states *are* advancing toward marriage equality, soon to join Massachusetts in ending discrimination and showing non-gay Americans the reality of families helped and no one hurt.

Meanwhile, on the other hand, as many as a dozen states targeted by opponents of equality as part of their own ideological campaign and for their political purposes could enact further *discriminatory* measures this year, compounding the second-class citizenship gay Americans already endure.

These opponents – anti-marriage-equality, yes, but also, anti-gay, anti-women's equality, anti-civil-rights, anti-choice, and anti-separation-of-church-and-state – are throwing everything they have into this attack campaign because they know that if fair-minded people had a chance to hear the stories of real families and think it through, they would move toward fairness, as young people already have in their overwhelming support for marriage equality.

Most important, as Americans –

- see the faces and hear the voices of couples in San Francisco,
 - witness the families helped and no one hurt in Massachusetts and digest the reassuring way in which marriage equality is already finding acceptance there after just a few months,
 - engage in conversations in every state and many families, chats with people like us and non-gay allies
- hearts and minds are opening and people are getting ready to accept, if not necessarily yet fully support, an end to discrimination in marriage.

The Union a House Divided

In past chapters of civil rights history unfolding on the battlefield of marriage, this conversation and this patchwork of legal and political struggles would have proceeded in the first instance – and over quite some time – in the *states*, without federal interference or immediate national resolution.

That's because historically, domestic relations, including legal marriage, have under the American system of federalism been understood as principally (and almost entirely) the domain of the states. 1

States worked out their discrepancies in who could marry whom under the general legal principles of comity, reflecting the value of national unity. The common-sense reality that it makes more sense to honor marriages than to destabilize them was embodied in the relevant specific legal principle, generally followed in all states – indeed, almost all jurisdictions around the world – that a marriage valid where celebrated will be respected elsewhere, even in places that would not themselves have performed that marriage.

States got to this logical result not primarily through legal compulsion, but through common sense – addressing the needs of the families and institutions (banks, businesses, employers, schools, etc.) before them. Eventually a national resolution came, grounded, again, in common sense, actual lived-experience, and the nation's commitment to equality, constitutional guarantees, and expanding the circle of those included in the American dream.

But when it comes to constitutional principles such as equal protection – and, it now appears, even basic American safeguards such as checks-and-balances, the courts, and even federalism – anti-gay forces believe there should be a "gay exception" to the constitutions, to fairness, and to respect for families. Inserting the federal government into marriage for the first time in U.S. history, *our opponents* federalized the question of marriage, prompting the passage of the so-called "Defense of Marriage Act" (DOMA) in 1996.

This federal anti-marriage law creates an un-American caste system of first and second class marriages. If the federal government likes whom you marry, you get a vast array of legal and economic protections and recognition – ranging from Social Security and access to health care, to veterans benefits and immigration rights, to taxation and inheritance, and a myriad of others (in a 2004 report the GAO identified 1138 ways in which marriage implicates federal law). Under so-called DOMA, if the federal government doesn't like whom you married, this typically automatic federal recognition and protection are withdrawn in all circumstances, no matter what the need.

The federal anti-marriage law also purported to authorize states not to honor the lawful marriages from other states (provided those marriages were of same-sex couples) – in defiance of more than two hundred years of history in which, as I said, the states had largely worked out discrepancies in marriage laws among themselves under principles of comity and common sense, as well as the constitutional commitment to full faith and credit.

When this radical law was first proposed, some of us spoke up immediately saying it was unconstitutional – a violation of equal protection, the fundamental right to marry, federalist guarantees such as the full faith and credit clause, and limits on Congress's power. Ignoring our objections, our opponents pressed forward with their election-year attack.

Now they concede the unconstitutionality of the law they stampeded through just eight years ago, and are seeking an even more radical means of assuring gay people's second-class citizenship, this time through an assault on the U.S. Constitution itself, as well as the constitutions of the states. 2

Because they do not trust the next generation, because they know they have no good arguments, no good reason for the harsh exclusion of same-sex couples from marriage, our opponents are desperate to tie the hands of all future generations, and as many states as possible, now.

This patchwork – and especially the next few weeks and months – will be difficult, painful, even ugly, and we will take hits. Indeed, we stand to take several hits in the states where our opponents have thrown anti-gay measures at us in their effort to deprive our fellow-citizens of the information, the stories of gay couples to dispel stereotypes and refute right-wing lies, and the lived-experience of the reality of marriage equality. While it is especially outrageous that the opponents of equality are using constitutions as the vehicles for this division and wave of attacks on American families, in the longer arc, their discrimination will not stand.

Here are a few basic lessons we can cling to in the difficult moments ahead, to help us keep our eye on the prize of the freedom to marry and full equality nationwide, a prize that shimmers within reach.

Wins Trump Losses

Lesson number one – Wins Trump Losses

While we stand to lose several battles this year, we must remember that wins trump losses.

Wins trump losses because each state that ends marriage discrimination gives fair-minded Americans the opportunity to see and absorb the reality of families helped and no one hurt when the exclusion of same-sex couples from marriage ends. Nothing is more transformative, nothing moves the middle more, than making it real, making it personal – and seeing other states join Canada and Massachusetts will be the engine of our victory.

Losing Forward

Lesson number two – Even where we cannot win a given battle, we can still engage and fight so as to at least *lose forward*, putting us in a better place for the inevitable next battle.

Now let me say a little more about this idea of "losing forward." After all, as someone most famous for the cases I lost, I've built an entire career on it.

Losing forward is a way that all of us can be part of this national campaign, no matter what our state. Even the more challenged states, the states with the greater uphill climb, the states where we are most outgunned and under attack – even those of us in the so-called "red states" still have a pivotal part in this national movement and can make a vital contribution.

In every state – even those where we cannot win the present battle, but fight so as to lose forward – we have the opportunity to enlist more support, build more coalitions, and make it possible for more candidates and non-gay opinion-leaders to move toward fairness. All this contributes to the creation of the national climate of receptivity in which some states may cross the finish-line before others, but everyone can be better positioned to catch the wave that will come back to every state in this national campaign.

Work on the ground in Georgia, for example, can get us a Bob Barr speaking out against the constitutional amendment, or make districts safe for African-American leaders or "surprising" voices to speak out in support of marriage equality. Work in Michigan – while perhaps not enough to win this round – can still help enlist prominent labor or corporate leaders to our cause.

And, working together, this national chorus will indeed swell, with some states further along and all participating, until all are free.

Wins trump losses. As long as we repel a federal constitutional amendment and continue to see some states move toward equality, beating back as many attacks as possible and enlisting more diverse voices in this conversation, we will win.

Tell the truths

Lesson number three – tell the truths.

Now, the principal reason we are going to take hits this year and lose many, if not all of the state attacks in November is because our opponents are cherry-picking their best targets and depriving the reachable middle of the chance to be reached. They have more of a head-start, more money and more infrastructure through their mega-churches and right-wing partners... and fear-mongering at a time of anxiety is easy to do. And, of course, historically, it is difficult to win civil rights votes at the early stage of a struggle.

But, to be honest, there is another reason, too, that we will not do well in most of these votes this year. Quite simply, our engagement, our campaigns in almost all of these states – are "too little, too late." We are starting too late to have enough time to sway people to fairness... and we are giving them too little to think about to guide them there. We have to avoid that error in the next wave of battles we face next year, which means, from California to Minnesota, from Wisconsin to Maine, starting not too late, but now, and by saying the word truly on people's minds, doing it right.

Put another way, the country right now is divided roughly in thirds. One third supports equality for gay people, including the freedom to marry. Another third is not just adamantly against marriage for same-sex couples, but, indeed, opposes gay people and homosexuality, period. This group is against any measure of protection or recognition for lesbians and gay men, whether it be marriage or anything else.

And then there is the "middle" third – the reachable-but-not-yet reached middle. These Americans are genuinely wrestling with this civil rights question and have divided impulses and feelings to sort through. How they frame the question for themselves brings them to different outcomes; their thinking is evolving as they

grapple with the need for change to end discrimination in America.

What moves that middle?

To appeal to the better angels of their nature, we owe it to these friends, neighbors, and fellow citizens to help them understand the question of marriage equality through two truths:

Truth 1 – Ending marriage discrimination is, first and foremost, about couples in love who have made a personal commitment to each other, who are doing the hard work of marriage in their lives, caring for one another and their kids, if any. (Think couples like Del Martin & Phyllis Lyon who've been together more than fifty years.) Now these people, having in truth made a personal commitment to each other, want and deserve a legal commitment.

Once the discussion has a human story, face, and voice, fair-minded people are ready to see through a second frame:

Truth 2 – The exclusion of same-sex couples from marriage is discrimination; it is wrong, it is unfair, to deny these couples and families marriage and its important tangible and intangible protections and responsibilities. America has had to make changes before to end discrimination and unfair treatment, and government should not be denying any American equality under the law.

When we see lopsided margins in these votes, it means that under the gun in the first wave of electoral attacks, we have not as yet reached this middle. We can't be surprised *not* to win when in so many campaigns, and over so many opportunities to date (electoral campaigns and just month-to-month conversations), we have failed to give this middle third what they need to come out right.

When, in the name of "practicality" or advice from pollsters or political operatives, we fail to put forward compelling stories and explain the realities of what marriage equality does and does not mean, it costs us the one chance we have to do the heavy-lifting that moves people. *We wind up not just not winning, but not even losing forward.*

By contrast, consider how we lost forward in California.

In 2000, we took a hit, when the right-wing pushed the so-called Knight Initiative and forced an early vote on marriage. We lost the vote, but because there had been some, though not enough, education about our families and the wrong and costs of discrimination, polls showed that support for marriage equality actually rose after the election. And the very next year, activists pressed the legislature to enact a partnership law far broader than had been on the table in California before then. Our engagement over marriage continued, and within a couple years, legislators voted again, this time in support of an "all but marriage" bill, which takes effect this coming January. And California organizations and the national legal groups continue to engage for what we fully deserve – pursuing litigation in the California courts and legislation that would end marriage discrimination.

If we do our work right, making room for luck, we may see marriage in California, our largest state, as soon as next year.

To go from a defeat in 2000 to partnership and all-but-marriage in 2004 with the possibility of marriage itself in 2005 – that's called *winning*.

Generational Momentum

Lesson number four – remember, we have a secret weapon: death.

Or to put it more positively, we on the side of justice have generational momentum. Younger people overwhelmingly support ending this discrimination.

Americans are seeing more and more families like the Cheneys, and realizing, with increasing comfort, that we are part of the American family. The power of the marriage debate moves the center toward us, and as young people come into ascendancy, even the voting will change.

This is our opponents' last-ditch chance to pile up as many barricades as possible, but, again, as long as we build that critical mass for equality and move the middle, we win.

The Stakes

Why is it so important that we *now* all redouble our outreach, our voices, our conversations in the vocabulary of marriage equality?

- In part, because victory is within reach.
- In part, because we can and must move that middle now to make room for that generational momentum and rise to fairness.
- In part, because America is listening and allies are increasing.
- In part, because this is our moment of greatest peril.
- And, in part, because the stakes are so great.

What is at stake in this civil rights and human rights moment?

If this struggle for same-sex couples' freedom to marry were "just" about gay people, it would be important – for gay men and lesbians, like bisexuals, transgendered people, and our non-gay brothers and sisters – are human beings, who share the aspirations for love, companionship, participation, equality, mutual caring and responsibility, protections for loved ones, and choice.

Yes, if this struggle were "just" about gay people, it would be important, but it is not "just" about gay people.

If this struggle were "just" about marriage, it would be important, for marriage is the gateway to a vast and otherwise largely inaccessible array of tangible and intangible protections and responsibilities, the vocabulary in which non-gay people talk about love, clarity, security, respect, family, intimacy, dedication, self-sacrifice, and equality. And the debate over marriage is the engine of other advances and the *inescapable* context in which we will be addressing all LGBT needs, the *inescapable* context in which we will be claiming our birthright of equality and enlarging possibilities for ourselves and others.

Yes, if this struggle were "just" about marriage, it would be important, but it is not "just" about marriage.

What is at stake in this struggle is what kind of country we are going to be.

- Is America indeed to be a nation where we *all*, minorities as well as majorities, popular as well as unpopular, get to make important choices in our lives, not the government, or a land of liberty and justice only for some?
- Is America indeed to be a nation that respects the separation of church and state, where government does not take sides on religious differences, but rather respects religious freedom while assuring equality under the law, or a land governed by one religious ideology imposed on all?
- Is America to be a nation where two women who build a life together, maybe raise kids or tend to elderly parents, pay taxes, contribute to the community, care for one another, and even fight over who takes out the garbage are free and equal, or a land where they can be told by their government that they are somehow lesser or incomplete or not whole because they do not have a man in their lives?

All of us, gay and non-gay, who share the vision of America as a nation that believes that all people have the right to be both different and equal, and that without real and sufficient justification, government may not compel people to give up their difference in order to be treated equally – all of us committed to holding America to that promise have a stake in this civil rights/human rights struggle for the freedom to marry.

And if we see every state, every methodology, every battle, every victory, and even every defeat as part of a *campaign* – and if we continue to enlist non-gay allies and voices in this campaign, transforming it into a truly organic *movement* for equality in the grand American tradition,

- we will move the middle,
- we will lose forward where necessary,
- we will empower the supportive,
- and we will win.

We *are* winning.

There is no marriage without engagement.

Let's vote in November, get others to vote in November, and move forward in our work to win, working together, doing it right.

¹ *Hisquierdo v. Hisquierdo*, 439 U.S. 572, 581 (1979) ("[i]nsofar as marriage is within temporal control, the

States lay on the guiding hand"). As the Supreme Court explained in *De Sylva v. Ballentine*, 351 U.S. 570, 580 (1956): The scope of a federal right is, of course, a federal question, but that does not means its content is not to be determined by state, rather than federal law.... This is especially true when a statute deals with a familial relationship; there is no federal law of domestic relations, which is primarily a matter of state concern.

2 The first constitutional amendment to allow Congress to have authority over domestic relations was proposed (and rejected) in 1884. *Scherrer v. Scherrer*, 334 U.S. 343 (1948) (Frankfurter, J., dissenting). Through 1948, seventy similar amendments were proposed, prompted by a national debate (analogous to today's) over whether to allow civil divorce. All such proposals failed, and the states and Americans were properly given an opportunity to work out questions of marriage and interstate respect, while the federal government honored the lawful marriages (and divorces). See, e.g., Edward Stein, "Past and Present Proposed Amendments to the United States Constitution Regarding Marriage" *Issues in Legal Scholarship*, Single-Sex Marriage (2004): Article 1 (2004). And, after a period of conversation and experience, and generational shifts as the institution of marriage evolved, the U.S. Supreme Court clarified that lawful determinations as to marital status, through divorce, must be respected throughout the country. *E.g.*, *Cook v. Cook*, 342 U.S. 126 (1951).

[Home](#)

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ASK EVAN WOLFSON: [Why should I be for 'gay marriage'](#)

Making a case for marriage

Nigel Simon and Alvin Williams have good jobs, a nice home, a loving relationship and three thriving children. What they don't have - and are suing to get - is the right to marry.

By Stephanie Shapiro
Sun Staff

January 23, 2005

It was a minor miracle. Somehow, Kiran, Tiara, Alonzo and their parents awoke in time for the 8 a.m. service. They threw on their Sunday best, jumped into the minivan and drove the 20 minutes from their Upper Marlboro home to Covenant Baptist Church in Southwest Washington, D.C. Breathlessly, but with moments to spare, the family slides into a pew toward the front of the church.

The sanctuary is bright, and the service, filled with hymns and "holy hugs" among congregants, offers joyful possibilities for the new year. While their parents listen to the sermon and bow their heads in prayer, the three children, dressed neatly in sweaters and sneakers, draw pictures and play silently with electronic reading games. At the end of the service, the adults and the kids, games put away, split up to attend Sunday school classes.

By the time they reach home again, it's 11 a.m. and the gang is ravenous.

Kiran wants to go to the Red Lobster.

"Too bad," says his Daddy Al. "We're going to the Old Country Buffet."

Kiran is undaunted. From his spot across the living room, snuggled in his Daddy Nigel's lap, the 7-year-old repeats his appeal with a beguiling smile.

"You gotta job?" Daddy Al asks his son.

"Yeah," he replies. "Being a kid."

His parents, Alvin Williams and Nigel Simon, can't argue with that. When Kiran came into their lives at age 4, he didn't speak and hid in fear from them. At birth, he had been whisked away from a drug-dependent mother in Baltimore, and suffered abuse in his pre-adoptive home. He was labeled a "special needs" child. Three years later, Kiran's life is all about being a kid. A smart, second-grade kid flourishing under his adoptive parents' care.

Daddy Al, Daddy Nigel ("Da'Nigel" to the kids), Kiran, Alonzo, also 7, and Tiara, 8, half siblings who joined the family in July, pile yet again into the minivan, stocked with a forgotten fruit cup and Blues Clues video, and drive to the Red Lobster in Suitland, about 10 miles away. All so the kids can order

macaroni and cheese (slathered with ketchup by Kiran) and chicken fingers, the same delicacies found as easily and more cheaply at the Old Country Buffet.

It is one of those overcast Sunday afternoons when families must reckon with things that can no longer be put off: homework, laundry, the week ahead. But Williams, 50, and Simon, 35, appear genuinely unfazed. Tedium, they have come to realize, is as much a part of parenthood as elation. "I could not love these children any more if they were my own biological children," says Williams, a reed-slim man with intense, closely set eyes and a thoughtful demeanor.

The men and their children, Simon says, are bound to one another, just like the three black figures in the fabric sculpture that hangs in their home. Each figure, in African dress, holds the hands of the others in an intricate knot of love.

"That's what a family is," Simon says. He is a tall man with a wide open face and shoulder-length braids. "You have two black gay men raising three children. To others, it may seem odd; to us, it's our family," he says.

A family in limbo

That simple, if unconventional, idea has led these two men to become activists as well as parents.

In July, Simon and Williams became one of nine gay couples challenging the Maryland law that bars same-sex marriage. The plaintiffs are represented by the American Civil Liberties Union, which is working with the advocacy group Equality Maryland to educate the public and organize political support for the lawsuit.

Given cultural expectations for gay black men, Simon and Williams might be considered radicals simply because of the typical middle-class life they lead: preparing pancake breakfasts on Saturday mornings, driving kids to martial arts class, joining the PTO. "People are learning that what's stereotypical isn't us," Williams says.

With the welfare of their children at stake, though, Williams, a dentist in private practice, and Simon, a program manager for the U.S. Environmental Protection Agency, say it's not enough to dissolve stereotypes. "I want everything these kids are due," Williams says.

Without the right to marry, gay couples are excluded from hundreds of rights, benefits and responsibilities that heterosexual married couples share. If they could marry, the entire family would be entitled to Williams' military benefits as well as tax breaks, Social Security benefits and safeguards in case of a parent's injury or death. Without being married, their individual wills are subject to challenge from family members.

Although the two co-own their house and vehicles and share a bank account, every other measure they've taken to ensure legal protection has required two separate processes, Williams says. "In the eyes of the law, we're still two strangers," he says.

While permitted to adopt children in Maryland, gays and lesbians must also go through a "second-parent adoption" process that can be costlier and more time-consuming than the adoption procedure for married couples. The process also leaves children in limbo during the period before both parents share legal guardian status. That means Simon and Williams can expect a prolonged wait before the adoption of Tiara and Alonzo by both men is finalized. Until then, they are considered the children's foster parents.

Developing a bond

Before they met seven years ago, Simon and Williams, both products of the military, navigated their respective "don't ask, don't tell" worlds while searching for meaning in their personal lives. That in itself was a struggle.

"For a long time, I didn't want to be this way," Williams says of his homosexuality. He was married previously, and fathered a daughter.

They found each other at a discussion group in Washington for gay men. Williams had recently retired from a career as an Army dentist. Simon, at the time a military police specialist with the U.S. Army National Guard, was being treated at Bethesda National Naval Medical Center for a broken ankle incurred during a training exercise.

A friendship blossomed. "We developed a great bond. It wasn't just physical attraction or material," Williams says. "We talked a lot."

They took a couple of cruises together and fell in love. Within 10 months, they were living together.

As a couple, the two men devoted much of their free time to US Helping US, an HIV/AIDS service program that they still are involved in. The idea of adopting children didn't surface until they had been together for three years. "It wasn't, 'Let's have a family!' We had to figure out who we were first, whether we could live together in harmony," Williams says.

Simon, a Trinidad native who grew up in the Virgin Islands with his mother and stepfather, discovered that his partner was a neat freak. On the other hand, "I'm very carefree," he says.

For his part, Williams found that Simon refused to let him to go to bed angry if they argued.

Simon, Williams says, also helped him accept his identity as a gay man. "I would say he's given me the strength," he says. "I wasn't as out. I pretty much went with the flow. I wasn't quite the activist. I was not ashamed, I was reserved."

In 2000, the men celebrated their commitment with a holy union ceremony before friends and family. The two men exchanged gold bracelets, each decorated with an Ankh, the Egyptian symbol for physical and eternal life.

In 2001, Kiran came to live with the couple. When they registered him for school, he was placed in a special education class.

Kiran's new parents read to him, used a phonics teaching system to supplement classroom work, and made sure he had a tutor in his aftercare program. Within a year, Kiran was transferred out of the special ed class in one school and placed in a regular kindergarten class at another, Rosaryville Elementary School.

"We spent time working with him and praising him and loving him," Simon says. Now, "Kiran's at the top of his class. He's solid. All of his teachers are impressed. He's doing really, really well," he says of his son, who recently brought home a straight-A report card.

Simon learned a lot from Kiran as well.

"It has truly increased my level of patience. When dealing with children with special needs you can't expect immediate results," he says. "You need time."

Fighting stereotypes

As black men nurturing a family, Simon and Williams must confront a world rife with images of deadbeat dads, promiscuous players and otherwise irresponsible males, both gay and straight. With such powerful stereotypes informing social assumptions, shedding an undeserved reputation is as difficult as living with it.

"If you're black, everything escalates," Williams says. "I would think that a white person in the same situation would still have the same prejudice against them as we would. But the world would not look at them as harshly."

It angers Simon to think that he and his partner are deemed unfit to raise children. "Why is it [more] OK to grow up in a crack house with heterosexual parents than to have safety and security with homosexual parents?" he says.

Pauline Moore, a Baltimore foster care mother, met Williams and Simon after they adopted Kiran, who had lived in her home until he was 3. At the time of their visit, she was caring for Tiara and Alonzo as well. "I saw how they were with Kiran," says Moore, who has helped to raise 40 foster children. "They are good to him and took good care of him and they loved him. That's what children need nowadays, a lot of love."

When the ACLU began seeking gay couples to join its lawsuit, the couple eagerly stepped forward. "It's historic. We want to be a part of it, not sit on the sidelines," Williams says.

Simon says he once assumed that "things like marriage and having children were out of reality for me," he says. "[We want to] let people know it is a reality."

Intense opposition

Compared with the civil rights movement and women's struggle for equality, the drive to sanction gay marriage has progressed, in many areas, with lightning speed. Five years ago, the concept of civil unions was practically unknown. Now, gay marriage is permitted in the Netherlands and Belgium, and was recently endorsed by Canada's Supreme Court. The Massachusetts Supreme Court has upheld the right of gays and lesbians to marry, and San Francisco City Hall last year witnessed the union of thousands of gay couples - unions later voided by the California Supreme Court.

"Canada didn't crumble [as a result of the marriages]. The Netherlands didn't crumble. The United States is not going to crumble," Williams says.

Still, couples like Simon and Williams face fierce opposition to their desire to legally marry or head a family. Last year, President Bush announced his support for a constitutional amendment that would ban gay marriage. Last November, voters in 11 states approved gay marriage bans. This month, the U.S. Supreme Court declined to hear an appeal challenging Florida's ban on adoption by same-sex couples. Last week, a U.S. District judge, citing the 1996 Defense of Marriage Act, ruled against two Florida lesbians who wanted their Massachusetts marriage recognized in their own state.

In Maryland, a recent Sun poll found that 48 percent of likely voters object to civil unions for same-sex couples. During the legislative session just under way, opponents of same-sex unions in the Maryland

General Assembly plan to introduce a constitutional amendment banning gay marriage, as well as a measure that would bar same-sex couples from adopting children.

On Thursday, Defend Maryland Marriage, the Traditional Values Coalition, The Christian Coalition of Maryland and other anti-gay activist groups hope to draw thousands to a "Pro-Marriage Rally" in Annapolis. "We want to be perfectly clear. We do not hate those who live the homosexual lifestyle," reads a statement on Defend Maryland Marriage's Web site. "Those who would label the defenders of traditional marriage as homophobes or with any other mean spirited word should know that we love and pray for all men. It is due to that love that we find it our duty to defend families, children, and civil society as we know it."

Shifting tactics within the gay rights movement itself also have rattled gay marriage advocates. Williams and Simon say they were disappointed after last year's elections when the Human Rights Campaign, a national gay advocacy group, appeared to back off its strong, pro-marriage message. Unwilling to compromise on the marriage issue, the men consider any retrenchment a betrayal that leaves couples in their situation all the more vulnerable to an unsympathetic black community.

Critics and friends

Conservative black clergy and their congregations who consider homosexuality a sin played a pivotal role in last year's victories for gay marriage opponents.

In 2003, a national poll by the Pew Research Center for the People and the Press found that 60 percent of black respondents opposed gay unions. In December, Martin Luther King Jr.'s youngest child, Bernice King, led thousands of people in an Atlanta march against gay marriage.

In Maryland, Del. Emmett C. Burns Jr., a Democrat from Baltimore County and pastor of Rising Sun Baptist Church in Woodlawn, is one of the General Assembly's most vocal opponents of gay marriage. During last year's legislative session, Burns sponsored a bill that would invalidate same-sex marriages performed in other states or countries. The bill was defeated. "The very fact that [same-sex marriage] is on the agenda of the nation is a disgrace," Burns, an African-American, said at the time.

Clergy such as Burns and their churches "have been bamboozled," Williams says. Their leaders are allying with conservative whites who, at one time, used the Bible to discriminate against them because of their skin color. Now, he says, they're reading from the same page as their historical oppressors.

Dennis W. and Christine Y. Wiley, co-pastors of Covenant Baptist Church, where Williams and Simon worship, share the couple's belief that gay marriage is not a sin. Their stance has cost them several church members, and prompted a degree of tension within the congregation.

Still, drawn by Covenant's ad in the Washington Blade, Simon and Williams found in the 500-member church "a safe place for us where the children are not going to hear hate messages," Simon says. When he, Williams and the children joined the church, the Wileys jubilantly introduced them to the congregation.

"Are these two loving individuals in a monogamous relationship as we require heterosexuals to be?" Dennis Wiley asks. "If so, then why should we deny them the opportunity to unite together in a permanent way?"

The needs of kids like Kiran, Alonzo and Tiara can be overlooked in the search for grace, Wiley says. "I think religion in this country, especially the more conservative, fundamentalist Christian versions, has

tended to focus more on the personal and individualistic salvation rather than looking at the collective and communal kinds of ways in which we can be liberated."

Not just a white issue

Many African-Americans reject any parallel drawn between the cause for gay marriage and the civil rights movement. They see no comparison between their struggle for equality and gays' desire for the legal protections of marriage.

"The black church tends to be liberal in the area of civil rights, as long as it pertains to our own struggle, but we get very conservative when it goes beyond that," Wiley says.

In part, Williams believes, the problem lies with African-Americans who resent the notion that whites are laying claim to the civil rights legacy for their own purposes. "The black community assumes that white gay activists are trying to infiltrate and tell us what to do," he says.

When a person who is white and gay claims discrimination, "The first thing out of a lot of people's mouths is, 'They're white. They don't know,'" says Jasmyne Cannick, a spokesperson for the National Black Justice Coalition.

"Strategically this year, you will see a lot more African-American gays and lesbians more active in the movement and more visible," Cannick says. "We can't continue to allow white people to be the face of the gay and lesbian movement."

As one of three black couples with children who are plaintiffs in the ACLU's Maryland lawsuit, Williams and Simon want to show that gay marriage is not just a white issue. "I'm part of a family. I'm part of a church. I'm part of a community. When you do this, you're hurting me," Williams says.

As far as he is concerned, there is no qualitative difference between the civil rights movement - which, among many other things, led to the legalization of interracial marriage - and his ambition to marry his partner. "Hatred is hatred," he says.

On familiar ground

Williams is from Elloree, S.C., a rural hamlet where uneasy race relations mirrored those across the deep South. "Social injustice is part of what I grew up with," he says.

When he, his sister and several others desegregated the local elementary school in the mid-1960s, "white people would come by and shoot at our house, trying to scare us," he says. To protect his family, Williams' father "would sit outside with a shotgun," he says.

In 1972, Williams entered South Carolina State University, a historically black college close to his Orangeburg County home. Four years earlier, three students were killed and 27 were wounded when state police opened fire on a campus protest aimed at desegregating a bowling alley. The shooting, which attracted far less coverage than the 1970 Kent State shootings that left four students dead, is remembered as the Orangeburg Massacre.

During the Christmas holiday, Williams, Simon and their family drove to South Carolina to visit his mother, who was celebrating her 80th birthday. "My mom loves [Nigel] like a biological son," Williams says.

By phone from Elloree, Olive Williams says of the couple: "They're doing a good job with the family. The kids seem very happy and everything."

Williams had to adjust to her son's relationship with Simon. "It wasn't anything I was used to in the beginning, but it doesn't seem to be a problem in any way."

The mother of four says it's not for her to tell her children how to live. "I try to go along with what they want and whatever they decide to do. I try to go along with them."

Only after he met Williams did Simon tell his mother he was gay. "When I came out, she wasn't happy. It took time to get used to the fact that I wouldn't have a wife," he says.

Simon's mother, who has since moved close by, has grown to accept the life he shares with Williams. The couple, in turn, has become a bedrock for extended family members, whom they see often.

This summer, when Simon's father visited from Trinidad, he cooked curried goat, rice and peas for the family as Tiara and Alonzo adapted to their new home.

Williams' daughter, Nikki, lives in Atlanta. He rarely saw her after leaving home when she was 4. They have grown close again and are in frequent contact.

Plenty at risk

The couple seeks the guidance of family and friends in bringing up the kids. "That's what's great about having family resources," Simon says. "Like every parent, you won't have all the answers."

Raising Tiara, in particular, will require a woman's wisdom, they realize. They've designated Simon's niece and one of Williams' fellow choir members at the church to speak to Tiara about such topics as menstruation. "They have an affinity with us and are comfortable with us and will tell her the right things," Simon says.

Once a month, the couple and their kids gather with the support group that they helped to establish, Gay Men of Color Adoptive Families. Their December meeting took place at the Little Gym in Springfield, Va., where 14 kids frolicked while their parents traded adoption hassle stories, snapped lots of photographs and joked about how children have a way of taking over your space.

With 21 adult members from the Washington metro area, the group represents a demographic that came starkly to light in a 2004 study drawn from Census figures. It found that 14 percent of all same-sex households in the United States include at least one person who is black. More than half of those couples are raising children, according to the report, produced by the National Gay and Lesbian Task Force in collaboration with the National Black Justice Coalition.

And because same-sex black couples are more likely to have kids, work in the public sector and make less money than their white counterparts, they have more to lose from anti-gay family initiatives, the report concluded.

Blessings add up

As Daddy Nigel, Daddy Al and their kids wait for their after-church lunch at the Red Lobster, the lawsuit and its symbolic implications take a back seat to reality: They are a family, and plan to remain a family, no matter what the outcome. Besides, right now everyone is busy being silly.

Daddy Al is a "frog in his pond with his family," Kiran says. Da'Nigel is a "bird flying the sky," the kids decide. Because she is so chatty, Tiara, her parents say, "is a parrot flying the sky."

Williams and Kiran find "Barbados" and other words hidden in a puzzle on the kids' menu. Across the table, Simon, who, like the kids, wears a white napkin tied around his neck, mediates a squabble between Alonzo and Tiara concerning a yellow crayon. "Why don't you break it in half, then you'll both have a piece of it?" he asks. Tiara snaps the crayon in two.

At home after lunch, Tiara, Alonzo and Kiran change into shorts and T-shirts, hang up their church clothes and scatter through the house. A budding artist, Tiara displays a self-portrait that shows a beaming little girl with braids standing before a brilliant blue house. A friend liked it so much she copied it, Tiara says.

Alonzo says his stomach hurts. He rests on the couch at Williams' suggestion, and is soon up and about again.

Clutching his math homework, Kiran climbs next to Daddy Al. "I need help," he says. The two get to work on a problem that involves a sandwich cut into four parts.

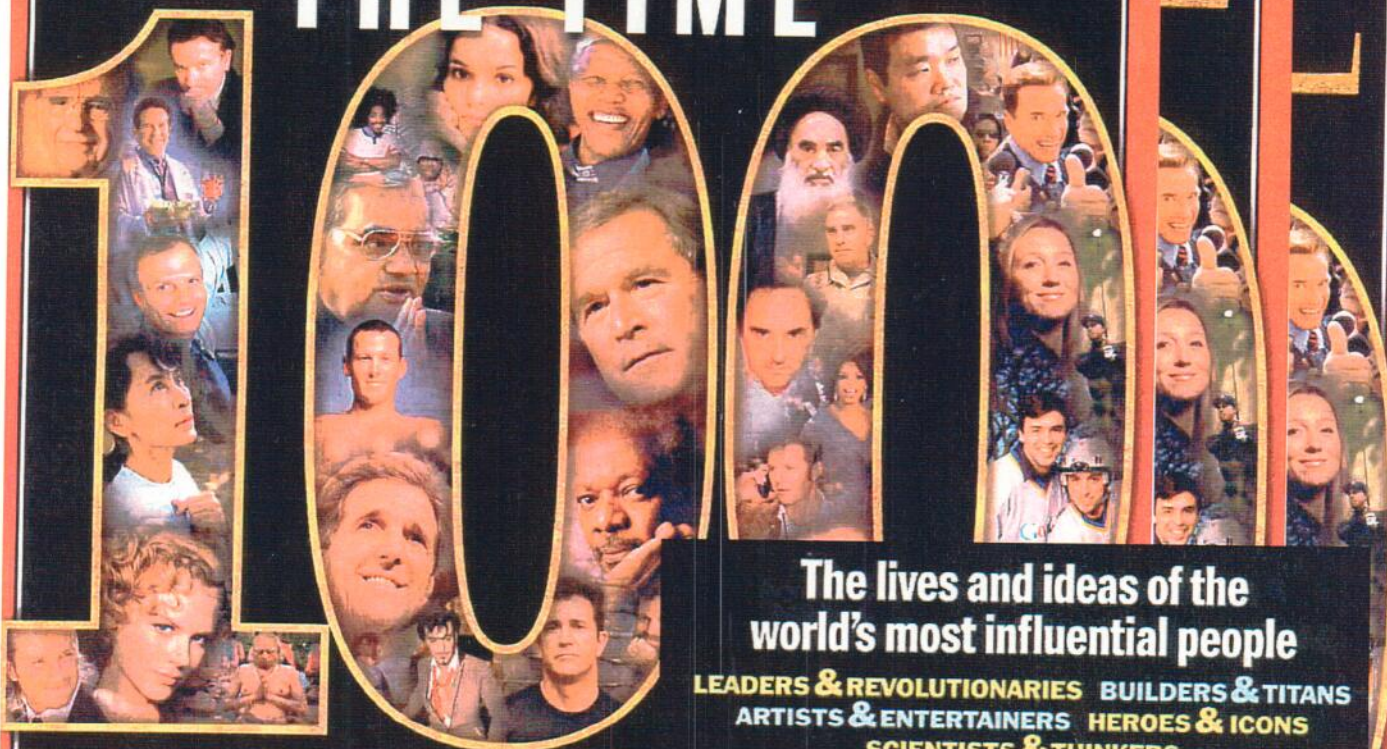
The rest of this Sunday will not be a day of rest. Simon has gone to the gym, there are chores to do, groceries to buy and a big pile of laundry to wash. But for now, Williams is content to be sitting next to his son, adding fractions, and basking in the tedium of family life.

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TIME

special issue

THE TIME



The lives and ideas of the
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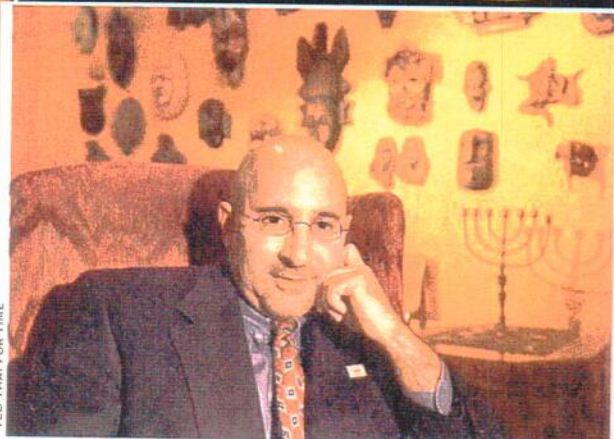
WITH GAY COUPLES ONLY weeks away from legally marrying in the U.S. for the first time, it's easy to forget that only a decade ago, even domestic partnerships—which were, legally speaking, a joke—inflamed conservatives whenever they were suggested. Everyone, straight and gay, knew gay marriage itself was impossible.

Not Evan Wolfson. He first wrote about marriage for same-sex couples in 1983, in a Harvard Law School paper. After graduation, he spent 10 years pressing the marriage issue. Fellow gay activists shushed him. "For years," says Matt Foreman, executive director of the National Gay and Lesbian Task Force,

"many of us were saying to him, 'We're not ready. The country's not ready. And, by the way, you're crazy.'"

In 1990 three same-sex couples in Hawaii asked Wolfson to take their case. His employer, the gay group Lambda Legal, wouldn't let him, but he was able to advise a local attorney on the side. Three years later, the couples won in the state supreme court. Hawaii voters banned same-sex marriages before any weddings could take place, but the case made gay marriage seem attainable. Within a few years, the Netherlands became the first country to allow it; Massachusetts gays are set to begin marrying on May 17.

Today the gay movement has embraced Wolfson. "This country is in a civil rights moment," he says. It would not have come as soon as it did without him. —By John Cloud



EVAN WOLFSON

Gay Marriage as a Civil
Right of Our Times

The Wedding RING LEADER

The gay rights movement
may not have found its
Gandhi or King, but in
Evan Wolfson it may have
its Thurgood Marshall.

By Tony Mauro

M

AY 17 ALWAYS HAD TWO meanings for Evan Wolfson, and that says a lot about him. Yes, it was the date when the Supreme Judicial Court of Massachusetts said gay marriages had to be allowed in that state. That should have been enough to make May 17 a momentous day for Wolfson, executive director of Freedom to Marry. But he would quickly remind you that it was also the date when, 50 years ago, the U.S. Supreme Court handed down *Brown v. Board of Education*. And then he would note with satisfaction that one of the San Francisco judges who allowed gay marriages to proceed earlier this year was James Warren, grandson of Earl Warren, who authored *Brown*.

Wolfson, who launched his organization a scant 18 months ago after spending 12 years with Lambda Legal Defense and Education Fund, constantly draws parallels between the gay rights movement and the fight against racial discrimination. He studies and gains encouragement from the lessons taught by the victories, the defeats, the backlashes, and the turmoil of the civil rights movement. While

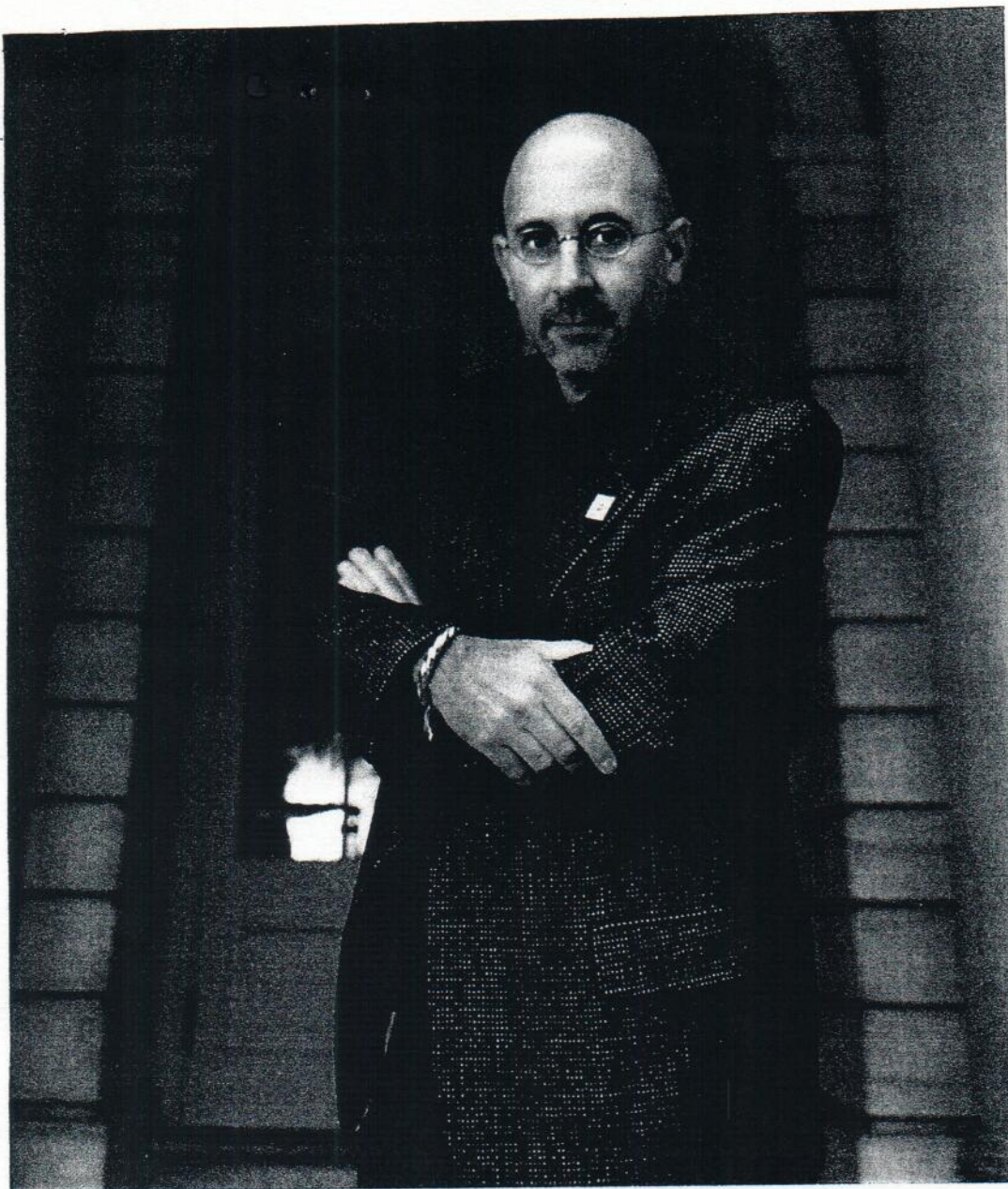
fast-breaking events were swirling around him earlier this year, Wolfson's recreational reading was a book of contemporaneous news reports of the early civil rights movement.

The gay rights campaign is moving through all the same phases—slowly at first, but now at warp speed. Through it all, with portraits of Abraham Lincoln and Martin Luther King, Jr., flanking his desk at his New York City office, Wolfson has kept his eyes on the prize: marriage equality, once a dream, now seemingly within reach. “We are winning,” says Wolfson calmly. “We are going to have attacks and advances, and there will be a period of patchwork change. Defeats will move us forward. This is what a civil rights movement looks like.”

So it is fitting, perhaps, that when chroniclers of the gay rights movement are asked to name its Thurgood Marshall, its long-view legal strategist, Evan Wolfson's name often comes up. The match is not perfect, and others living and dead have been important trailblazers for the gay rights movement, notably Thomas Stoddard, a Lambda director who died in 1997, and Mary Bonauto, currently civil rights project director of New England's Gay & Lesbian Advocates & Defenders [see “Mass Roots Effort,” page 89]. But it is Wolfson, many agree, who has “the vision thing” down pat: the strategic ability to

PHOTOGRAPH BY JESSICA CHORNESKY

The American Lawyer (June 2004). reprinted in Legal Times



Wolfson is unbowed by long odds: "Defeats will move us forward. This is what a civil rights movement looks like."

see beyond rapidly changing developments to where it is all leading.

"The most impressive thing about Evan is that, unlike many lawyers and leaders within the gay rights movement, he continually thinks big picture," says Joyce Murdoch, coauthor of *Courting Justice*, a history of gay rights cases before the Supreme Court. Enthusiastically, she imagines that just as Marshall joined the high court after his civil rights days, and Ruth Bader Ginsburg became a justice after her women's rights career, Wolfson, 47, might be the first openly gay justice someday.

That would be remarkable on a Court whose current chief justice just a quarter-century ago compared homosexuality to measles. In *Rachford v. Gay Lib*, the Court in 1978 denied review of an appellate ruling that ordered a university to recognize a gay campus group. Then-associate justice William Rehnquist, joined by Harry Blackmun, dissented from the denial. They argued that from the university's viewpoint, "the question is more akin to whether those suffering from measles have a constitutional right, in violation of quarantine regulations, to associate together and with others who do not presently have measles, in order to repeal a state law providing that measles sufferers be quarantined. The very act of assemblage under these circumstances undercuts a significant interest of the state."

Wolfson was an undergraduate at Yale College at the time. After Yale and two years in the Peace Corps in West Africa, he headed to Harvard Law School, where his thesis in 1983 was on the rarely explored issue of gay marriage. "From the minute I met him at Harvard, I saw this incredible intelligence he had and a broad background of knowledge in civil rights," says Timothy Sweeney, who was then head of the Lambda fund. "He is as tenacious an activist as I have ever met."

By the time the Supreme Court revisited gay rights in a significant way, Wolfson was working with Lambda, on the legal team challenging Georgia's sodomy law in *Bowers v. Hardwick*. At oral argument in March 1986, Wolfson sat next to Michael Hardwick, the Atlanta bartender whose case the Court was considering. The climate was still harshly antigay. At one point Chief Justice Warren Burger asked rhetorically, "Didn't they used to put people to death for this?" Hearing that, Wolfson told *The Advocate* magazine, "I knew we were doomed right then and there. The Court felt like a very hostile place." Wolfson was right. Using homophobic language, the Court voted 5 to 4 to uphold the Georgia law.

"When we lost [*Bowers*], I went through a couple of days of wondering how I could be a lawyer, how I could be part of this system,"

Wolfson recalls. "But I never left the system." From the day of the decision in [*Bowers*] until it was overturned in 2003 in *Lawrence et al. v. Texas*, Wolfson wore a pink triangle pin to protest the decision. When he argued a case in 2000 before the Supreme Court—where pins with messages are disfavored—Wolfson wore a tie that subtly incorporated the image.

Wolfson's argument at the high court was on behalf of James Dale, who had been drummed out of a Boy Scouts scoutmaster position in New Jersey because he was gay. Dale says now of Wolfson, "He is a visionary. He really gets it and understood the power of my story. He could easily be a millionaire working at some private firm, but he chose to work on these issues."

The argument day in Dale, April 26, 2000, marked a turning point for Wolfson. "It was a huge, great day, like a bar mitzvah," he recalls. As he traveled back to New York from the Supreme Court, Wolfson recalls receiving a phone call telling him that then-governor Howard Dean of Vermont had signed into law a bill allowing civil unions for same-sex couples. "Two pieces of my life really came together," he says. "One chapter had come to an end."

As it turned out, the Court handed Wolfson a defeat in the Dale case, ruling that New Jersey had violated the First Amendment associational rights of the Boy Scouts by using public accommodations law to require that Dale remain in the scouts. But by then Wolfson had taken the Vermont news as a signal to turn back to his recurrent goal of advancing the cause of gay marriage. While at Lambda, he had headed its marriage project and was cocounsel in the landmark 1993 Hawaii Supreme Court case *Baehr v. Lewin*, wherein the court required the state to present a "compelling" reason for banning same-sex marriage.

With Lambda's blessing, Wolfson decided that his best next step was to focus exclusively on the marriage issue—as he put it, to "step back from the day-to-day fight and figure out how to move ahead." With a grant from the Evelyn & Walter Haas, Jr., Fund, Wolfson launched Freedom to Marry in early 2003. It has a \$1.1 million budget, which Wolfson is quick to point out is a pittance next to the hundreds of millions of dollars groups such as Focus on the Family are pouring into the fight against gay marriages. "It's an ideal fit," says Rutgers University School of Law professor Suzanne Goldberg, who used to work with Wolfson at Lambda. "With all his passion and commitment, it is wonderful he is now able to focus fully on this issue."

Once the high court overturned *Bowers* in June of last year, the movement toward gay marriage shifted into high gear—as dissenting justice Antonin Scalia ruefully predicted. Wolfson is in constant touch with gay rights

groups, though he is not micromanaging the debate or dictating a message. "Evan sees the advantage of a variety of people advocating for marriage equality," says Goldberg.

Wolfson acknowledges that part of his job has been to calm the concerns of fellow activists. Some in the gay rights movement—most vocally, Representative Barney Frank (D-Massachusetts)—fear that the marriage issue is moving too fast and has already produced a backlash in the general public that could harm the cause. "Now is not the time," Frank told the



Civil unions, only a year ago at the fringe of public acceptance, are now seen as the easy alternative to same-sex marriages.

The Washington Post in March, dousing the enthusiasm of the movement with this further comment: "When you're engaged in a political fight, if you're doing something that really, really makes you feel good, then it's probably not the best tactic."

Wolfson dismisses the nattering concerns about timing and backlash, resorting as usual to history. "Martin Luther King hated the word 'backlash,'" he says, pointing to King's 1963 letter from jail in Birmingham. "For years now I have heard the word 'wait!'" King wrote. "It rings in the ear of every Negro with piercing familiarity. This 'wait' has almost always meant 'never.'"

Wolfson also thinks there is no meaningful division in the ranks of gay people. "We are fighting for the right to marry, and virtually all gay people want that choice, and they deserve that choice."

Marriage, symbolically and otherwise, is such a central institution in society that the gay rights movement would be incomplete if it was not one of its objectives, says longtime friend Sweeney, now an official of the Haas fund, who works with Wolfson. "It is redefining, for a lot of nongay people, who gay people are in a more complete way," says

Sweeney. "Evan felt all along that this vision would come true."

Moving the marriage debate front and center has been essential to focusing the nation's attention on how nonthreatening the prospect is, Wolfson says. One of his favorite maxims is, "There's no marriage without engagement. We have to engage nongay people and embolden them to do the right thing."

Once a reasonable percentage of the population has become comfortable with, even if not wild about, the idea, then the courts will act, says Wolfson: "It's not just a legal strategy. You can't leave it to the courts. You need both—a much fuller engagement." In his new book *Why Marriage Matters*, Wolfson urges gays to tell their stories to disabuse friends and family of the notion the debate is about "hypotheticals."

Exhibit A for this multidimensional strategy, Wolfson says, is *Lawrence v. Texas*, which struck down the Texas antisodomy law last year, repudiating *Bowers v. Hardwick* in the process. Some counseled against bringing the *Lawrence* challenge out of similar concerns about timing and backlash, but it was necessary, Wolfson says. And the victory came, Wolfson thinks, because the Court sensed from the public that *Bowers* had become anachronistic, even repugnant. The Court's language in *Lawrence* renouncing *Bowers*, he adds, shows receptivity to the idea that "there is every connection between parenting

and family and, yes, marriage" for gay as well as straight people.

Likewise, the turmoil of 2004 over the issue—the renegade wedding ceremonies in San Francisco and elsewhere—has already produced a shift in public attitude. A year ago, civil unions were at the outer edge of what seemed palatable to the public; now they are seen as a tepid fallback, the easy second choice to marriages.

Wolfson is unwaveringly confident that gay marriages will become an accepted reality, though he does not predict when—or by which precise route. "Thirty years from now people will look back and say, 'What were we thinking? Why would we deny committed couples the protection of marriage?'" Wolfson asks. Then, invoking history to the end, Wolfson offers Gandhi's simple description of the evolution of change: "First they ignore you. Then they laugh at you. Then they fight you. Then you win."

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LAW AND MARRIAGE

BASF Guest Speaker Evan Wolfson Has Spent All His Career Fighting to Legalize Same-Sex Nuptials

By John Roemer
Daily Journal Staff Writer

Gay marriage advocate Evan Wolfson grappled early with the topic that would consume his career.

When he was 12, he told his mother, "I don't think I'll get married."

Instead, the New York-based attorney relates in a new book, he grew up fighting relentless court battles to legitimize same-sex nuptials.

Now 47, Wolfson is set to speak today at a noon Bar Association of San Francisco public affairs forum at the Omni Hotel. The Harvard Law School graduate is in the Bay Area to promote his book, "Why Marriage Matters: America, Equality and Gay People's Right to Marry."

For Wolfson and his partner, a molecular biologist, the movement looks like a patchwork quilt.

"It's the classic American pattern of civil rights change," he said in a telephone interview last week. "Some states move forward faster, some regress. Some political leaders show profiles in courage, like [San Francisco Mayor] Gavin Newsom. Some pander, like [Massachusetts Gov.] Mitt Romney, standing in the doorway, blocking equality."

Wolfson's long campaign began with pioneering litigation in the early 1990s on behalf of three gay and lesbian Hawaii couples over the right to wed. Their court wins and setbacks foreshadowed the national debate currently under way.

The struggle has made Wolfson enemies on the political right, brought him hostility from some black leaders and raised doubts even within his own gay rights movement.

Ever optimistic, Wolfson said he believes his critics aid his cause.

"Even if people don't completely agree with what I say," Wolfson said, "when they hear the bigotry from the other side they invariably move closer to my position."

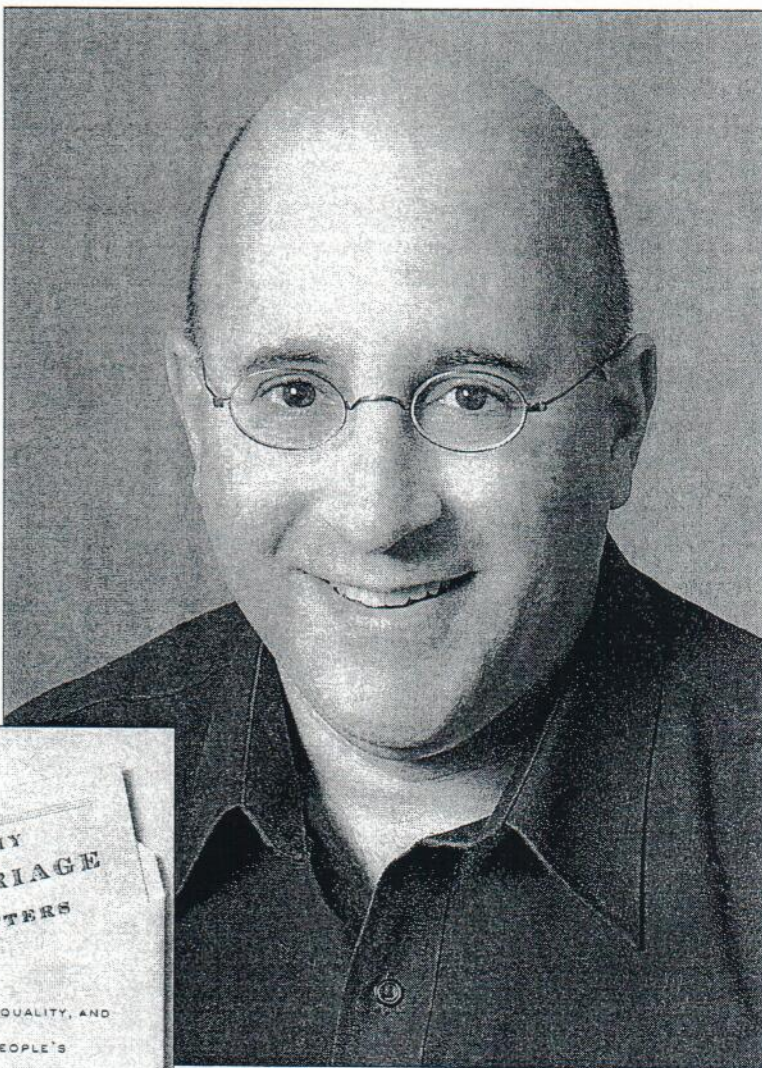
Nothing polarizes opinion about the former Lambda Legal Defense lawyer more than claims by admirers that Wolfson's skill at legal strategizing makes him the gay movement's Thurgood Marshall.

Wolfson takes the criticism and the cheers in stride as he oversees the new group he founded, Freedom to Marry.

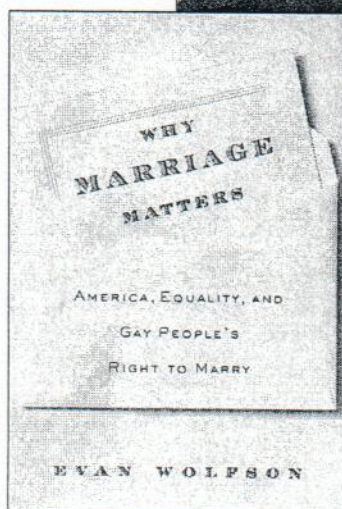
"I'm not the one to draw those comparisons," he said. "It's presumptuous."

Analogies to Marshall, the NAACP legal legend who won *Brown v. Board of Education*, 347 U.S. 483 (1954), and went on to become the first black U.S. Supreme Court justice, offend many.

The Brooklyn-born Wolfson has forged alliances with civil rights leaders Coretta Scott King, John Lewis and the Rev. Al Sharpton.



Courtesy Freedom to Marry



EVAN WOLFSON — "Even if people don't completely agree with what I say, when they hear the bigotry from the other side they invariably move closer to my position," said the lawyer and author of "Why Marriage Matters," shown at left.

Yet critics denounce Wolfson's vision of the gay rights movement as a logical sequel to the struggle to end racial segregation.

Gay activists "are trying to hijack the moral capital of the black civil rights movement and use it to force society to affirm their behavior, regardless of other people's moral beliefs about it," said gay rights opponent Robert Knight.

Knight, the director of the Washington, D.C.-based Culture and Family Institute, is an outspoken adversary of what he terms "the homosexual agenda."

Wolfson has debated Knight and quotes him in his newly published book.

Said the Rev. Gregory Daniels, a black Baptist minister from Chicago, in another comment Wolfson quotes: "If the K.K.K. opposed gay marriage, I would ride with them."

So it's surprising that another foe, Jay Alan Sekulow of the American Center for Law and Justice, a religious liberties lobby,

See WOLFSON, Page 6

■ WOLFSON: 'Pipe Dream' Is Possible

Continued From Page 1

agrees there are parallels between Wolfson and Marshall.

"He has the qualities Thurgood Marshall displayed," said Sekulow, chief counsel to the Virginia Beach, Va.-based group who has opposed Wolfson in court. "He's very pragmatic, he doesn't push the envelope, he didn't go for the brass ring on the first case that came along and he accepts defeat with dignity."

"Anyone who underestimates Evan Wolfson is making a big mistake."

Wolfson routinely finds plusses in setbacks, as when Lambda and allies such as the American Civil Liberties Union in the early 1990s were torn over whether to confront marriage discrimination in court.

"There was a strong concern that we were trying to do too much too soon," he said in the interview.

"Because of these divisions, I was not allowed to take the case" of three Hawaiian same-sex couples who wanted to marry and asked him to be their lawyer, Wolfson notes in his book.

When Lambda declined the Hawaii case, another lawyer had to be found to be lead counsel, though Wolfson remained close to the litigation.

"That turned out to be one of the luckiest days in our civil rights history because it brought the couples and local activists to Dan Foley," Wolfson writes.

Foley was a straight civil rights lawyer in Honolulu who in 1991 enthusiastically took up a challenge to state officials who refused to issue same-sex couples marriage licenses.

Two years later, as the case neared a landmark success in the Hawaii Supreme Court, Lambda allowed Wolfson to join Foley as co-counsel.

"By the end of our work together, I had a new non-gay brother," Wolfson writes. Foley "exemplifies the crucial role that non-gay people can and must play in ending discrimination against gay Americans, discrimination unworthy of our country."

Wolfson predicted during the Hawaiian case that other heterosexuals would significantly advance the same-sex marriage cause. So he wasn't surprised when San Francisco's mayor reenergized the debate in February by ordering the city clerk to issue marriage licenses to same-sex couples.

Litigation over that move is now

before the California courts.

"Absolutely I foresaw a Gavin Newsom-type thing," Wolfson said. "I always believed that non-gay people would come into the mix and make it a true movement. Dan Foley role-modeled that."

Foley is now a judge on Hawaii's appellate bench, named to the post in 2000 by Gov. Ben Cayetano.

The governor's appointment message praised Foley's engagement with the controversial campaign.

'Absolutely I foresaw a Gavin Newsom-type thing. I always believed that non-gay people would come into the mix and make it a true movement.'

**Dan Foley
role-modeled that.'**

Evan Wolfson

"His stand on legal issues, regardless of whether politically popular or not, speaks volumes of the courage and commitment he will bring to the Intermediate Court of Appeals," Cayetano said.

In a phone interview from his Honolulu chambers last week, Foley echoed Wolfson.

"He's like a brother to me," Foley said, adding that comparisons between Wolfson and Thurgood Marshall are appropriate.

"Even gay groups were not behind our case until 1993," he recalled. "People thought it was a pipe dream. Then Evan started networking, looking at cases and keeping his eye on where he wanted the gay rights movement to go."

"As in any chess game he was making the first few moves while he was thinking about the last few moves."

That was the kind of strategizing Marshall employed in litigating cases for the National Association for the Advancement of Colored People, said Foley, who described himself as a stu-

dent of Marshall's career.

He sees an intriguing nexus linking Marshall, Hawaii and the joining of same-sex marriage advocacy to the push against racial discrimination.

In 1987, just three years before the Hawaii couples began looking for a lawyer, Marshall spoke on Maui at a meeting of the San Francisco Patent and Trademark Law Association.

Avoiding the patriotic rhetoric associated with the U.S. Constitution's bicentennial, Marshall instead pointed out that the nation's founding document was the product of a damaging compromise between Southern slaveholders and New England commercial interests.

The effects of that compromise, Marshall said, have remained for generations.

"They arose from the contradiction between guaranteeing liberty and justice to all, and denying both to Negroes," he said.

Wolfson and Foley find encouragement for the gay rights movement in Marshall's view of constitutional law as an evolutionary force in the fate of black Americans.

What Marshall said of black people, they believe, applies equally to couples of the same gender:

"They were enslaved by law, emancipated by law, disenfranchised and segregated by law; and, finally, they have begun to win equality by law," Marshall noted in his Maui speech. "Along the way, new constitutional principles have emerged to meet the challenges of a changing society. The progress has been dramatic, and it will continue."

When the Hawaii Supreme Court in 1993 looked at the case brought by Foley and Wolfson, it saw it in similar terms.

Justice Steven H. Levinson wrote in the majority opinion that "marriage is a basic civil right."

The ruling reversed a trial court's dismissal of the couples' complaint and held that discrimination against same-sex couples who wish to marry was unconstitutional unless the Hawaii Department of Health could show "a compelling state interest" for such bias. *Baehr v. Lewin*, 74 Haw. 530 (1993).

After a trial on that issue in 1996, Judge Kevin Chang of the First Circuit Court of Hawaii rejected the state's argument that same-sex marriage should be outlawed because "a child is

best parented by its biological parents living in a single household."

Wrote Chang in an order telling the state to stop blocking same-sex couples' freedom to marry, officials failed to present "sufficient credible evidence that demonstrates that the public interest in the well-being of children and families, or the optimal development of children would be adversely affected by same-sex marriage."

Hawaii voters and lawmakers undercut that victory. Wolfson writes that opponents from around the United States funded a multimillion-dollar lobbying campaign that persuaded the legislature in 1998 to ratify an exception to the state's equal protection clause barring same-sex marriage.

The Hawaii Supreme Court's final word on the case in 1999 yielded to the lawmakers and reversed Chang. The list of amici on the opinion is longer than the text of the ruling, illustrating the passions the case aroused.

Sekulow weighed in to oppose Foley and Wolfson. So did the Church of Jesus Christ of Latter-day Saints, the Hawaii Catholic Conference and lawyers for a host of other religions.

"But in 1993 the world changed, whatever the outcome," because the case reached the courts, Wolfson insisted.

A signal of that change appears in the 1999 Hawaii Supreme Court opinion. One justice notes that the 6th edition of Black's Law Dictionary in 1990 defined marriage as the "legal union of one man and one woman as husband and wife."

Last month West Group published the 8th edition of Black's. In it, the definition of marriage, like the legal landscape, has changed. It is now "the legal union of a couple as husband and wife."

The new Black's also includes for the first time definitions for "civil union and "same-sex marriage."

Those changes could also revise the line Wolfson delivered to his mother when he was 12. Now he and his partner can see marriage looming on the horizon as a real possibility.

Instead of "never," marriage is now a "maybe."

"We just haven't had time to have that discussion yet," Wolfson said.

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Wolfson will discuss his book and sign copies today at 7:30 p.m. at Cody's Bookstore in Berkeley and Wednesday at noon at Stacey's Bookstore in San Francisco.

EW

December 24, 2004 1:45 a.m. EST

Names to Know

A WALL STREET JOURNAL ONLINE NEWS ROUNDUP

Online Journal editors have highlighted 15 people to watch in 2005 -- men and women who are set to shape the course of business, politics and world affairs in the next year.

Kofi Annan, U.N. secretary-general



After eight years at the helm of the United Nations, Mr. Annan has called on member states to make 2005 the year of change as the world body addresses a clutch of complex issues, including international security, terrorism, genocide, poverty, human rights, weapons proliferation and HIV/AIDS. The U.S. expects the U.N. secretary-general to assist with elections in Iraq scheduled for Jan. 30, and Mr. Annan has said the U.N. will beef up support if necessary despite chilly relations with Washington since the U.S. invasion of Iraq. The U.N. also is expected to aid elections in the Palestinian territories and to help resolve the crisis in Sudan's Darfur region. The Ghanaian is midway into his second term as secretary-general and plans to build upon reforms to revitalize the global organization -- this amid calls for his resignation over allegations of corruption in the agency's defunct oil-for-food program in Iraq.

Nick Denton, online publisher

The 2004 election may have made stars out of once-obscure online commentators, and larger sites have dabbled in blogs as well. Mr. Denton is looking to prove that blogging can be a business, building a small but growing galaxy of publications. Mr. Denton, publisher of the Wonkette political gossip blog and others, has become the poster boy for blog start-ups, snagging big-name advertisers with help from his highly targeted audiences. Altogether, his eight blogs, which include Gawker (Manhattan gossip) and Gizmodo (gadgets), pull in a total of more than 29 million page views monthly. Mr.

Denton's next challenge will be to sustain Wonkette in the absence of election news while forging ahead at his other blogs and perhaps founding a new "it" site. Mr. Denton has also tried to assume a leading role, recently supporting calls for blog ethics standards and launching a service, called Kinja, to make it easier for readers to keep up with their favorite blogs.



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* * *

James Dimon, J.P. Morgan Chase chief operating officer

J.P. Morgan Chase's acquisition of Bank One returns Mr. Dimon to the center stage of the banking world -- more than five years after being pushed out as heir apparent at Citigroup. Mr. Dimon -- credited with aggressive cost-cutting that steered Bank One to profitability from near collapse -- is expected to have a similar zeal for eliminating costs at J.P. Morgan, where he has been named president and operating chief of the combined company, in preparation for a move to the chairman and CEO's office by 2006. He has promised to slash jobs and to squeeze \$3 billion in annual cost savings from the merger by 2006.

Not only is Mr. Dimon famous for trimming fat by eliminating perks -- including making executives pay for their own cellphones and even newspaper subscriptions -- he is also expected to guide the bank away from high-risk ventures and to expand the reach of its retail division, going head-to-head with legendary deal maker and former mentor Sanford Weill, head of Citigroup.

* * *

Robert Iger, Walt Disney Co. president and chief operating officer

Mr. Iger is the only executive within Disney -- whose interests span television, movies and amusement parks -- who has been identified as a possible successor to Chief Executive Michael Eisner. Mr. Eisner plans to step down when his contract expires in September 2006, and the board has pledged to name his successor by this June. The stakes for Mr. Iger are high -- if he is passed over for the top job, it could spell the end of his career at the company. Disney is emerging from a tumultuous year that included Comcast's failed takeover attempt and an effort by dissident directors to oust Mr. Eisner, events that could hamper an insider's ascent to CEO. Until recently, the poor performance of the ABC television network, which Mr. Iger oversees, was seen as a potential barrier to his CEO ambitions. But ABC's ratings rebound this fall, thanks in large part new hit series "Desperate Housewives" and "Lost," could have allayed those concerns. Mr. Iger's own contract expires in September; by then it should be apparent whether he stays or goes.



* * *

Steve Jobs, Apple Computer chief executive, Pixar chief executive

Mr. Jobs has not one but two hot streaks going. At Pixar, his staff churned out another box-office smash, "The Incredibles." In the iPod, Apple invented the Walkman of the '00s and dominates digital music. Now, Mr. Jobs is trying to regain market share in PCs, where Apple's Macs track well behind machines running Microsoft's Windows operating system. It will be tough for Apple to fight on two fronts -- both preserving the iPod's dominance in music players and taking on giants like Dell and H-P in computers. Meanwhile, Pixar -- the creator of "Toy Story" and "Finding Nemo" -- had a big falling-out this

year with Disney, the distributor of Pixar films through June 2006, when the animator's next feature, "Cars," is to be released. Analysts will be watching for the naming of a new distribution partner and to see whether Pixar can keep the hits coming.

* * *

Mel Karmazin, Sirius Satellite Radio chief executive

Despite his more than 20 years in radio as chief of Infinity Broadcasting and later as president of Viacom, Mr. Karmazin has his work cut out for him. It's a two-man race in satellite, and Sirius trails XM Satellite Radio Holdings, which has 2.5 million subscribers, compared with Sirius's 700,000. Unlike traditional free radio, users have to pay monthly fees and buy expensive new radios. Mr. Karmazin once lambasted Sirius's business model but now, as the company's CEO, he is pegging his hopes on shock-jock Howard Stern, who signed a five-year, \$500 million deal to join the company in 2006 -- and hopefully bring along his millions of listeners.



* * *

Neelie Kroes, European Union competition commissioner

During the 1990s Ms. Kroes advocated privatization as Dutch transport commissioner, and her decisive, tough reputation earned her the moniker "Nickel Neelie"; she'll need mettle in her new job as EU antitrust chief. One crucial test comes in the wake of a recent appeals court ruling forcing Microsoft to comply with a more than \$600 million fine levied in March. Microsoft is considering whether to appeal, a process that could take five years. Another case Ms. Kroes will face is a dispute over German aid to state-owned banks, which the EU has said artificially boosts their credit ratings. Ms.

Kroes's predecessor won a case forcing the Germans to phase out state guarantees by mid-2005, demanding billions of euros in paybacks and requiring the government to lend them cash only under the same terms as private banks. Ms. Kroes will be judged on how she enforces these demands and avoids conflicts of interest in dealings with the more than 50 companies on whose boards she served.

* * *

Edward S. Lampert, Kmart chairman

Through his hedge fund, ESL Investments Inc., Mr. Lampert pulled the discount retailer out of bankruptcy protection two years ago and orchestrated its planned acquisition of Sears Roebuck in November. The tie-up will create Sears Holding, the No. 3 retailer in the U.S., behind Wal-Mart Stores and Home Depot. While Mr. Lampert was able to jump-start auto-parts retailer Autozone a few years ago, the new Sears will be a bigger challenge. To get the ailing retailers back to health, he plans an emphasis on long-term profit gains instead of quarter-to-quarter growth. Kmart's same-store sales have fallen, even as earnings have climbed, and with about 3,500 stores between Kmart and Sears, the new company will need an effective real-estate strategy to either convert or sell off unprofitable stores to get to where the customers are.



* * *

Michael Leavitt, appointed Health and Human Services secretary

http://online.wsj.com/public/article_print/0..SB110312055422600825.00.html

12/25/2004

If approved by the Senate, Mr. Leavitt will take the reins at the Department of Health and Human Services after serving one year as chief of the Environmental Protection Agency. Mr. Leavitt, who was governor of Utah before moving to the EPA, has his work cut out for him at his new job. As ultimate overseer of the Centers for Disease Control and Prevention, Mr. Leavitt must address hot-button topics such as protecting the vulnerable U.S. food supply, handling a potential flu outbreak and vaccine shortage and maintaining scrutiny of the FDA after the recent withdrawal of painkiller Vioxx. While Mr. Leavitt can expect to inherit a tight budget, he'll also need to further rein in government health-care spending in light of budget cuts, and as overseer of Medicare and Medicaid, he'll be in charge of implementing last year's Medicare law, which establishes drug coverage in 2006 for the elderly and disabled.

* * *

Pervez Musharraf, Pakistan president

Gen. Musharraf, a crucial U.S. ally in the global war on terror, has angered Pakistani militants and former supporters with his alliance with Washington since the 2001 terror attacks on the U.S. Renewed peace efforts with neighbor India have eased decades of enmity between the two nuclear powers over the disputed Kashmir region, but Kashmir still looms as the main hurdle to their economic cooperation. Meantime, Gen. Musharraf's commitment to democracy appears shaky. The general, who took power in a bloodless coup in 1999, has signaled he may backpedal on his pledge to relinquish his role as head of the military by the end of 2004.



* * *

Harry Reid, incoming Senate minority leader



As the new leader of the Senate's Democrats, the veteran Nevada lawmaker will find himself at the nexus of some lively battles. Paramount among the looming fights is the selection of a successor to Chief Justice William Rehnquist, who is widely expected to leave the Supreme Court in 2005. Mr. Reid has promised to "screw things up" for the GOP, but Republican Leader Bill Frist has vowed to crush any attempts to filibuster nominees. Mr. Reid also has said he wouldn't consider Clarence Thomas, whom he calls "an embarrassment," for the post of chief justice. The differences with

Republicans don't end there; Mr. Reid is also a staunch opponent of Social Security privatization. But he may have some bones to pick with his own party. His stated opposition to abortion could fuel discord with the Democratic establishment, particularly if former presidential candidate Howard Dean is chosen to succeed Terry McAuliffe as party chairman.

* * *

Martha Stewart, Martha Stewart Living Omnimedia Inc. founder

Are there second helpings in American lives? Ms. Stewart will find out when she wraps up her five-month prison term in March for lying about the sale of Imclone stock. She plans a quick return to the spotlight, with plans for a daily cooking and crafts show starting in September, and she's expected to launch a prime-time reality show as part of her campaign to resurrect her image and the



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12/25/2004

prospects of the company she founded. In September, before reporting to prison, she negotiated a new five-year contract, getting \$900,000 a year plus bonuses and at least \$500,000 a year for use of her properties. Martha Stewart Living Omnimedia's fortunes have sagged since Ms. Stewart's legal troubles began. But the merger of Sears Roebuck and Kmart, which carries Martha Stewart Living products, also could bring a boost, as the merchandise could also now be sold at Sears.

* * *

John Thain, New York Stock Exchange chief executive



Big changes are coming for the 212-year-old New York Stock Exchange, and guiding the way is Mr. Thain, CEO of the NYSE for almost a year now. His most immediate challenge will be ensuring the NYSE -- the world's largest equity exchange -- emerges unscathed from updates to the "trade through" rule governing how trades are priced. Under an SEC proposal, the rule, which already exists for certain trades, would be expanded, potentially leading to more automated trading. This could spell trouble for the tradition-bound NYSE and its open-outcry system, but it has shown a willingness to adapt -- possibly by combining electronic and floor trading. Among other challenges for Mr. Thain: addressing discussion about whether the nonprofit institution should go public; moving past former chief Dick Grasso's lingering pay scandal; and luring more companies from Nasdaq, which has seen fewer defectors to the Big Board recently and hosted Google's big IPO earlier this year.

* * *

Evan Wolfson, Freedom to Marry executive director

Gay marriage was soundly defeated in 11 states in the November election. Opponents of gay marriage credited the issue with rallying conservative Christian voters, who turned out heavily to propel President Bush to re-election. Despite talk of more backlash against gay-rights efforts, Mr. Wolfson, who Time magazine named one of 100 most influential people in the world last year, says supporters shouldn't retreat on gay marriage. Mr. Wolfson, a lawyer who has been pursuing the issue for 20 years and has been involved in some landmark cases, will lead the group's collaboration with organizations such as GLAAD, the ACLU and Lambda Legal. The goal: to secure full marriage rights in at least one state.



* * *

Viktor Yushchenko, Ukraine politician



Despite dioxin poisoning and a disputed electoral defeat, former Prime Minister Yushchenko hasn't wavered in his pursuit of Ukraine's presidency. His quest sparked what has been called the Orange Revolution, a movement in Kiev that began with protests and allegations of fraud in the Nov. 21 presidential runoff and eventually prompted the country's highest court to call for a Dec. 26 revote. Widely expected to triumph over current Prime Minister Viktor Yanukovich in the rematch, Mr. Yushchenko vows to prosecute political and economic crimes connected with outgoing President Leonid

Kuchma. Admittance into the EU and implementation of an independent foreign policy top his agenda. But many Russian-speaking Ukrainians worry about loosening ties to the Kremlin and some, especially in eastern Ukraine, say a Yushchenko victory could prompt them to break from the rest of the country. Mr. Yanukovich supports a traditional political and economic orientation to Moscow. Whatever the outcome, the winner will face a revenue-starved economy and a country marred by political unrest.

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- The New York Times editorial against state ballot measures, consultant
- *The Thurgood Marshall of Gay Marriage*, The New York Times Magazine
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- O'Reilly Factor
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- Salon.com
- *Law and Marriage*, San Francisco Daily Journal (**see attached**)
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