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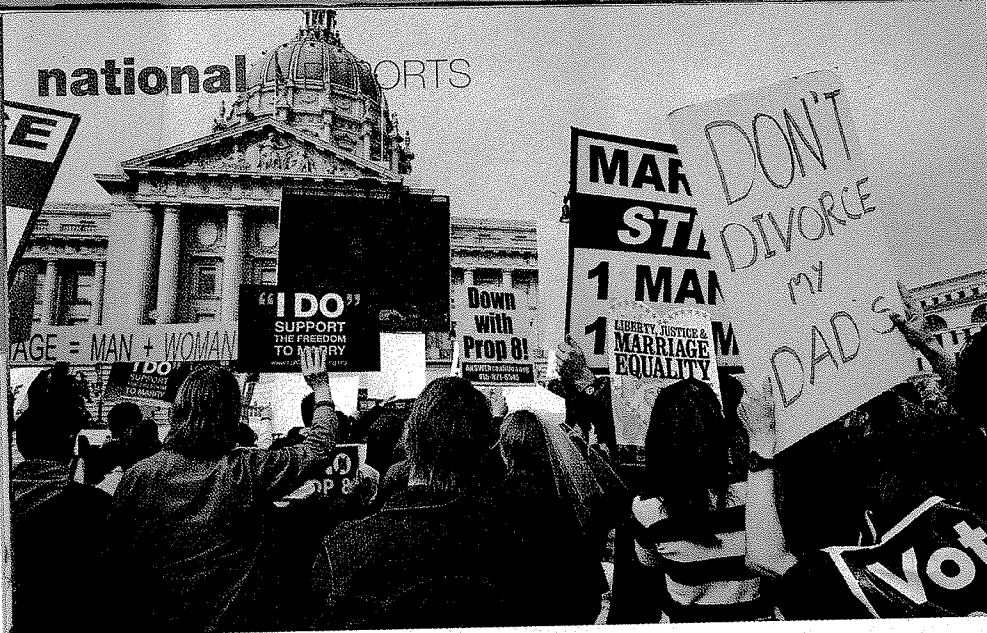
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OVERCOMING THE ECONOMIC DISASTER



◀ Protestors gather in front of San Francisco City Hall to hear broadcast of arguments on Proposition 8 before California Supreme Court.

Feminists Fight Proposition 8

The amendment banning same-sex marriage threatens all privacy rights

FEMINIST GROUPS, WHO fought hard against California's controversial Proposition 8 in last November's election, have continued that fight at the state's Supreme Court.

Proposition 8, which passed with a narrow 52 percent majority, rescinded one of the most sweeping legal victories ever achieved by the LGBT community: the California Supreme Court's historic ruling in May 2008 that affirmed marriage rights for same-sex couples. "Prop. 8 illustrates and throws right in our faces the unfortunate tyranny of the majority over minorities," says Los Angeles-based attorney Rebecca Edelson. "Its effect is immediate and far-reaching: If you're an unpopular minority-of-the-day, it's just too bad for you."

Days after the election, LGBT organizations and others moved to challenge the new law. The Feminist Majority Foundation, NOW and California NOW contributed an amicus brief in support—one of 43 such briefs filed by a broad spectrum of public-interest groups.

Edelson, who coauthored the brief, argued that Proposition 8's purported

defense of "traditional" marriage was more like an illegitimate nondefense: "If the voters enacted a measure providing that only males shall vote, would [proponents of Proposition 8] contend that such a measure merely 'restores' the traditional definition of 'suffrage'?"

The Court heard oral arguments on March 5, and the justices' questioning hinted at reluctance to contradict the voters and overturn the amendment. On the other hand, they seemed cool to former Whitewater special prosecutor and head lawyer for Proposition 8 backer Protect Marriage Kenneth Starr's argument that Proposition 8 should be applied retroactively to invalidate the 18,000 same-sex marriages performed in California between June and November 2008.

The court has until June 5 to issue its ruling. "If we're unsuccessful in court, at some point we'll need to go back to the voters," said Geoff Kors, executive director of Equality California, a longtime player in the fight for marriage equality. "But we will not settle for anything less than full equality."

—ANNE STOCKWELL

A New England Wedding

WHILE CALIFORNIA WAVERS ON marriage equality, the six states of New England continue to move forward in that direction, thanks in no small part to the Gay & Lesbian Advocates & Defenders (GLAD). The 30-year-old organization has successfully litigated for civil unions in Vermont, Connecticut and New Hampshire and full marriage equality in Massachusetts. Those states, along with Maine and Rhode Island, now have at least domestic-partner protections. But by 2012, says GLAD executive director Lee Sislow, the goal of full marriage rights in all six states "is reasonable and achievable." At press time, Vermont had just passed a same-sex marriage bill in its Senate and was awaiting a House vote (and wondering whether the governor would sign the bill).

What's more, GLAD's attorneys are taking on inequality at the federal level as well. On March 3, the organization filed suit in Massachusetts federal district court to challenge a portion of the Defense of Marriage Act, the 1996 law denying federal recognition to same-sex spouses. The plaintiffs are eight same-sex couples and three widowers from Massachusetts who were denied federal benefits. GLAD argues that these denials violate the federal constitutional guarantee of equal protection. "We think it's a very winnable argument," Sislow says. "This exclusion of married couples—not only does it hurt, it hurts real people."

—A.S.