Gay Couples Rejoice at Ruling

By JESSE McKINLEY

SAN FRANCISCO — Gay and lesbian couples in San Francisco rejoiced Thursday over a state Supreme Court decision affirming their right to marry even as political leaders on both sides of the issue prepared for an extended fight over the ruling in the courts and at the ballot box.

Hundreds of people showed up at San Francisco City Hall, including some women in wedding dresses and at least one carrying an open bottle of Champagne.

“It’s just amazing to feel like I am a full citizen — I am not a second-class citizen,” said Christmas Leubrie, a nurse, who was with her partner, Alice Heimsoth, across the street from City Hall on the steps of the Supreme Court building.

Gay rights organizations said the decision was a watershed moment for their movement, which has seen greater societal acceptance in recent decades but continued opposition in some quarters toward same-sex marriage.
“Today will go down as a true turning point,” said Geoff Kors, the executive director of Equality California, a gay rights advocacy group. “It really is a very powerful message that love trumps hate and hope trumps fear.”

But the battle in California is not over. Opponents of same-sex marriage said they had gathered more than one million signatures to place a constitutional amendment on the November ballot that would define marriage as between a man and woman, and effectively undo Thursday’s decision.

Those signatures are still being inspected by county officials under the direction of the Secretary of State.

Robert Tyler, a lawyer with Advocates for Faith and Freedom, which argued against same-sex marriage before the California court, said opponents might seek a stay of the decision until voters can take up the issue in November.

Mr. Tyler said that he was especially troubled by the court’s drawing on a 1948 ruling that overturned a state ban on interracial marriages.

“Where is the court going to rationally limit marriage if its not a union between a male and female?” said Mr. Tyler. “There is no evidence to establish that a homosexual lifestyle is an immutable characteristic such as race.”

California becomes only the second state to allow same-sex unions, after Massachusetts. Forty-one states have laws prohibiting same-sex marriage, according to Pew Forum on Religion and Public Life, a nonpartisan institute, while 27 states have constitutional amendments prohibiting same sex marriage or defining marriage as a union between a man and a women.

Florida will vote on a constitutional amendment this fall, and Arizona is also considering putting the issue on the ballot.

Thursday’s decision was cause for celebration for Gavin Newsom, the San Francisco mayor, who had set off a national debate over gay marriage in 2004 when he ordered the county clerk to issue marriage licenses to same-sex couples. More than 4,000 couples — from 46 states — were married in 2004, although those unions were later invalidated by the courts.

“What a day for San Francisco, what a day for California, what a day for America, what a day for equality,” Mr. Newsom said before a crowd of several hundred jubilant supporters at San Francisco City Hall.

Mr. Newsom said his office would begin preparing for same-sex marriages as soon as the court decision becomes effective in 30 days, if no stay is issued. Unlike in 2004, Thursday’s decision would effect same-sex marriages statewide, something that the mayor seemed both relieved and vindicated by.
“This is not just San Francisco now,” he said shortly after the decision was released. “It’s Redding. Its Auburn. It’s Long Beach, its the southern part of the state. It’s Riverside. Its Fresno, that this is now appropriate and legal.”

Gov. Arnold Schwarzenegger, a Republican who has vetoed past bills aimed at legalizing same-sex marriage, issued a brief statement saying he would not support a constitutional amendment that would overturn the court’s ruling.

“I respect the court’s decision,” the Mr. Schwarzenegger said.

The Assembly Republican leader, Mike Villines, said that the court’s decision was a disappointment, but that he believed California voters would affirm that “marriage should be between one man and one woman.”

“I am confident that the people of California will again overwhelmingly vote to preserve and protect traditional marriage,” said Mr. Villines, who is from Fresno, in the state’s conservative Central Valley.

At the city’s ornate City Hall, though, the mood was ebullient, as dozens of same-sex couples stood behind a beaming Mr. Newsom and other city officials and several hundred people cheered from the floor and balconies. Nearby, in the city’s Castro neighborhood, a touchstone in gay America, impromptu parties were erupting at midday, and planned well into the evening. The city’s tourist board issued congratulations, encouraging visitors “to celebrate the freedom to marry in San Francisco.”

Ellen Pontac drove to San Francisco from Davis, Calif., about 65 miles to the east, to with her partner, Shelly Bailes, witness the decision, and she said she was thrilled, but still not totally satisfied.

“This is what should happen, its so simple, so clear,” she said. “I used to say that all I want is the same rights that a 14-year-old girl in Arkansas has. We can’t have them federally. But we will.”
Same-sex couples have a constitutional right to marry, the California Supreme Court ruled Thursday. Couples John Lewis and Stewart Gaffney and Jewelle Gomez and Dianne Sabin hugged on the steps of the courthouse after the decision was announced.

Photo: Jim Wilson/The New York Times
Maya Scott-Chung, left, and Beth Teper, friends who support gay marriage but are not a couple, also celebrated the decision. California already has a strong domestic partnership law that gives gay and lesbian couples nearly all of the benefits and burdens of heterosexual marriage. The majority opinion said that is not enough.

Photo: Jim Wilson/The New York Times
In 2004, San Francisco issued marriage licenses to thousands of same-sex couples until the courts put a halt to the practice. The state Supreme Court ultimately voided the licenses, saying that city officials had exceeded their authority. Alice Heinsoth and Christmas Leubrie brought an enlarged copy of their marriage certificate from four years ago with them to the courthouse.

Photo: Jim Wilson/The New York Times
After the decision, same-sex couples lined up to file for marriage licenses at the county clerk's office.

Photo: Jim Wilson/The New York Times
San Francisco's mayor, Gavin Newsom, who in February 2004 issued a directive allowing same-sex couples to wed in the city, said the decision was a victory for equality.

Photo: Jim Wilson/The New York Times