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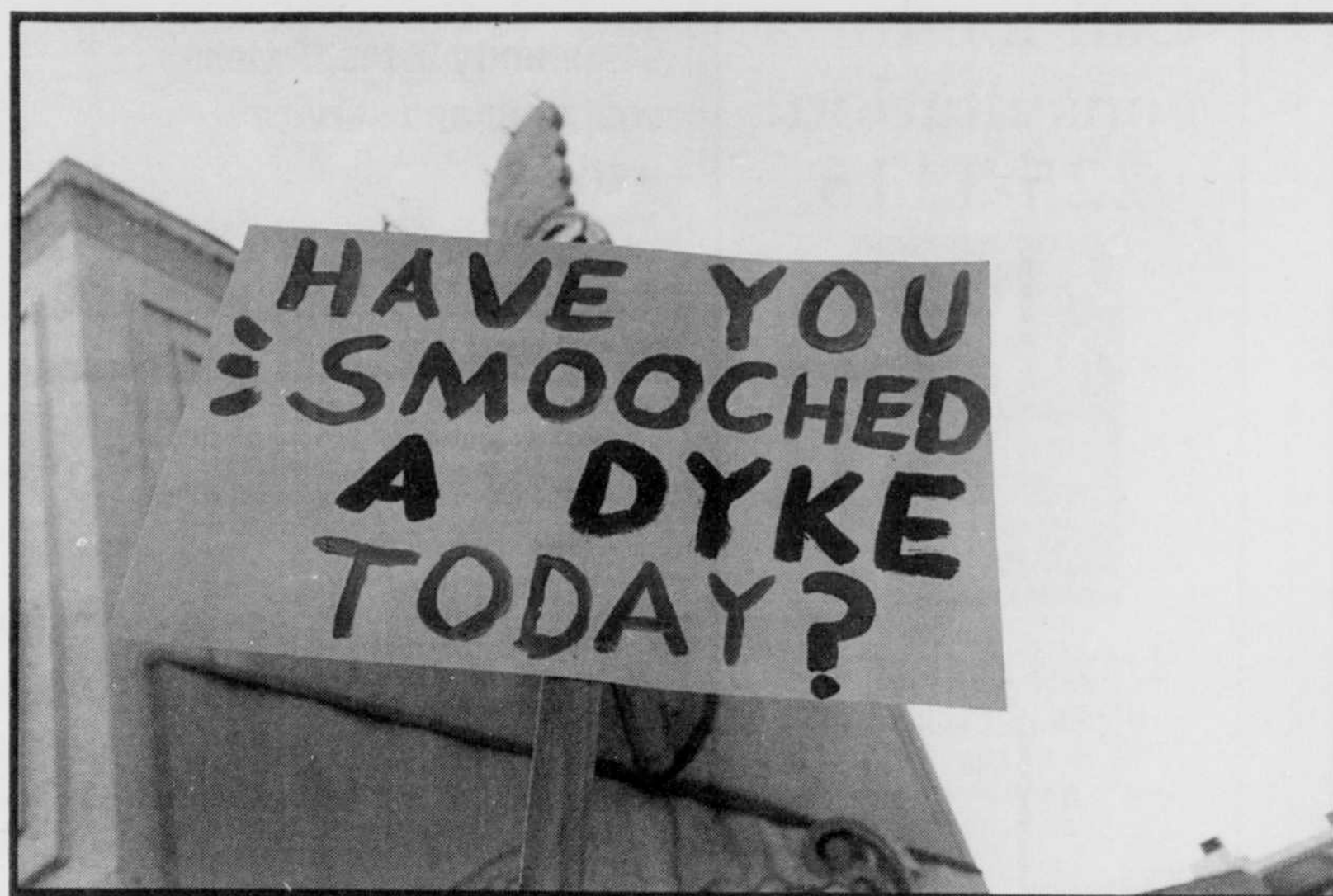


PHOTO BY LINDA KUEVER

guest editorial

It was a good one

Through the lens of history, 1996 will be seen as a year of great hope and progress

by Elizabeth Birch

In a few short years when we all have some true perspective, gay men and lesbians in the United States will look back on 1996 as a turning point for our movements for two very critical reasons. First, 1996 was the year that same-sex marriage hit the national consciousness—for better or worse. The other watershed was the U.S. Supreme Court's ruling in the Colorado Amendment 2 case, an opinion that tantalizingly hints at the way this court will deal with other gay and lesbian civil rights questions.

Religious political extremist organizations shoved same-sex marriage into our collective face in their quest for a new fund-raising tool that they hoped would have the added bonus of torpedoing Bill Clinton's re-election. Their scheme was clever and dexterous, as their skills methodically introduced anti-gay-marriage bills in statehouses across the country in a buildup to the mother of them all, the Orwellian and unconstitutional Defense of Marriage Act.

In the short run, their strategy was both a success and a failure. A total of 16 states and the U.S. Congress passed anti-gay-marriage laws. (The governors of Alabama and Mississippi pettishly issued executive orders after their state legislatures refused to pass such spiteful bills.) But 19 states that considered such bills did not enact them. Meanwhile, President Clinton disarmed the same-sex marriage missile targeting him by announcing that he would sign the federal legislation.

By plucking the question of same-sex marriage out of Hawaii and depositing it into the country's living rooms, religious political extremists have helped advance our cause in the long run. Rather than pouring into the streets to stop the terrifying same-sex-marriage juggernaut, people are pausing to think about the question—most for the first time. And as more and more people grasp for valid, logical reasons to deny legal marriage to gay men and lesbians, more and more are having to

admit there are none.

The other result of this anti-gay-marriage campaign has been to evoke new empathy from reasonable people who have suddenly thought about and now understand how unfair it is to deny committed same-sex couples the same privileges and responsibilities enjoyed and endured by married couples.

The other seminal event of 1996 was the Supreme Court's ruling in May in the case of *Romer vs. Evans*. This eloquent decision embodied a quantum leap in judicial thinking.

Justice Anthony Kennedy, a Reagan appointee, opened the *Romer* opinion with a quote from the dissent to the infamously wrong-headed *Plessy vs. Ferguson* decision, which legalized the "separate but equal" system for African Americans. He could not have been clearer when he wrote that there is nothing "special" about laws protecting gay men and lesbians from discrimination—thereby tearing down the hateful claims that what we seek is not basic equality. And he proclaimed almost poetically that no state has the authority to make one class of people "a stranger to its laws." This is a strong signal that a majority of this court is ready to listen to cases relating to the treatment of gay men and lesbians in society and judge them on their legal merits alone.

Finally, those who know how invested I am in passing the Employment Non-Discrimination Act might be wondering why I didn't mention the Senate's near-passage of ENDA. That's because I fully expect ENDA to pass before the turn of the century. And once that has happened, the fact that 1996 saw the first vote on the bill in one congressional chamber will be only a footnote to the larger victory of enacting the first civil rights law covering gay men and lesbians in the United States.

Elizabeth Birch is executive director of the Human Rights Campaign.

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