

“A Bitter Fight”

The Battle Over Gay and Marriage Rights in California

Prepared by Jill E. Darling, Los Angeles Times Poll

PAPOR Conference, December 2008

1978 – Proposition 6, the “Briggs Initiative”

Bitter Fight Expected on Gay Teacher Issue

DOUG SHUIT

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Bitter Fight Expected on Gay Teacher Issue

Both Sides Gearing Up for Campaign That Could Rival Battles Over Prop. 13

BY DOUG SHUIT

Times Staff Writer

The question of homosexual rights, already battled on the local level from Florida to Oregon, is coming to California in a statewide campaign that might rival the emotional intensity of the current fight over Proposition 13.

Both sides were already gearing up for the fight Thursday in the wake of qualification of an initiative that would remove homosexual teachers, or others who advocate homosexual

What had already been a well-organized gay rights movement really took off after Dade County, particularly in Los Angeles and San Francisco, and gay activists won the support of many local politicians.

To defeat the Briggs initiative, gay leaders will have to buck a national trend that goes against protecting homosexuals from job and housing discrimination.

After the Dade County fight, ho-

Anita Bryant – Save Our Children

ORGANIZES PROTEST GROUP

Anita Bryant Takes On 'Gay' Activists

MIAMI (AP)—Anita Bryant says she will continue fighting a gay rights ordinance even “if my livelihood is stripped away from me.”

“I will not be moved,” Miss Bryant said in an interview today. “I’d rather have the love of God and be making this a better place to live for my children and other children.”

She has helped organize a group called Save Our Children, Inc. because she believes the local gay community is “trying to recruit our children to homosexuality.”

Gay rights leaders call her efforts “bigoted” and “fanatical.” They have tried—unsuccessfully—to pressure the Florida Citrus Commission, for which she has advertised orange juice since 1968, into taking her ads off the air, and they talk about a possible boycott of Florida citrus products.

Miss Bryant, 37 and the mother of four children, was Miss Oklahoma in 1959 and was second runner-up in



Anita Bryant

AP Wirephoto

County Commission hearing last

The ordinance passed, but Miss Bryant and other opponents promptly announced formation of the protest group.

She said today she does not believe many schoolchildren would be subject to physical abuses, but she said she objects strongly to the “role models” that homosexual teachers would present.

“Some (males who could become teachers) even want to wear dresses to work and flaunt their homosexuality in front of my children . . .” she said.

“I would give my life if necessary to protect my children. I’m concerned with giving them the right food and clothes to wear and if I let up on the spiritual and physical thing, what good is it?”

“If they’re exposed to that (homosexuality) I might as well feed them garbage.”

Bob Kunst, a local gay spokesman,

1978 – Proposition 6, the “Briggs Initiative”

1978 Briggs Initiative to ban homosexuals from teaching jobs

June '78
Primary

Support	58%
Oppose	42

Sen. John Briggs on Homosexuality

BY ROBERT SCHEER

Times Staff Writer

State Sen. John Briggs is the author of Proposition 6, the ballot initiative which Briggs claims would require the firing of teachers and other school employees who publicly admit being homosexual or who promote homosexuality as a life-style.

The initiative will appear on the Nov. 7 ballot. The state legislative counsel has said the measure, on its face, is so overbroad as to be unconstitutional. Briggs himself says its full meaning can only be ascertained by careful and repeated readings.

In the following interview, Briggs was questioned about the intent and application of Proposition 6.

Scheer: Why have you decided to address the issue of homosexuals in the schools at this particular time?

Briggs: Until Anita Bryant came along to provide the leadership, and I make it very clear that it was her impetus that allowed me then to do what I tried to do three years ago . . . the climate was not there to do anything about something I felt very strongly about, but because of the repealer in Miami, it brought it right up



as a social issue.

Scheer: We have existing regulations which govern the content of teaching, hiring and prohibit sexual advances toward students. What your bill seems to add is that simply being a homosexual and admitting to that fact is grounds for firing.

Briggs: That is correct. If you are a homosexual, publicly admitted or practicing, that is automatic grounds for the removal of a teacher or a

school administrator or an aide or a counselor.

Scheer: Even if that teacher or counselor or administrator has not spoken about homosexuality in the class?

Briggs: Even.

Scheer: Has not made any advances toward any students?

Briggs: That's right. Because he is a threat to children.

Scheer: But the threat does not have to be manifested in any way?

Briggs: Well, we already know that homosexuals are attracted to children . . .

Scheer: You are saying that a homosexual teacher who has taught for 20 years, who has never made an advance toward a student during that time, who has never spoken about homosexuality in class during that time, who has in no way acted improperly and who has never said that they were a homosexual until asked by the school board—that that teacher would be automatically fired, because that teacher is a threat, even though the threat has not shown up in 20 years of teaching.

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1978 – Proposition 6, the “Briggs Initiative”

1978 Briggs Initiative to ban homosexuals from teaching jobs

	June '78 <u>Primary</u>	Aug '78 <u>Poll</u>	Sept '78 <u>Poll</u>	Oct '78 <u>Poll</u>
Support	58%	41%	38%	29%
Oppose	42	49	52	61

1978 – Proposition 6, the “Briggs Initiative”

1978 Briggs Initiative to ban homosexuals from teaching jobs

	June '78 <u>Primary</u>	Aug '78 <u>Poll</u>	Sept '78 <u>Poll</u>	Oct '78 <u>Poll</u>	11/78 <u>Vote</u>
Support	58%	41%	38%	29%	59%
Oppose	42	49	52	61	41

“At Least it’s a Fruit Pie.”



1986 and 1988 – Lyndon Larouche and his Prevent Aids Now Committee (PANIC)

Proposition 64: Acquired Immune Deficiency Syndrome (AIDS). Initiative statute. Declares that AIDS is an infectious, contagious and communicable disease and that the condition of being a carrier of the HTLV-III virus is an infectious, contagious and communicable condition. Requires both be placed on the list of reportable diseases and conditions maintained by the director of the Department of Health Services. Provides that both are subject to quarantine and isolation statutes and regulations. Provides that Department of Health Services personnel and all health officers shall fulfill the duties and obligations set forth in specified statutory provisions to preserve the public health from AIDS.

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	<u>September 1986</u>	<u>October 1986</u>	<u>Actual Vote November 1986</u>
For	35%	27%	71%
Against	51	57	29
Don't know	14	16	

Poll Data - California Attitudes Toward Gays and Gay Marriage

From the Field Poll Digests on Gay and Lesbian Rights Issues and Data Releases:

Approve/Disapprove of gay marriage:

	Approve	Disapprove	D/Know
1977	28%	59	13
1985	30%	62	8
1997	38%	56	6
2003	50%	44	6
2004	50%	44	6
2006	51%	43	6

From Los Angeles Times California Polling

Do you approve of homosexuality, or is it okay for others but not you, or do you oppose it for everyone?

	<u>Approve</u>	<u>OK/Others</u>	<u>Oppose</u>	<u>D/know</u>
1978	21%	35	37	7
1983	13%	45	37	5

Legalize marriage for same-sex couples, or have civil unions that are like marriage but not called marriage or do you think same-sex couples should not be legally recognized at all?

	<u>Legal Mar</u>	<u>Civil Union</u>	<u>Neither</u>	<u>D/Know</u>
2/2004	32%	38	25	5
4/2004	31%	40	25	4
5/2008	35%	30	29	6

A Quick History – Homosexuality & Marriage [in California]

1850 – 1999

1850 marriages between whites and negroes, mulattos, Mongolians and Malays banned

1948 **Perez v. Sharp**. Cal Supremes overturn interracial marriage ban

1962 Illinois 1st state to decriminalize “homosexual acts between consenting adults in private”

1973 American Psychiatric Association takes homosexuality off the list of mental illnesses

1975 California’s sodomy law overturned

1977 California Legislature amends the state’s civil code to define marriage as between a man and a woman.

1978 Senator Briggs puts **Prop 6** on the ballot. Homosexual teachers, administrators, “and their supporters” would be found and removed from school jobs. Lost 41% to 59%

1986 Lyndon LaRouche puts **Prop 64** on the 1986 ballot which lost 71% to 29%.

1988 LaRouche again, **Proposition 69**. Also two more AIDS measures: **Prop 102** which lost 66% to 34% and **Prop 96** which won 61% to 39%.

1999 California Legislature historic vote (without court intervention) to create domestic partnerships.

A Quick History – Homosexuality & Marriage in California

March 2000 - Proposition 22

Text of Proposition 22

Only marriage between a man and a woman is valid or recognized in California.

A Quick History – Homosexuality & Marriage in California

March 2000 - Proposition 22

Another proposition on the ballot is Proposition 22, the limit on marriage initiative. Have you heard, read, or seen anything about this initiative? (IF YES) From what you know, if the primary were being held today, would you be inclined to vote for or against this initiative or don't you know enough about it yet to say?

Yes	32%
No	27
D/K	41

As you may know, Proposition 22, the limit on marriage initiative, adds a provision to the family code which states that only marriage between a man and a woman is valid or recognized in California.

	<u>LA Times Poll February 2000</u>	<u>March 2000 Primary Actual Vote</u>
Yes	55%	61%
No	36	39
D/K	9	

A Quick History – Homosexuality & Marriage in California

March 2000 - Proposition 22

	% voters CA 3/2000 (vertical)	% voters CA 11/2000 (vertical)	Proposition 22 - DOMA - March 7, 2000 (horizontal)	
			Yes	No
All Voters	100%	100%	61%	39
Gender				
Male	56%	47%	61%	39
Female	44	53	57%	43
Race and Gender				
White men	46%	39%	60%	40
White women	36	36	55%	45
Black men	4	2	64%	36
Black women	3	3	60%	40
Hispanic/Latino men	4	6	67%	33
Hispanic/Latino women	3	5	63%	37
Political Ideology				
Liberal	33%	37%	29%	71
Moderate	25	29	57%	43
Conservative	42	34	84%	16
Party Affiliation	‡			
Democrat	46%	48%	43%	57
Independent	9	12	58%	42
Republican	41	36	80%	20
Party and Ideology				
Liberal Democrat	25%	24%	26%	74
Moderate/Conservative Democrat	21	18	61%	39
Moderate/Liberal Republican	12	9	56%	44
Conservative Republican	29	22	90%	10

‡ Party registration

Proposition 22: Briggs Initiative.

Shored up 1977 civil code language to close “loophole” which would have allowed California to recognize same-sex marriages made in other states.

Who Voted Yes?

Almost all demographic groups and the vast majorities of counties.

Okay, Who Voted No?

Liberals, Democrats and Jewish voters (76%). Only six counties - San Francisco, Marin, Santa Cruz, Alameda, Sonoma and Yolo Counties.

A Quick History – Homosexuality & Marriage in California

2004 – Gavin Newsom Sets Off A Chain Reaction

- **February** – Challenging CA Law, San Francisco Mayor Gavin Newsom begins issuing licenses and marrying same-sex couples in San Francisco. Many other counties and registrars in other states follow suite, including New Jersey, New York, and Oregon. A backlash movement of gay marriage bans gets underway as well.
- **March** - The California Supreme court halts the marriages, and annulled them in August.

2005 – Another Busy Year

- **February** - California Supreme Court lets stand a new law amending the domestic partners' registry for same-sex couples.
 - **March** – 9th circuit court rules that the ban on same-sex marriage is illegal.
 - **June** - California Supreme Court issues first-of-its-kind ruling recognizing the co-parenting rights of same-sex couples.
 - **August** - California state Assembly approves Senate-passed bill to legalize same-sex marriage in CA,
 - **September** - Gov. Arnold Schwarzenegger (R) vetoes bill, citing Proposition 22 as the “will of the people”
-

A Quick History – Homosexuality & Marriage in California

November 2008 - Proposition 8

2008 – Nearly 5 Months of Legal Same Sex Marriage until voters called a halt in November. Ballot measure passed 52% to 48%, missing keeping same sex marriage legal by two points.

November electorate somewhat unusual and very different from electorate in March 2000. Given such big differences, is it true that it reflects real changes in attitudes, or is the closeness of the vote merely a matter of difference in who turned out to vote?

Differences in turnout – larger turnout among groups who supported Proposition 8:

- Black voters 10% of 11/2008 electorate compared to 7% in 3/2000. 70% voted “Yes”
- Hispanic voter turnout was at least double what it was in 3/2000. 52% voted “Yes.”
- White evangelicals - 17% this year compared to 12% in 3/2000. 91% voted “Yes.”
- Catholics – 26% in 2000, 30% in 2008. 64% voted “Yes”

Increases among a couple of groups who opposed it as well:

- 38% of 11/2008 electorate were single, compared to 32% in 3/2000. 62% voted “No”.
- 20% of electorate under age 30, compared to 5% in 3/2000. 61% voted “No”

However, a real change in attitude can be found when you look within groups...

A Quick History – Homosexuality & Marriage in California

November 2008 - Proposition 8 and Proposition 22

A Widespread Decrease in “Yes” Vote

Percentage point change Increase in No Vote

Married	4
Women	5
College grads	6
Liberals	7
65+	7
Men	8
White	9
45-64 year olds	9
< College Grad	10
Moderates	10
Protestants	10
White Evangelicals	10
Asians	10
Non-union households	10
Single	11
Independents	12
Hispanic	12
Moderate Democrats	17
18-29 year olds	19
First time voters	29

Increase/Same in Yes Vote

Black	8
Conservative	1
Republican	2
Moderate Republicans	12
Catholics	5
Union	-2

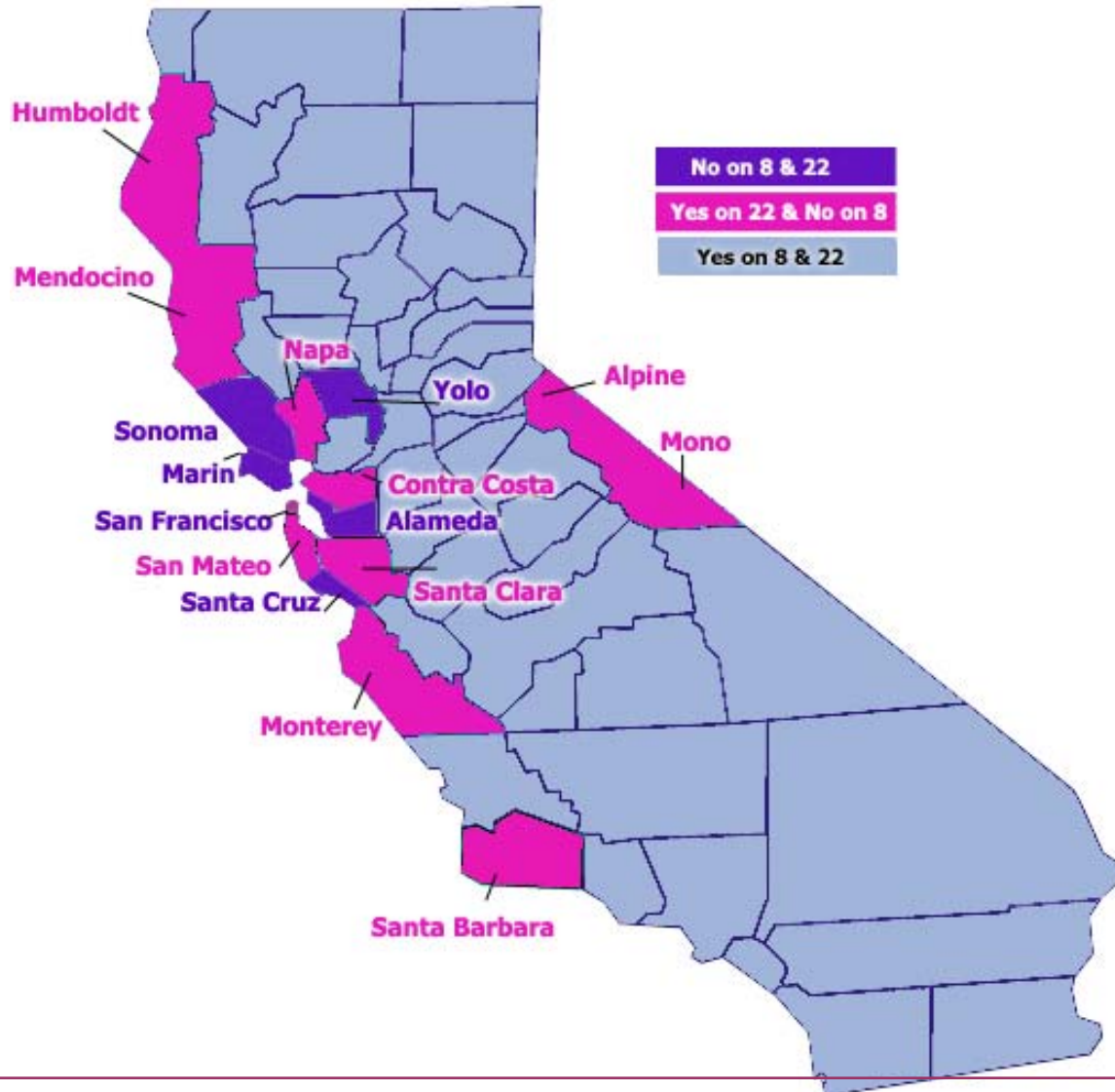
Turnarounds From Yes to No Vote

	Prop 22	Prop 8
18-29	58Y	61N
First time voters	67Y	62N
Moderate Democrats	61Y	54N
Whites	58Y	51N
Asians	59Y	51N
College Grads	53Y	53N
Moderates	57Y	53N
Independents	58Y	54N

10 Counties: Alpine, Contra Costa, Humboldt, Mendocino, Mono, Monterey, Napa, San Mateo, Santa Barbara, Santa Clara

A Quick History – Homosexuality & Marriage in California

November 2008 - Proposition 8 and Proposition 22





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