This file contains the following articles, all of which are required readings;

- Turnbull & Martin, ”State Supreme Court upholds gay marriage ban” Seattle Times, July 26, 2006
- Unknown, “Gay marriage supporters march through Seattle” KOMO News Seattle, Nov. 21, 2008
- Grygiel & Guzman, “New gay rights law being approved by voters” SeattlePI.com, Nov. 3, 2009
- Kliff, “The Other Gay-Rights Vote: Why Referendum 71 in Washington Matters” Newsweek (online blog), Nov. 4, 2009
SEATTLE - Gay couples can be married under Washington state law, because denying their right to do so is a violation of their constitutional rights, a judge ruled Wednesday.

“The denial to the plaintiffs of the right to marry constitutes a denial of substantive due process,” King County Superior Court Judge William Downing said in his ruling.

His decision is stayed until the state Supreme Court reviews the case, meaning no marriage licenses can be issued until then, said Jennifer Pizer, lead counsel in the case for Lambda Legal Defense in the case.

“A judge Downing saw the couples in the courtroom and he's recognized that they are full and equal citizens of Washington. No more and no less,” Pizer said.

Only Massachusetts has gone further
Washington is one of 38 states with laws defining marriage as a union between a man and a woman. Under a state high court ruling, Massachusetts has allowed gay marriage since May.

The Washington state couples challenged the state’s Defense of Marriage Act, which restricts marriage to one man and one woman.

Arguing for the couples, attorney Bradley Bagshaw told Downing at a hearing last month that the act violates the state constitution by depriving same-sex couples of the same privileges and immunities as other residents, and by depriving them of life, liberty or property without due process of law.

Six couples filed the lawsuit in March after King County refused to grant them marriage licenses, and two other couples later joined the suit.

A second lawsuit was filed in April by the American Civil Liberties Union on behalf of 11 same-sex couples.

Judge sees no rational argument
In his ruling, Downing criticized arguments that a ban on same-sex marriage would protect children from harm that may be caused by being raised in a nontraditional family.

“Although many may hold strong opinions on the subject, the fact is that there are no scientifically valid studies tending to establish a negative impact on the adjustment of children raised by an intact same-sex couple as compared with those raised by an intact opposite-sex couple,” Downing wrote.

He concluded that excluding same-sex partners from civil marriage “is not rationally related to any legitimate or compelling state interest.”
King County Executive Ron Sims, a defendant in the lawsuit, said the ruling was a powerful affirmation of equal rights.

“I think marriage is an incredibly wonderful institution and that people who love each other should be allowed to be involved in it,” Sims said.

When first urged to issue marriage licenses to gay couples, Sims said he wouldn't do it because the licenses wouldn't have any legal meaning in a state that didn't recognize him. But he invited the couples to sue.

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URL: http://www.msnbc.msn.com/id/5603590/
State Supreme Court upholds gay marriage ban

By Lornet Turnbull and Jonathan Martin
Seattle Times staff reporters

Marriage in Washington State remains a union between one man and one woman.

The State Supreme Court today upheld the state's 1998 ban on same-sex marriage, delivering a victory for supporters of traditional marriage and a sobering defeat for gays and their advocates.

Writing for a 5-4 majority, Justice Barbara Madsen said the state's Defense of Marriage Act, which defines marriage as between a man and woman, is constitutional because it furthers the state's interest of stable, child-producing unions.

"The Legislature was entitled to believe that limiting marriage to opposite-sex couples furthers procreation, essential to the survival of the human race and furthers the well-being of children by encouraging families where children are reared in homes headed by children's biological parents," Madsen wrote.

As such, DOMA does not violate the state Constitution's privileges and immunities clause, which requires that any benefit granted to one group must be granted equally to all. "Allowing same sex couples to marry does not, in the Legislature's view, further these purposes," she wrote.

The ruling stems from two lawsuits filed in 2004 — one against King County, the other against the state — by 19 gay and lesbian couples seeking the right to marry or to have their marriages from elsewhere recognized in this state.

Madsen was joined by Chief Justice Gerry Alexander and Justice Charles Johnson. Justices James Johnson and Richard Sanders joined the majority in a separate concurrence. Justices Bobbe Bridge, Mary Fairhurst, Susan Owens and Tom Chambers dissented.
Seattle's gay marriage policy challenged

Appellate court hears lawsuit

Wednesday, July 25, 2007
Last updated July 26, 2007 4:15 p.m. PT

By ANGELA GALLOWAY
P-I REPORTER

(Editor's note: This story has been changed since it was first published. The date that King County Superior Court ruled against the Pacific Justice Institute's lawsuit was misstated originally.)

A California organization has asked a court to throw out Seattle's policy of recognizing gay marriages of its workers.

The Pacific Justice Institute, a conservative, non-profit legal defense group specializing in religious freedom and parental rights, said Mayor Greg Nickels went beyond his authority in 2004 when he ordered city departments to provide equal benefits to employees married by governments that license same-sex marriages.

At issue is whether Nickels used language in his order and accompanying press release to effectively sanction gay marriage -- a move the group said is at odds with the state's ban on gay marriages.

"It's our position that this goes way beyond employee benefits," Matthew McReynolds, an attorney for Pacific Justice Institute, told a three-judge state Court of Appeals panel Tuesday. "He was just using this as an opportunity to undercut the (state) Defense of Marriage Act."

Representing the city, attorney Phil Brenneman countered that Nickels' policy was limited to employee benefits. Beyond that, the mayor's language only reflected his personal stance in favor of gay marriage, he said. "It's clear that this is the mayor's political position," Brenneman said.

One of the three judges on the appellate bench took issue with the discrepancy between the limited scope of Nickels' executive order and his broader public endorsement of gay marriage. "The mayor was misleading the public in terms of what he was trying to accomplish," Judge Stephen Dwyer said.

In practical terms, both the lawsuit and the city rules it challenges are largely symbolic. Nickels' order requires city departments to recognize same-sex marriages licensed in other states.

But that order was largely symbolic because the city already had provided benefits to domestic partners since 1989. However, the order does allow married same-sex workers to sign up for such coverage with less paperwork -- signing on as "married" rather than filling out separate "domestic partnership forms."

A King County Superior Court ruled against the institute's lawsuit in 2004.

P-I reporter Angela Galloway can be reached at 206-448-8333 or angelagalloway@seattlepi.com. Follow city politics on her Strange Bedfellows blog at blog.seattlepi.com/seattlepolitics.

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Gay marriage supporters march through Seattle

by KOMO Staff and Associated Press


SEATTLE - Thousands of people marched peacefully through downtown Seattle Saturday afternoon as part of a national protest to protest the California vote that banned gay marriage.

Seattle police accompanied the marchers and lined downtown streets to control the crowd. Police estimated the crowd number about 3,000. Other estimates ranged above 5,000 protesters and counter-protesters.

"The Church of Latter Day Snakes," one sign said, pointedly aimed at the Mormon church, which supported Proposition 8 in California. "You can't stop love," another sign said.

One participant, Mariana Shirk, marched with her son in support of her gay brother and his partner.

"They've been together longer than my husband and I, and we feel that they should be allowed to be married," Shirk said.

Another marcher, Fabrice Morino, flew in from California to turn his statewide issue into a national one.

"People in California right now are protesting right now, and I'm sure they're very happy to know that even people in Washington state can help us in this fight," he said.

There's no legislation to legalize same-sex marriage in Washington state. But the voices in support of it are growing louder.

"It's about time we got our equal rights. If we don't demand them, we'll never get them," said marcher John Nettleton.

Seattle Mayor Greg Nickels spoke to the marchers, who gathered at Volunteer Park and then proceeded to Westlake Center. He called Proposition 8 "a hateful measure which should never have been on the ballot."
Nickels told the crowd he has declared Nov. 15 as "Marriage Equality Day in Seattle."

The march was part of a national protest against the vote that banned gay marriage in California and to urge supporters not to quit the fight for the right to wed.

Seattle blogger Amy Balliett, who started the planning for the protests when she set up a Web page three days after the California vote, said persuasion is impossible without civility.

"If we can move anybody past anger and have a respectful conversation, then you can plant the seed of change," she said.

Balliett said supporters in 300 cities in the U.S. and other countries were holding marches, and she estimated 1 million people would participate, based on responses at the Web sites her group set up.

"We need to show the world when one thing happens to one of us, it happens to all of us," she said.

Crowds gathered near public buildings in cities large and small, including Boston, San Francisco, Chicago and Fargo, to vent their frustrations, celebrate gay relationships and renew calls for change.
New gay rights law being approved by voters

Measure expands rights of same-sex domestic partners

Tuesday, November 3, 2009
Last updated November 4, 2009 11:14 a.m. PT

By CHRIS GRYGIEL and MONICA GUZMAN
SEATTLEPI.COM STAFF

Buoyed by big support from King County, voters Tuesday were approving Washington's new "everything but marriage" law that greatly expands the rights of gay couples.

With more than 1 million votes counted, the Secretary of State's Office reported Wednesday morning that Referendum 71 was passing 51 percent to 49 percent.

The new gay rights law was being rejected in all the counties in Eastern Washington - as well as Pierce County. It was passing in 10 Western Washington counties, including King and Snohomish. King County voters were approving the law 66 percent to 34 percent.

Meanwhile voters in Maine Tuesday night rejected that state's new gay marriage law.

In Washington Gov. Chris Gregoire signed a bill in May granting same sex domestic partners all the rights of married couples. That same month conservative interests announced they would attempt to overturn the new law and enough signatures were collected enough to place R-71 on the November ballot.

Gay rights supporters were not ready to declare victory Tuesday night.

"We are hopeful, but we are not stupid. We know better than to think we've got this in the can," said said Jody Lane of the National Gay and Lesbian Task Force. "They may be recounting 'til January, for God's sake."
Before the first batch of results came in at 8:15 p.m., supporters laughed as a clip of Stephen Colbert jokingly endorsing Washington's domestic partnership law played on a projector at the Pravda Studios party.

With a bigger crowd by 9:05 p.m., they were still having fun -- but no one was celebrating. "We are really very guardedly optimistic, remembering that a very very large percentage of King County ballots have not been counted," campaign manager Josh Friedes told the crowd.

The Faith and Freedom Network, which opposed the new gay rights law, said in a statement earlier Tuesday that the effort had been worth it.

"People of faith and social conservatives have been revived as a political force in Washington," the statement said. "R-71 has identified upwards of 200,000 people who are willing to take action to protect marriage, the family and children. It has also identified a legal team that has won victory after victory, a team that will now defend R-71 petition signers and their right to anonymous political speech before the United States Supreme Court."

**Legal disputes linger**

As the statement indicates, the fight over R-71 won't be finished when all the ballots are counted. Legal disputes over the measure have reached the nation's highest court and scholars and government officials across the country are watching to see how they will be resolved and what impact they'll have on open government laws.

Last month the U.S. Supreme Court blocked the release of names of people who signed R-71 petitions. Justices will consider whether to hear the merits of the case and the issue may not be resolved until next year.

The state of Washington supports the release of initiative and referendum petitions under terms of the Public Records Act that state voters approved overwhelmingly in 1972. The Supreme Court action stopped a lower federal court ruling that the names should be made public.

The petitions contain the names and addresses of people who signed. Gay rights groups have said they want to put the names of people who signed the petitions online. The group Protect Marriage Washington, which collected nearly 138,000 signatures to qualify R-71 for the November ballot, says those people could be harassed, amounting to an infringement on their free speech rights. State officials fear that if the names of referendum and petition signers are kept secret laws like those that require campaign donors be made public could be threatened.

The original domestic partnership law, backed by Sen. Ed Murray, D-Seattle, two years ago, provided inheritance rights in cases where there was no will, hospital visitation rights, the ability to authorize autopsies and organ donations. About 6,000 domestic partnership registrations have been filed since July 2007.

Some rights and responsibilities that would be extended to gay and lesbian families under the latest legislation are:

- Workers' compensation coverage.
- The right to use sick leave to care for a spouse.
- Victims' rights, including the right to receive notifications and benefits allowances. Business succession rights.
- Legal process rights, such as the ability to sign certain documents, the requirement to join in certain petitions, rights to cause of action, and ability to transfer licenses without charge.
- The right to wages and benefits when a spouse is injured, and to unpaid wages upon death of spouse.
- The right to unemployment and disability insurance benefits disability insurance issues
- Insurance rights, including rights under group policies, policy rights after death of spouse, conversion rights, and continuing coverage rights.
California, New Hampshire, New Jersey, Oregon, Washington and the District of Columbia have laws that either recognize civil unions or domestic partnerships that afford same-sex couples similar rights to marriage. Thirty states have gay marriage bans in their constitutions.

'Everybody's...nervous'

Little was heard about R-71 on the streets of Capitol Hill Tuesday night, but at the Wild Rose, a lesbian bar that celebrates 25 years in Seattle this December, 30-year-old Daria Kallal could barely contain her energy.

"I'm the type of person -- I know it's going to be approved," she said. Her sweatshirt, which she decorated for a 5-kilometer run on Halloween, had a red check in the front and a big number "71" in the back.

She and her friends sat in front of a TV screen tuned to KING/5 and compared news they found on their iPhones about both R-71 and Question 1 in Maine as questions buzzed through the bustling bar: "Have they called it yet?" "What's the latest?"

"Everybody's just sort of -- I think they're just nervous," said co-owner Shelley Brothers.

Ryan Blackhawke and Breanna Anderson were sure the measure would pass.

"I've always had a good feeling on it," Blackhawke said. "I think it will offset a possible defeat in Maine."

Blackhawke and Anderson "have a dog in the fight," as Anderson put it. Together for 15 years, they were among the first 20 or 30 couples to be granted domestic partnerships in Washington in 2007. Blachawke's family supports their union. Anderson's does not.

"They're fundamentalist Christians," Blackhawke said. "If she got sick, they could effectively cast me out of any decisions."

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The Other Gay-Rights Vote: Why Referendum 71 in Washington Matters

Wednesday, November 04, 2009 12:21 PM
By Sarah Kliff

While gay-rights activists mourn their loss in Maine, they should not discount the projected victory of Referendum 71 in Washington state. If the measure passes, the Evergreen State will be the first to approve gay equality by direct will of the people, rather than the court or legislature.

Nicknamed "Everything But Marriage," Referendum 71 asked voters to reconfirm the state legislature's recent expansion of domestic partnership rights, signed by Democratic Gov. Christine Gregoire this past spring. Granted, the bill does not protect gay marriage. But it would recognize the rights of domestic partners "to be equivalent to those of married spouses." There's a week's worth of ballot-counting remaining—Washington is one of two vote-by-mail states—but returns so far look good for gay-rights activists.

Referendum 71 has not received nearly the attention of the gay marriage law in Maine. And if Referendum 71 does indeed pass, some will write off its success as uninteresting. This is, after all, liberal Washington state that we are talking about; of course a gay-equality referendum will pass. Moreover, Referendum 71 does not reach for gay marriage, but just gay equality. But as a native Seattleite, I don't think we should discount the importance of Referendum 71 so quickly. Here's why:

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First, Washington state is not just Seattle. Outside of the state's northwest corner, which includes Seattle and college town Bellingham, Washington is, by and large, a conservative place. As we know from other states, gay-rights ballots tend to encourage conservative-voter turnout.

Second, even Seattle does not support every liberal ballot measure that comes its way. Just this past summer, Seattle voters rejected a 5 cent tax on disposable shopping bags.

Third, and finally, Washingtonians have not always supported gay rights at the polls. Seattle Times columnist Danny Westneat reminds us today that the "supposedly liberal" Evergreen State has not always voted in support of gay rights. In 1997, "Washington rejected a gay anti-discrimination law by a landslide, 60 percent to 40 percent," Westneat writes. "That vote set back the drive for gay equality here by nearly a decade."

So if current projections are accurate, and Referendum 71 passes, it does mean something for the gay-rights movement. Namely, that voters are increasingly willing to support gay rights at the polls. This fits in nicely with the argument put forth by NEWSWEEK columnist Jacob Weisberg in this week's magazine. He writes that gay-rights legislation will continue to pass "not because politics has changed, but because society has." "What's driving the legalization of gay marriage is not so much the moral argument," he argues, "but the pressures from couples who want to sanctify their relationships." And that explains why Washington has seen double-digit shifts in support for gay rights in just over a decade. And why, after 31 states have voted to reject gay marriage, you now have a state voting to approve gay equality.