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Windy City Times



Views: 56 Years to Get Married

by Malcolm Lazin

2008-05-21

Del Martin and Phyllis Lyons met in 1952 and have been together ever since. On Feb. 12, 2004, Del and Phyllis were the first couple to be married in San Francisco. Mayor Gavin Newsom officiated. Shortly thereafter, an appellate court invalidated their marriage because, under California law, only a man and a woman can marry.

Del and Phyllis were among the plaintiffs who challenged that definition. On May 15, 2008, the California Supreme Court held that the prohibition against same-sex marriage is unconstitutional.

The groundwork for Del and Phyllis to marry began 60 years ago when 40 states had criminal laws that prohibited whites and Blacks from marrying. These miscegenation laws were routinely upheld by state and federal courts. In 1948, the first of these laws was struck down by the California Supreme Court. It was the first appellate opinion to affirm marriage equality.

In 1958, Richard Loving, a white Virginian, and Mildred Jeter Loving, a Black Virginian, got married in Washington, D.C. Virginia was one of 24 states that then had miscegenation laws. When they returned home, the sheriff broke into their bedroom and arrested them under Virginia's Racial Integrity Act. The origins of that law had been on the books since 1662.

Richard and Mildred Loving were ordered to leave Virginia and never to return together or at the same time for the next 25 years. The ACLU took their case. By 1967, when the U.S. Supreme Court decided the case, there were 16 states that had miscegenation laws. The Court unanimously overturned Virginia's Racial Integrity Act. It was the U.S. Supreme Court's first marriage equality case.

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The Rev. Dr. Martin Luther King, Jr. said, "When any society says that I cannot marry a certain person, that society has cut off a segment of my freedom."

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The California Supreme Court same-sex marriage decision provides that freedom to gay and lesbian Californians. California joins Massachusetts in sanctioning same-sex marriage with Vermont, Connecticut, New Jersey and New Hampshire statutorily providing same-sex civil unions. Maine, Washington, Oregon, Hawaii and the District of Columbia offer same-sex registered partnerships. Twenty-seven states have amended their constitutions to prohibit same-sex marriage.

Mildred Loving, who died on May 2, 2008, rarely gave interviews. In 2007, on the 40th anniversary of the Supreme Court decision in Loving v. Virginia, Mrs. Loving issued a statement urging that gay men and lesbians be allowed to marry.

There are few more fundamental freedoms than the right of each citizen to choose the life partner of his/her choice and to have society treat that relationship and their children with equality. Del Martin and Phyllis Lyon will be the first couple to be married with equal rights and responsibilities pursuant to the California Supreme Court's decision. It took 56 years.

Malcolm Lazin is executive director of Equality Forum, a national and international GLBT civil-rights organization with an educational focus.

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