

JOHN ROBERTS: SECOND CLASS CITIZEN

When we were covering the Prop 8 Trial in San Francisco, Teddy Partridge made a very astute point. As the Prop 8 intervenors questioned a witness who (dubiously) talked about how adoptive families are less successful than biological parents in an effort to dismiss claims that gays and lesbians should be able to marry so their kids have more security, Teddy noted that the claims the Prop 8 people were making about adoptive families also applied, to Chief Justice John Roberts, who has two adopted kids.

It's a point I've been obsessed with as the case made its way towards SCOTUS. I even thought about getting an amicus brief together representing opposite sex adoptive families, because the Prop 8 argument threatened their families with second class status, to emphasize the insult at the core of the Prop 8 case.

Turns out [no one had to do that](#). (h/t [Americablog](#))

"You're looking at what is the best course societywide to get you the optimal result in the widest variety of cases. That often is not open to people in individual cases. Certainly adoption in families headed, like Chief Roberts' family is, by a heterosexual couple, is by far the second-best option," said John Eastman, chairman of the National Organization for Marriage. Eastman also teaches law at Chapman University law school in Orange, Calif.

As Teddy [suggests](#), that NOM demeaned the Chief Justice's family just two weeks before the arguments in this case is not only testament to their hard bigotry, but their stupidity.

But hey. If it helps Olson and Boies show how

outrageous the distinct treatment of gay
families is, all the better.