

PROP8 LIVEBLOG: THE CITY OF SF WEIGHS IN



Therese Stewart: The fact that legislation costs govt money is not sufficient to make law unconstitutional. Court decision on public schools. Considered toll on children, but also role of education, basic tools. Serious harm that Prop 8 imposes on gay men and lesbians, their children, and cities. Support case that Prop 8 was born of animus. Laws that can't be explained give rise to inference.

Walker: Show unique harm to SF.

Stewart: Both to SF and state.

Walker: Point out SF.

Stewart: City loses revenue when people don't come to SF to marry.

Walker: People come here bc it's city of love?

Stewart: that's part of it.

bmaz

City of SF atty flailing slightly. Walker helps her out with what her standing issue is really is. Good, not sure she was going to get there. Says is important to SF because SF is a city of hearts and lovers. Crikey, she may break out into The Tony Bennett song.

[Moves on]

Stewart: Costs of psychological treatment. Lesbians and gay men suffer harm at hand of family members. Youth can't aspire to have

marriage and families. As consequence, rates of suicide among lesbian and gay male youth.

Stewart: talks about plaintiff

Walker: If decision goes against plaintiffs, does SF have standing to appeal.

Stewart: I believe plaintiffs will appeal.

Walker: Let's decide they don't have standing.

Stewart: SF would have standing.

Walker: Then presumably Imperial County would have standing.

Stewart: Imperial County couldn't show that it's public health system suffered harm.

Walker: Let's go back to particularized harm in SF.

Stewart cites how much public health care system would have to pay.

Stewart: If stigma were eliminated, that would reduce higher incidence of mental health disorder. Going back to Ryan Kendall. That is somewhat we face. When he was being abused, went to Denver HHS to juvenile dependency, became ward of state. Relied on public health care system.

Stewart: Increased policing costs. When people speak in disparaging language people feel empowered to take action in hate crimes.

Walker: Judicial decisions wouldn't eliminate kinds of motives that give rise to harms you just described. Depend upon motives that law really can't change.

Stewart. I don't know that it would end them all together. But testimony of Mier, Herrick, Sanders, when you have structural stigma endorsed by govt, it does send message, translates into things like hate crimes. Hate crimes based on sexual orientation, second highest category, has been since 1995. Evidence about bullying. City accutely aware that history

of govts demonizing people. SF once used its police power to harass its own people to drive gay people into closet. SF wants nothing more than to treat its citizens all equally. Prop 8 denies us the ability to do that. Evidence presented at trial shows how deeply hurtful that is. We join in plaintiffs' request that court hold prop 8 unconstitutional.

[More applause in ceremonial court room]

Governor's counsel now.

Governor waives right to make closing argument and thanks honor for your time.

Attorney General waives his right to make closing arguments as well.

Walker: Well, I have a question.

Alameda County Clerk Recorder lawyer:

Walker: DO you ask parties to identify genders. For marriage licenses?

ACCRL: I don't know, but I believe box on marriage license.

Walker: We checked SF, Orange, and Imperial County, it appears on apps for marriage licenses, that in SF there is box for groom, bride, and that's labeled optional. In Orange, bullet for groom, bride, none. Now

[laughter in court room, from Walker]

ACCRL: I don't know what to make of if. I suppose you can apply, doesn't mean registrar will recognize marriage. May be a way of sorting out apps for marriage not currently legal.

Walker I think the same is true in Orange [sic]. In Orange county, you can apply online. If you fill out say, groom, punch next, call up other party, you can put in groom again. It doesn't give you an error message. I suppose I can take judicial notice of all these things.

Walker: SO how was marriage license denied?

ACCRL: In one case where they taped themselves,

they made clear they were of the same sex.

Walker: Your advice was not to issue the license.

ACCRL: We've said we'd follow holdings of court. We'd uphold laws of CA.

Walker: So determination by registrar is made on the spot by whoever is at the desk at the time.

ACCRL: Would we ask for medical certification? We have to take people at their word. If it turns out there's been some deception.

Walker: What's the situation if they were to lie?

ACCRL: I think in that case, if... I see two possible situations. One where clerk, it would not look to him as though were of different sexes.

Walker: What's the domestic partner in which opposite sex cannot become partners unless one is older.

ACCRL: There's a SF law and state law.

Walker: Do I understand that under state law, only opposite sex couples can become DPs if one of the indivs is older than 62?

ACCRL: That's my understanding.

Walker: What do you do to enforce that limitation?

No real answer

Lunch time. Cooper up right after lunch.