



CAL ANDERSON'S LEGACY

“YOU CAN'T HAVE IT ALL, ALL AT ONCE.”

The room Cal Anderson booked for a hearing on his gay civil rights bill could accommodate a hundred people. When upwards of 600 arrived by the busload, a lone security guard called the State Patrol for reinforcements. Conservative Christians rattled the doors and jostled in the hallways, chanting “We want in!” Some carried homemade signs denouncing “the sin of sodomy” and “state-sanctioned perversion.” It was March 2, 1993. Anderson, the state’s first openly gay lawmaker, and his friend Ed Murray, president of the Privacy Fund, a gay rights political action committee, had expected fireworks, not Armageddon. Charlie Brydon and Don Moreland, two respected older gay activists in Seattle, counseled Anderson that the hearing was a bad idea. “Cal was determined,” Murray remembers. In Washington, you could be fired from your job or evicted from an apartment for being gay.

Supporters of House Bill 1443—outnumbered three to one—were rallying on the other side of the building. Scott Plusquellec and Kent Johnson of Seattle Queer Nation marched from Seattle to Olympia to draw attention to the legislation.

Anderson, who would oversee the hearing as chairman of the House State Government Committee, moved it to the House chamber at the Capitol, hoping its gravitas would defuse the tension. It was “an unprecedented location for one of the nastiest legislative hearings in memory,” David Postman wrote in Tacoma’s *Morning News Tribune*.

Representative Lynn Kessler, with a growing sense of dread, watched the crowd pour into the chamber, occupy the lawmakers’ desks and commandeer the galleries. Not your average freshman legislator, Kessler, 51, was a former single mom. As executive director of the United Way of Grays Harbor, she helped provide services to a community devastated by logging cutbacks to preserve habitat

Facing page: Rep. Cal Anderson addresses colleagues in the House. *Washington State Archives*



Anderson with his partner, Eric Ishino, in 1987 when the Seattle Democrat became the state's first openly gay lawmaker. *Washington State Archives*

for the Northern spotted owl. Timber families became an equally endangered species. The centrist Democrat from Hoquiam liked to say her grad-school degree was from “the School of Hard Knocks.”

Murray, the lead-off witness, also had roots in coastal Washington's timber communities. His grandparents, Irish immigrants fleeing oppression, “settled in Grays Harbor County, logged it, farmed it and helped build our state,” Murray said. “They came to this country to ensure that *all* of their children and grandchildren would have an opportunity for a home, a job, and a chance at the American dream.”

Opponents began murmuring their dissent. When the executive director of the State Human Rights Commission spoke 10 seconds longer than what Anderson had said would be the limit for testimony, shouts of “shut up!” rang out. Anderson promised there'd be equal time. But when the next 20 witnesses endorsed his legislation, the ornate chamber echoed with booing, hooting and hissing. Gay rights supporters shouted back.

David Serkin-Poole, a cantor at a Bellevue synagogue, began his testimony by singing beautifully, hauntingly. The chamber grew quiet. He denounced the “abuse” of scripture and shared that he and his partner, Michael Serkin-Poole, had adopted two children. “Get out of here, you freak!” someone shouted.

When John Boonstra, an ecumenical Christian clergyman, endorsed Ander-

son’s bill, the opponents were in full cry. “Read Leviticus!” someone yelled. Then, chillingly, another taunt: “When’s the next train to Auschwitz?”

“The hatred was palpable,” Kessler remembers. “It went right through my skin to my very being. I’d never heard people talk that way. Yet Cal didn’t flinch. Arms crossed on the speaker’s dais, he let the opponents talk for nearly an hour.” When some strayed into recitations of Biblical abominations, he calmly countered, “Isn’t it Leviticus that says, ‘Thou shalt love your neighbor like you love yourself’? That’s the part I like best!” He told others who preached fire and brimstone to stick to the subject at hand, and responded with dry sarcasm when a Tacoma pastor declared that the “what next?” could be pedophilia, bestiality, even necrophilia. “But he never lost his cool,” Kessler says. “It was an impressive display of civility.”

Gallingly for Ed Murray, a practicing Roman Catholic, and Lynn Kessler, raised in the faith, the lobbyist for the state’s Catholic bishops waffled when it was his turn to testify. “We may not want to be hurried into a broader acceptance of homosexuality,” said Ned Dolejsi. “We cannot support the present legislation, but we will not oppose it.” “It was a stunning reversal,” Gary L. Atkins wrote in his award-winning book, *Gay Seattle*. “After a decade and a half of advocating for the bill, the Catholic bishops had declared neutrality.”

“We needed to regroup in a hurry,” Murray remembers. “Cal had the votes to move the civil rights bill to the floor of the House, where he was confident of victory. But we knew there could be trouble ahead in the Senate, especially if the bishops weren’t with us.” Murray arranged a Saturday-night summit with the new Archbishop of Seattle, Thomas Murphy.

Wayne Ehlers, Speaker of the House in the 1980s, was lobbying for the Privacy Fund.* He vividly remembers the meeting at the archbishop’s mansion. He and Cal Anderson were “the two Protestants” trying to mind their manners, as Ehlers puts it. Murray, who had explored the priesthood after high school, and Jenny Durkan, an activist lawyer from a prominent Catholic family, were the gay Catholic standard-bearers—tempering their arguments with deference for the archbishop. “Archbishop Murphy said we didn’t need a gay rights bill because the federal

* When Bobbe Bridge, a future Washington Supreme Court justice, stepped down as the Privacy Fund’s lobbyist, seasoned political operatives told Murray that Ehlers was interested in the job. Murray chuckles at his political naiveté back then. He didn’t know that in 1991 Ehlers had prodded Governor Booth Gardner to prohibit discrimination in state employment on the basis of sexual orientation. “I called Charlie Brydon and Don Moreland for advice,” Murray remembers. “They said, ‘Get him! Call him right now!’ Wayne was perfect because he had a background in progressive politics. And of course he knew the legislative process. He also had business clients who might become our allies. I couldn’t believe he landed in my lap. I wish I’d had a Wayne Ehlers as Speaker when I was in the House!”

Constitution protected all Americans, gay and straight alike,” Ehlers recalls, remembering watching Anderson stifle his incredulity. “We explained that it wasn’t true. The archbishop kept asking for more clarification.” Wouldn’t Anderson’s bill lead to gay marriage? No, they said. If signed into law, the bill would merely make it illegal to deny gay people employment, housing and other basic civil rights. Finally, “probably without proper respect” for the archbishop’s standing as leader of Western Washington’s one million Catholics, Ehlers reminded Murphy that in the days of virulent anti-Catholicism in the East and South a clergyman in clerical collar might have been turned away at a hotel or café in a staunchly Protestant city. The archbishop smiled thinly. Still, Murray thought things, on the whole, had gone well. “Cal felt positive,” he says. “I felt positive. I think Murphy played us. He was an operator. It just seemed like we were so close.”

And yet so far. Thirteen years away, to be precise.

Anderson’s gay civil rights bill passed the House 57-41—six more “yeas” than three years earlier. Seattle Democrat Gary Locke, who in four years would become the first Chinese American governor in U.S. history, said it was an important step along the long, muddy road to civil rights for all Americans, regardless of their ethnicity, religion or sexual orientation.

The bishops’ lobbyist continued to obfuscate. Anderson’s bill was sent to the Senate Ways and Means Committee. For all practical purposes, it remained one vote short of making it to the floor of the Senate, Ehlers remembers.

A year later, resurgent Republicans seized control of the House, 60-38, and reduced the Democrats’ hold on the state Senate to 25-24. Anderson’s landslide victory for a Senate seat from the 43rd District was a bright spot for the Democrats.

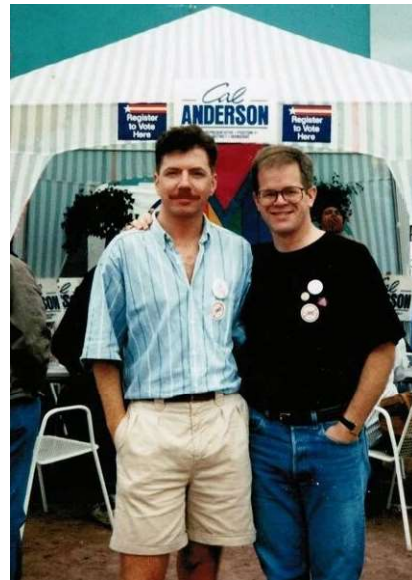
THE INTERESTING thing about “the state’s first openly gay lawmaker” was that some gays didn’t think he was gay enough. Cal Anderson was too nice, they said; too well-spoken—the boy next door in horn-rim glasses, joking that what the Legislature needed was a “sissy.” That Seattle’s personable star quarterback, Russell Wilson, was regarded by some Seahawk teammates as “not black enough” had the same flavor 20 years later.

On the night before the volatile hearing in Olympia, a group of self-described “queer AIDS activists” spray-painted Anderson’s Seattle home with “Budget cuts kill!” and “AIDS money now!” They claimed Anderson “was silent when the federally funded, state-administered AIDS Prescription Drug Program’s budget was cut.” Anderson denounced the vandalism as the handiwork of a small

group of activists “who like to stand on the side and scream,” but do nothing constructive to help people with AIDS. “They don’t have the guts to face me because they’re wrong,” he said. The Northwest AIDS foundation hailed him as one of its strongest supporters. Few knew, however, that Anderson had been HIV-positive for years.

Cal Anderson, born in 1948, was exactly seven years older than Ed Murray. Anderson became a political junkie as a teenager working on his father’s campaign for a city council seat in suburban Tukwila. After high school, he worked for the King County Democratic chairwoman before getting caught in the draft. Anderson ended up as a court reporter in Vietnam during the court martial of a My Lai Massacre defendant. His work was so exemplary that he received two Bronze Stars for meritorious service in a combat zone. Next, he worked for a Seattle city council member before becoming Mayor Charles Royer’s appointments secretary. In 1987, when Anderson was appointed at mid-term to fill a vacant seat in the Washington House of Representatives, Ed Murray was a 32-year-old aide in a legal office and immersed in volunteering for the Democratic Party.

“I told Cal I wanted to help him campaign to keep his seat in the Legislature,” Murray remembers. “And he said, ‘Well, come on over!’ From that evening, Cal literally took over my life. I was willing to work. I was hungry. The gay world was kind of elitist. You had to be a lawyer or a business person. I was just a paralegal. Cal for some reason saw something in me and got me appointed to the mayor’s Gay and Lesbian Task Force, along with Harvey Muggy, a huge hero in gay politics on Seattle’s Capitol Hill. Cal and I were political nerds interested in the Democratic Party. We loved elective politics, working on campaigns and conventions—all the things that come with making government function. We became good friends. Cal was always accused of being a sell-out because he was the State Party secretary. He worked the system. The wealthy part of the community sniffed that he only had a high school education and worked for the mayor as opposed to being part of the activist wing. He had a terrible time early on. When the AIDS ac-



Cal Anderson and Ed Murray on the campaign trail in the 1980s. *Ed Murray*



Anderson not long before his death from complications of AIDS in 1995. *The Seattle Times*

tivists trashed his house that was really uncalled for. They couldn't stand Cal. They couldn't stand me either, but I got less of their animosity than Cal because I came along later."

Smiling at the memories, Murray continues: "Above all, Cal was a politician. He knew how to win. Which meant someone had to lose. He could be nasty at it, too." After his death from complications of AIDS at 47 in 1995, tributes poured in "because he was such a likable, barrier-breaking person. I worry, though, that Cal has turned into a plastic saint. You don't win campaigns, and get things done, and win legislative victories because you're a saint. He was merely a marvelous man—a proud gay man—who deeply believed in respecting the people who opposed him. He

believed, despite his own significant ego, that humility was a trait he needed to practice. He had a gift that I learned from him, or at least tried to learn from him. It's the gift of being present."

Murray pauses to collect his emotions. "When you're an elected official, there's a lot of people who want things out of you, whether they're people with a lot of money because they're lobbyists, or because they're marginal and don't have access to power. You can sit there and do your grocery lists or plan your evening and move people in and out of your office. You can also be present. That gift is something Cal had. He was always present."

With Cal gone, "it fell to Ed to carry on," Lynn Kessler says. "He advanced quickly in the Legislature because, like Cal, he was a hard-working legislator who happened to be gay rather than a gay legislator. Behind closed doors he could be mercurial. In public he practiced what Cal preached: Staying calm. And he persevered to achieve more than Cal had ever imagined. Ed always said we had to bring people along—that we had to boil the frog."

This particular frog, metaphorically, was same-sex marriage. Frogs, as everyone knows, are prodigious jumpers. The only way to boil one is little by little. You

turn up the heat gradually. When Murray dared to dream that same-sex marriage someday would be legal, he knew one thing for certain: It wouldn’t happen in one fell swoop. He’d need to advance the plan by taking the public’s temperature and winning converts in the Legislature—first for the civil rights bill.

The frog proved wily.

TWO INITIATIVES in opposition to gay rights—inspired by Oregon culture-war agitator Lon Mabon—failed to collect enough signatures to make the ballot in 1994. Rallying under the “Hands Off Washington” banner, gays and lesbians mobilized



Lon Mabon campaigning against “special rights” in 1993. *Boise State University Library, Special Collections and Archives.*

across the state to thwart the incursion. A statewide poll commissioned by Spokane’s daily *Spokesman-Review* found that 51 percent of the respondents were not opposed to expanding civil rights to gays and lesbians. Conservative Eastern Washington, significantly, was evenly split on the issue, while 56 percent of the respondents in Seattle and Tacoma opposed the initiatives. Statewide, 50 percent of the respondents were OK with gay marriage and adoptions. The surprise was that 54 percent of Eastern Washington respondents, notably in populous Spokane County, opposed bans on same-sex marriage and adoptions by gays, topping even the 52 percent in Seattle. The caveat, pollster Del Ali said, was that many voters were reluctant to give honest opinions on a topic as controversial as homosexual rights.

That cautionary note, if heeded, might have dampened the exuberance that propelled an anti-discrimination initiative to the ballot three years later.

“It was really Charlie Brydon who decided we needed to organize against Lon Mabon’s homophobia crossing the Columbia,” Murray says. “The Privacy Fund should do the inside stuff, we decided, and Hands Off should mobilize statewide. It immediately became a tension—*competitive*. And part of it, I think, was a view that Cal Anderson and I held: ‘Why are we shifting all of our energies toward fighting something that hasn’t happened?’ The ‘decline to sign’ campaigns were

good, we all agreed, but we were losing our energy in getting the community to think about being for something—namely the civil rights bill. Remember this is all happening in a hopeless period of the AIDS crisis, when people are feeling stretched emotionally, politically and financially.”

Hawaii's Supreme Court, meantime, had sparked a national debate over gay marriage. It ruled in 1993 that denying same-sex couples the right to marry violated the existing equal-protection laws of the state's constitution. “Gay marriage caught the media's attention in a way civil rights never did,” Murray says. “It was much sexier. But in his lifetime Cal Anderson never imagined he'd be able to marry his partner. There were letters in the *Seattle Gay News* from a gay guy running against him because he wouldn't introduce a gay marriage bill, and letters back with Cal's reasoning on why he wouldn't. We were clear in the battle for LGBTQ civil rights that we were not advocating for marriage. I believed there was no way to get to marriage without passing the civil rights bill. From my first involvement in the movement, I'd get calls from people who were being thrown out of their apartments or losing a job because they were gay.”

Banning gay marriage was the top legislative priority of “pro-family” religious conservatives during the 1996 legislative session. Congress was preparing to debate a federal Defense of Marriage Act, aka DOMA. Gay rights supporters worried that Bill Clinton, the first president to champion their cause, was about to get “boxed in by his political opponents” after waffling on gays in the military.

IN THE ANNALS of the Washington Legislature, the DOMA debates of the 1996 and 1997 sessions are memorable for their emotional intensity, former longtime legislators and political reporters say.

Some lawmakers sobbed quietly as Representative Debbie Regala, a Democrat from Tacoma, recalled that when she fell in love with a Filipino man in 1968, acquaintances warned that “God never intended for the races to intermarry. That's why he made us different colors.” Interracial marriage had been legalized nationwide just the year before when the U.S. Supreme Court ruled that state anti-miscegenation laws were unconstitutional, Regala noted. “How would you feel if there were a law that prohibited you from marrying the person you loved?” Murray fought back tears. He and Regala attended Mass together when the archbishop visited Olympia, choosing seats front and center to make it clear their faith was important to them and, as Regala put it later, “they weren't going anywhere.”

Bill Thompson, the Everett Republican who sponsored the House bill to ban same-sex marriage, said the issue was perhaps one of the most important since

statehood in 1889. It was crucial for the state to affirm marriage’s “fundamental role in the procreation and development of children,” he said. Julia Patterson, a Democrat from Des Moines, asked, “What about folks, who for medical reasons, can’t have children?” That one went unanswered.

The bill died in the Senate, where Democrats held a one-seat majority.

Thompson said he wasn’t going anywhere, either.

Gay-rights activists were jubilant in the spring of 1996 when the U.S. Supreme Court rejected an anti-gay constitutional amendment adopted by 53 percent of Colorado voters. The amendment was an attempt to preempt state or local laws protecting homosexuals from discrimination in jobs and housing. It violated their constitutional right to equal protection under the law, the high court ruled, 6-to-3. Murray called it “an incredible moral victory,” adding, “This does not mean gays and lesbians have their rights. It only means they cannot be denied their rights. Half the battle remains to be won.”

The second half was a series of setbacks and tactical retreats before the breakthroughs.

Murray and his movement allies temporarily modified their civil-rights-first strategy after Congress passed the Defense of Marriage Act. Clinton, to their chagrin, signed it into law on September 21, 1996. Murray, deep down, knew why: the Arkansas shape-shifter had concluded his campaign-trail promises ran ahead of public opinion.

WINNING CONTROL of the Washington House and Senate that November, Republicans announced plans to introduce new bills to ban same-sex marriage, this time with a referendum clause sending the issue to the voters in the event of a veto by Gary Locke, the incoming governor. Locke had voiced support for gay rights during his campaign against State Representative Ellen Craswell, an evangelical Christian warrior who lost big.

As one of his final acts in office, Governor Mike Lowry, long a passionate supporter of gay rights, sponsored legislation to authorize same-



Governor Mike Lowry, left, with his successor, Gary Locke, sponsored legislation to authorize same-sex marriage as one of his final acts in office in 1996. *Washington State Archives*

sex marriage. Murray and Pat Thibaudeau, the senator from their Capitol Hill district, introduced identical bills—together with gay civil rights legislation.* Murray conceded his gay marriage bill likely would not be acceptable to a majority of the electorate—a sentiment with which Locke agreed—but he predicted a ban “wouldn’t pass muster, either.” He wasn’t willing to cede the legislative arena to the foes of same-sex marriage. “I realize this will be seen as extreme by some, but the anti-same-sex marriage bill is also extreme,” Murray told reporters. “Sometimes the only way to answer an extreme measure is to introduce another extreme measure.” He said his hope was that citizens might react by urging lawmakers to enact middle-ground legislation like the anti-discrimination bill.

Murray and his partner, Michael Shiosaki, testified before the Senate Law and Justice Committee during its hearing on the 1997 bill to ban same-sex marriage. Murray called the legislation “an insult to hard-working gay and lesbian citizens throughout Washington who pay taxes, care for their families, contribute to their communities and ask only for equal rights in return.” Proponents said homosexuals’ desire to be married “besmirches a sacred institution that has been the bedrock of civilization for centuries.” Opponents observed that with three out of five heterosexual marriages ending in divorce, the bedrock seemed more shaky than sacred. “It would be tough to do worse,” *The Olympian* editorialized.

Laurie Jenkins, president of the board of Hands Off Washington, said the conservatives setting the agenda in the Legislature were misreading the mood of the voters—witness Locke’s landslide victory in 1996. “Washington remains a progressive state on social issues,” said the Tacoma activist destined to become the state’s first lesbian Speaker of the House. Republicans make electoral gains on fiscal conservatism, Jenkins said, not on their rigid social agenda.

In his inaugural address, Locke vowed to oppose measures that “divide, disrespect or diminish our humanity.” A month later, he vetoed the gay marriage ban approved by the Legislature. Moves to send the issue to the voters failed narrowly in the Senate during the final days of a contentious 105-day session. Three moderate Republicans, fearing more gay-bashing, joined Democrats to head off a referendum.

What happened next created a schism in the ranks of Washington gay rights activists—one that would take years to repair.

Jenkins and Jan Bianchi, the executive director of Hands Off, championed the effort to place a gay-rights measure on the General Election ballot. Hands Off

* The bills introduced by Lowry, Murray and Thibaudeau advocated civil marriage contracts providing same-sex couples the same marital benefits granted to heterosexual couples, including the right of inheritance, health coverage and hospital visitation privileges.

strategists, heartened by national polls showing support for laws banning workplace discrimination against gays, drafted an anti-discrimination ballot measure “unlike any of those already on the books in 11 states.” Besides banning workplace discrimination against gays, it also “explicitly forbid preferential treatment, quotas or partner benefits.” Opponents called it a smokescreen. “They still want your kids, and Initiative 677 is another move toward that goal,” they warned in a fundraising letter.

Murray believed the polls were too optimistic and that initiative backers were underestimating the enemy. Hands Off’s own early polling revealed that 30 percent of the respondents believed job discrimination against gays was already illegal statewide. Exhausted, Murray had spent two sessions fending off attempts to ban same-sex marriage, hoping better days were ahead for civil rights legislation. This roll of the dice was a crapshoot, he warned. A loss at the polls could energize opponents and set back the cause for years, maybe decades.

On the Monday before the election, newspapers around the state carried ads featuring a “letter” to voters from Oklahoma Congressman Steve Largent, the former star wide receiver for the Seattle Seahawks. “I-677 isn’t about fairness,” the Republican said. “It’s about special rights.”

On November 4, 1997, nearly 60 percent of the voters opposed I-677. It failed to carry a single county—not even King, where the vote was at least close. Jenkins said the outcome was not as disheartening as it appeared. The gay rights initiative was collateral damage in the National Rifle Association’s battle against a gun-control measure opposed by 70 percent of the voters, she said. NRA supporters overwhelmingly opposed the gay rights initiative, a *Seattle Times* poll revealed. Hands Off, which invested about \$750,000 in the campaign, was out-spent and out-gunned. Conservatives immediately went on the attack. “When you see a margin this big, it’s sending a powerful message to the Legislature that they should continue to refuse bestowing special status for sexual behavior,” said the spokesman for the coalition that opposed the initiative.

The 1998 Legislature promptly enacted a ban on same-sex marriage, overriding another veto. Democrats were peeved when Locke rejected a deal designed to allow the ban to become law without his signature. A decisive number of Democratic legislators joined the veto override, worried that if the issue made the ballot “it would bring out too many conservative voters in swing districts.” Politics makes for strange bedfellows. “The Republicans have the votes,” said Representative Marlin Appelwick of Seattle, the House minority leader. “As distasteful as this is, it’s very practical. ...You live to fight another day.”



Ed Murray talks strategy with House Majority Leader Lynn Kessler in 2006. *Legislative Support Services*

BY 2003, Ed Murray was no longer the state's only openly-gay legislator. Joe McDermott from West Seattle and Dave Uptegrove of Des Moines arrived in the House in 2001, Vancouver's Jim Moeller two years later. "When I first ran, it was like I was 'Ellen,' " Murray said. "Today, it's like 'Will & Grace.' What's the big deal?" Lynn Kessler, the House majority leader, predicted the new four-member gay caucus would go "a long way to eliminate the mystique and just let them be guys. I don't talk about my sex life, so why should people care about theirs?"

A gay civil rights bill was approved by the House in 2003, 2004 and 2005, only to high-center in the Senate. Republicans let an array of bipartisan legislation die in 2004 by abruptly adjourning to avoid a vote on Murray's bill. Nearly a hundred House bills died as well, including funding for schools and colleges and assistance for small businesses. Murray and Speaker Frank Chopp were livid with Bill Finkbeiner, the Senate majority leader, who insisted, "Our top priority is creating jobs. We didn't want to get sidetracked." In 2005, the civil rights bill sailed through the House with a record 61 votes. It still ran aground in the Senate, though Democrats had gained a 26-23 majority. Three Democrats, Jim Hargrove of Hoquiam, Tim Sheldon of Potlatch, and Marilyn Rasmussen of Eatonville sided with the Republicans, who called the bill "a stepping stone" to gay marriage. Democrats adopted an eleventh-hour amendment proposed by Rasmussen, a practicing Catholic. It clarified that Murray's bill did not endorse homosexuality or gay marriage. Rasmussen then voted "yes." The bill still died by a single vote.

This time, however, Murray was upbeat. In nearly 30 years of trying, a gay civil rights bill had never before achieved an up-or-down vote by the entire state Senate. He and Chris Gregoire, the new governor, also pointed to a poll indicating that 71 percent of respondents statewide now supported equal rights for gays and lesbians.

The gay rights community also demonstrated its growing economic and political power when it shamed Microsoft into rebooting its support for the civil rights bill.

A who’s who of the Northwest corporate world had endorsed the bill, including the Boeing Company, Nike, Qwest Communications, Washington Mutual, Hewlett-Packard, and Microsoft cofounder Paul Allen’s Vulcan Inc. Microsoft had supported the bill in 2004 and “appeared poised to do so again.” Then, at the last minute with the bill hanging in the balance in the state Senate, Microsoft decided to declare neutrality. Critics charged that the software giant—one of the first companies to extend domestic partner benefits to same-sex couples—had bowed to political pressure from a prominent evangelical church in Redmond that had threatened to organize a national boycott of Microsoft products. Microsoft denied its decision was influenced by “external factors,” despite admitting to Murray earlier in the month that it was under pressure from the church. “We caught them in an absolute lie,” Murray says. In chat rooms, blogs, and emails to media outlets, gay rights supporters worldwide denounced the company. Microsoft’s many gay and lesbian employees were outraged. *The Stranger*, Seattle’s widely-read, gay-centric weekly newspaper, reamed “the vanguard institution of the new economy” as a garden-variety hypocrite. Microsoft’s CEO, Steve Ballmer, surrendered two weeks later. In an e-mail to employees, he wrote, “After looking at the question from all sides, I’ve concluded that diversity in the workplace is such an important issue for our business that it should be included in our legislative agenda.” Gregoire and Murray commended the company for reversing course.

Bill Finkbeiner, meanwhile, was having a genuine change of heart.

FINKBEINER was a pro-business, tax-break Republican from the burgeoning east side of Lake Washington. Some were surprised in 2003 when the mostly conservative Senate Republican caucus picked the 34-year-old former Democrat as majority leader. Finkbeiner was openly pro-choice and a self-described “social moderate” with a feminist wife. Before switching parties, he voted twice for gay rights legislation. *The Stranger* wondered whether the “Republican Fink” would continue to front for a right-wing caucus or vote his conscience and risk his chances for re-election or higher office.

On the first day of the 2006 legislative session, having stepped down as Senate GOP leader, Finkbeiner announced he would support Murray’s bill. He was the Republican ally the Democrats desperately needed to put the bill over the top.

“I’ve had a number of conversations over the past year that have led me to more fully understand the level of discrimination against gays and lesbians,” Finkbeiner said. “I now find it is both appropriate and necessary for the state to make it clear that this is not acceptable. This bill failed year after year, even in

years when Democrats have held strong majorities, because it motivates some party activists on both sides. And the issue has become one of many 'wedge' issues used to split our communities and divide us—a political football used by both parties. I don't agree with the politicization of people's personal lives and I think it is time to move on."

"Sounds like we've got 25 votes," said Lisa Brown, the majority leader from Spokane. "Let's get going."

Murray was "hopeful but cautious," telling reporters, "People thought last year would be the year. Something has always stopped it."

The bill adding "sexual orientation" to the state law banning discrimination in employment, housing, lending and insurance was passed quickly, overwhelmingly, by the House. It now had 47 sponsors, including Republicans. Murray said they should all remember that it was "Cal Anderson's bill."

On January 27, 2006, Bill Finkbeiner was as good as his word, breaking ranks to ensure its passage. "We don't choose who we love. The heart chooses who we will love," he said. Governor Gregoire looked on from the wings, hugging everyone within reach as she told reporters she was jubilant to sign the bill into law. Anderson's partner of 10 years, Eric Ishino, said, "I don't doubt that he's really smiling down on us right now."*

Opponents vowed to launch a signature drive for a referendum to overturn the law. Gregoire and Murray predicted they would fail. "We will not allow discrimination here," she said. Murray added, "Before you reach for a pen to sign an initiative to end our rights, call up somebody in your life who is gay or lesbian and talk to them about their reality. And then decide whether you want to pick up that pen."

Reality came into sharp focus during the final floor debate on the civil rights

* And in 2012, after the same-sex marriage bill passed in the State Senate, Eric Ishino could barely contain his excitement. "Cal would be proud," he said. "I just never thought in my lifetime that I would see this. But it's OK. We always knew in our heart that we were married."



In 2006, Senator Bill Finkbeiner of Kirkland, the former GOP minority leader, reversed his stand from the year before and voted with the Democrats to pass a gay civil rights bill. *Legislative Support Services*

bill. What Senator Bob Oke said is riveted in the memories of everyone who was there. “It’s through God’s eyes that I see homosexuality...as an abomination,” the Port Orchard Republican said, describing the pain he felt for his daughter, who “has chosen the life of a lesbian.” Though he said he loved her deeply, he could not welcome her partner into his home. “That’s called tough love.”

Finkbeiner recalls the “sense of sadness” that enveloped the chamber. “The thing that makes me feel good about being part of passing that bill is thinking about Cal Anderson and Bob Oke’s daughter. So many [gay] people were going through things that were difficult. The way people were treating them at the time is so hard to imagine. Bob Oke was a nice guy. It was just a different time.”

Finkbeiner acknowledges that his caucus’s opposition to the gay civil rights bill contributed to his decision to step down from leadership. “I felt conflicted personally,” he says. Any regrets about casting that historic vote? “No. I remember it being a big relief. And the more time goes by, the better I feel about it. It’s amazing how far society in general has moved so quickly.” Did his vote play a role in his decision to not seek re-election in 2006? “I don’t think so. In fact, I think that vote probably would have helped me win re-election. I’d been in the Legislature for 14 years. At the time I took the vote, I was starting to consider it [retiring] so I think the decision to take that vote helped in some ways. I think I was maybe less concerned about re-election than how I was going to keep working with people in the Legislature.”

TIM EYMAN, the state’s flamboyant initiative promoter—He wore a Darth Vader costume to a press conference that spring—filed an initiative to overturn the new bill. Frank Sennett, a Spokane columnist, declared that if Eyman really had the courage of his convictions, the ballot measure should say: “The people of Washington hereby permit employers to fire people because they’re gay. Go ahead and deny them access to housing, insurance and credit, too. Feel free to ban them from stores and restaurants while you’re at it.”

Even with the support of the Faith & Freedom Network and the Christian Coalition, Eyman failed to collect enough valid voter signatures to make the 2006 General Election ballot.

A month later, on July 26, 2006, the Washington Supreme Court ruled 5-4 that the state’s 1998 Defense of Marriage Act was constitutional. “The Legislature was entitled to believe that limiting marriage to opposite-sex couples furthers the state’s legitimate interests in procreation and the well-being of children,” Justice Barbara Madsen wrote. That said, she emphasized, “We see no reason, however,

why the legislature or the people, acting through the initiative process, would be foreclosed from extending the right to marry to gay and lesbian couples in Washington.”

Justices Mary Fairhurst and Bobbe Bridge wrote scathing dissents. The majority, Bridge wrote, contend “it is not our place to require equality for Washington’s gay and lesbian citizens.” By that reasoning, she said, “there would have been no *Brown v. Board of Education*,” the game-changing 1954 U.S. Supreme Court case banning segregated schools. Fairhurst wrote, “There is no rational basis for denying same-sex couples the right to marry. ... Unfortunately [those in the majority] are willing to turn a blind eye to DOMA’s discrimination because a popular majority still favors that discrimination.”

Legal scholars, sociologists and public opinion pollsters questioned how popular the “popular majority” really was. “You’ve gone in 32 years from something that was more or less a slam dunk to where the court is almost evenly and very bitterly divided,” said William B. Rubenstein, a UCLA law professor and author of *Sexual Orientation and the Law*. “The issue is in play.”

Ed Murray told angry gay rights supporters at a rally that he would introduce a marriage equality bill in January. He counseled patience, however, saying it would take several sessions to pass. “Today we hurt and today we mourn,” he said, “and tomorrow we go back to work.”

For her part, the governor made it clear she was still struggling to reconcile her Catholicism with her abhorrence of discrimination. She supported granting same-sex couples the legal rights and responsibilities of marriage without calling it marriage. “I believe the sacrament of marriage is between two people and their faith,” Gregoire said. “It is not the business of the state.”

Murray won election to the state Senate that fall. “Most people don’t give up a powerful job like being chairman of the House Transportation Committee to go off and become a junior senator,” he says, “but that’s where I needed to be to advance marriage equity.”

Evan Wolfson, the former law professor who headed the national “Freedom to Marry” movement, advocated a full-court-press. Murray recommitted to incrementalism as the way forward. He took inspiration from Thurgood Marshall and Ruth Bader Ginsburg. When Marshall was the NAACP’s lead lawyer, he picked the easiest desegregation cases first, building momentum, Murray said. Ginsburg’s legal strategy for winning gender equality was that barriers should be addressed one achievable step at a time: “You can’t have it all, all at once.”

Jamie Pedersen, a personable young civil rights attorney, was elected to Mur-



A trio of LGBTQ legislators—Jamie Pedersen, Ed Murray, and Laurie Jinkins—led the fight for marriage equality. *The Seattle Times*

ray’s seat in the House, boosting the legislative gay caucus to five members. You could feel the pace of change accelerating, Lynn Kessler remembers. “People were getting to know gay people as co-workers, friends and neighbors. Hearts and minds were changing.”

A LANDMARK BILL creating a “domestic partnership” registry for same-sex couples and unmarried heterosexual couples, if one partner was 62 or older, was signed into law by Gregoire on April 21, 2007.* The legislation had sailed through the House and Senate, with conservative legislators disappointed that Christians “were letting the culture collapse around them” by failing to mount a more vigorous dissent. “This is a step, just as the civil rights bill last year was a step,” warned Representative Lynn Schindler, a Republican from Spokane Valley. “Therefore I beg of you to think very seriously about the road we are going to be going down and how we are going to be changing the civilization we live in.”

Two years later, Gregoire signed an “everything but marriage” bill giving gay and lesbian couples all of the state-mandated benefits granted heterosexual couples. The new law expanded on the domestic partner statutes, notably with

* That provision was aimed to assist widows and widowers who balked at remarriage for fear of losing a dead spouse’s pension or Social Security benefits. Overall, the new law mandated health-care facility visitation rights; the ability to grant health-care consent for a partner who was not competent; the right to control disposition of a deceased partner’s remains, and inheritance rights when the domestic partner died without a will.

regard to adoption and child support rights and obligations, pensions and other public employee benefits, including sick leave and workers' compensation coverage. With increasing numbers of gay and lesbian couples raising children, Laurie Jinkins said the new law was an important legal and social safety net.

Many in the gay rights community now clamored for "everything else." Murray cautioned that same-sex marriage was legal in California for five months until the previous fall when voters passed a ballot measure to overturn the law. Opponents of the new Washington law were already mobilizing to secure a place on the 2009 ballot for a referendum. Yet one prominent opponent of same-sex marriage said he believed the effort was doomed. "Why fight a battle you can't win?" said Joseph Fuiten of the Positive Christian Agenda. "It will undermine our position when it comes to fighting the marriage battle."

On November 3, 2009, Washington voters became the first in the nation to ratify domestic partnerships for same-sex couples. "It's historic," said the field director for the National Gay and Lesbian Task Force. Fifty-three percent of the state's voters backed Referendum 71. Still, the urban-rural/conservative-liberal divide was graphically clear on a map depicting how the state's 39 counties voted: The measure was approved in only 10—all west of the Cascades, with King County's 68 percent (a plurality of 203,200 votes) carrying the day.

Murray says he learned two important lessons from Cal Anderson: perseverance and that "you can't be a single-issue legislator and expect to gain real influence." By 2010, Murray was the Senate's Democratic caucus chairman, working with Majority Leader Lisa Brown, Speaker Frank Chopp, Lynn Kessler and the governor to plug a \$2.8 billion budget deficit. In 2011, as chairman of the Senate Ways & Means Committee, Murray nurtured a relationship with Joe Zarelli, the committee's ranking Republican, to craft a genuinely bipartisan budget. Zarelli, a staunch conservative opposed to gay marriage, quipped that if they were the odd couple, he was the tidy one.

CHRIS GREGOIRE began her last year as governor by announcing she would support gay marriage. It was January 4, 2012. "I have been on my own journey. I'll admit that," she told a crowded press conference. "It has been a battle for me with my religion. I've always been uncomfortable with the position I took publicly," balking at unconditional support for gay marriage. "Then I came to realize the religions can decide what they want to do, but it's not OK for the state to discriminate. It is now time for equality for our gay and lesbian citizens, and that means marriage." Murray and Jamie Pedersen led the applause. When the Legis-



Gov. Christine Gregoire with State Senator Mary Margaret Haugen, who cast the crucial 25th vote to ensure passage of marriage equality. *The Seattle Times*

lature convened five days later, they introduced their bills.

“Without Chris in the mix we wouldn’t have gotten there,” Murray says of the two-term governor. “She did not set the marriage table, but she really knew how to sit down and mediate how to get there. Her mediation skills are second to none. I have never seen a better closer in my political career.”

The frog was in trouble.

ON THE MORNING of January 23, Senator Mary Margaret Haugen had something important to tell Ed Murray—something she’d been praying about. They had adjoining offices and talked often because the committees they chaired—Ways & Means and Transportation—were where the action happened. This was an errand of the heart and soul. Three years earlier, when the Camano Island Democrat voted against the “everything but marriage” bill, she made it clear to him it was nothing personal. “You know I love you,” she said, taking his hands in hers. Murray said he understood.

Now, after 17 years of activism, he was one vote shy of the 25 votes he needed to advance the gay marriage bill. Murray knew he had enough votes for passage in the House.

Opponents, including evangelical pastors, the Tea Party and a coalition of conservative lawmakers, predicted that as many as 10,000 people would descend on the Capitol Campus that day for a noontime rally against same-sex marriage.

Jim Kastama, a Democrat from Puyallup, had announced his support for Murray’s bill a few days before, saying he knew childhood friends in his district “who will never forgive me.” That left five uncommitteds, including Mary Margaret, a legislator for 30 years. Murray knew she was deeply conflicted.

“He never asked me for my vote,” she remembers. “He knew I was praying about it.”

At a packed town hall meeting on Whidbey Island earlier in the month, supporters of Murray’s bill booed her, saying she was a “racist” and “homophobe” because she advocated sending the issue to the voters. Murray knew she was neither. With her neatly coifed gray hair and disarming smile, the former school board

member was one of the most genuine people he'd ever known—and a formidable legislator who kept promises.

Murray and his partner, Michael Shiosaki, were weighing which of the fence-sitters might commit when Haugen walked in to say she would cast the vote ensuring passage. There was a three-way hug. “It was one of the most amazing moments of my life,” Murray remembers. “At that point I felt that I really didn't need to do much more in my life. But it was Mary Margaret's family—and families across the state and the entire country—that changed hearts and minds.”

Haugen hurried off to share the news with a throng of reporters. “I know this announcement makes me the so-called 25th vote that ensures passage,” she said. “That's neither here nor there. If I were the first or the seventh or the 28th vote, my position would not be any different. I happen to be the 25th because I insisted on taking this much time to hear from my constituents and to sort it out for myself, as a legislator, and as a wife and mother who cannot deny to others the joys and benefits I enjoy.”

Calling it “a profile in courage,” Murray praised Haugen for voting her conscience. He predicted the political fallout could be substantial in her divided district.

Haugen wrote a blog post to amplify her decision. “I have very strong Christian beliefs,” she wrote, “and personally I have always said that when I accepted the Lord I became more tolerant of others. I stopped judging people and try to live by the Golden Rule. I do not believe it is my job to judge others, regardless of my personal beliefs. I have always believed in traditional marriage between a man and woman. This is what I believe in to this day. But this issue isn't just what I believe. It's about respecting others. It's about whether everyone has the same opportunities for love and companionship and family and security that I have enjoyed.”

Governor Gregoire signed the gay marriage bill on February 13, 2012. Endorsed by 53.7 percent of the electorate, it took effect on December 6, with the first marriages on the 9th after the state's three-day waiting period.



Senator Haugen explains why she decided to support same-sex marriage. *Legislative Support Services*

Today, at 81, Haugen is even more certain she made the right decision, though Murray believes her vote contributed to her defeat in the next election. “It may have,” Haugen says. “There were probably other factors, too. I was kind of tough on the ferry workers. But it was the best vote I ever took because it made people happy. My God, what other thing made so many people happy? [It] changed the lives of so many people. I had people I’d known my entire life tell me to my face that they’d never vote for me again. And you know what? *Their lives are just fine today.*” The italics are hers.

John C. Hughes