



# JAMIE PEDERSEN

---

## OUTLAWS TO IN-LAWS: “MY LIFE’S WORK FOR 17 YEARS”

Jamie Pedersen was a Puyallup kid who scooped fries at McDonald’s before he went east to college. After graduating from Yale Law School, he took a well-worn path to Washington, D.C., to clerk for a federal judge. It was August 1994 and the humidity would lick your face and seep through your shirt in a walk from the Metro station to Judiciary Square.

In high school, Pedersen was the kind of boy moms liked to invite over for dinner. He was polite and neat. His parents were teachers. Then, he told his girlfriend he thought he might be gay. Her mom said if she talked to Pedersen, she’d get AIDS. He didn’t come out to his parents until the day he graduated from law school.

Waiting in his new courthouse mail box was the case of Joseph Steffan, who had admitted he was gay just before his graduation from the U.S. Naval Academy. Steffan was an excellent midshipman. But the Navy immediately discharged him. In Pedersen’s first week on the job, he was thrown into arguments with two other clerks and U.S. Court of Appeals Judge Stephen Williams about an early legal test for gay rights. Was saying you were gay protected free speech? Was implied conduct—sex with another man—enough to end the career of a promising Navy officer?

Shortly after Judge Williams sided with the Navy in his decision, Pedersen had a dinner with destiny. At a Dupont Circle restaurant, he met Evan Wolfson, a young lawyer and early evangelist for same-sex marriage. At the time, most activists saw marriage as a distant dream or a shimmering mirage. But Wolfson argued it was the issue, the one battle that mattered most. The LGBT community should go all-in, he urged. And from legal marriage, civil rights they had long been denied, would flow.

Across the restaurant table, Pedersen and Wolfson spent hours debating fine

Facing page: Jamie and Eric Pedersen with their sons, Leif, Erik, Trygve and Anders. *Jamie Pedersen*

points of law. Pedersen came away converted. “Marriage equality became my life’s work for the next 17 years,” he says.

He climbed fast. At 31, he became co-chair of the board at Lambda Legal, a national gay rights organization at the vanguard of landmark victories. Still, his journey would mirror the see-sawing struggle for gay rights. When he first got involved, a conservative backlash had swamped the movement. In 1996, the U.S. Congress adopted, in a wildly lopsided vote, the Defense of Marriage Act, or DOMA. Its purpose was to ban and squash the very idea of same-sex marriage. Bill Clinton, struggling to save his presidency from his own philandering, signed it into law.

“It was a low point,” Pedersen recalls. More disappointment awaited, as new gains were often punctured by letdowns. Gay marriage and Lambda Legal, with Pedersen as co-counsel, won a breakthrough case in King County Superior Court in 2004—only to see the state Supreme Court sink hope two years later by reversing that ruling.

Encouraged by Ed Murray, the state’s pre-eminent political advocate for gay rights, Pedersen was elected in 2006 to the state Legislature, representing central Seattle. He and Murray set out on an incremental strategy, with Murray running bills in the Senate, and Pedersen shepherding legislation in the House. They got three domestic partnership laws approved, and then their capstone, a marriage-equality statute signed by Governor Chris Gregoire.

Their strategy snowballed to justice in 2012, when conservatives tried to stop marriage equality at the ballot box. Using family values rhetoric, which had worked so well for their opponents, LGBTQ advocates concentrated their message in a single word. Love.

On election night, 2012, voters in Washington and two other states, approved—for the first time in U.S. history—marriage equality. On a sunny June day three years later, the U.S. Supreme Court followed, welcoming the entire country to the other side of the rainbow. It was a stunningly swift turnaround. No one—not even those who thought marriage equality was inevitable—had expected such a historic triumph.

And Pedersen’s work wasn’t done.

NEARING GRADUATION from Puyallup High School in 1986, (“We are Vikings, strong and free, ’86 was meant to be.”) Jamie Pedersen was still unsure about his sexual orientation. But he knew one thing for sure. He didn’t want to go to a college where jocks were as revered as in Puyallup.





Puyallup High Debate Club in 1986. Jamie Pedersen is in the bottom row, second from right. Coach Craig Beetham is top right, with a mustache. *Puyallup High School*

It’s not that the Pedersen family wasn’t into athletics. His dad was a longtime junior-high coach. His sister lettered in sports throughout high school. And the family spent many wintry Tuesday and Friday nights inside warm gyms watching high-school hoops.

Jamie’s competitive energy went into debating. Puyallup’s debate team thrived under teacher Craig Beetham, who later became a successful Tacoma lawyer. Pedersen won awards for extemporaneous speaking.

But the Puyallup environment was not so welcoming for a student like Pedersen, who, given the option between taking shop or home economics, chose sewing, cooking and home ec. His female debate partner dared to date a girl. “She got outed,” he says, “and the blowback was so furious and severe that she attempted suicide and ended up moving away for like a year.”

Although he grew up in an idyllic setting, with a raspberry farm next door, he had been bullied. “I had a group of kids when I was in 8th grade at Edgemont Junior High School who would just harass the crap out of me. They would kind of lie in wait and call me ‘faggot,’ ” he recalls.

When it came time for college, he aimed high, and applied only to out-of-state schools. Stanford sent him a booklet featuring football on its cover. No way, he thought. Yale sent a “lovely” brochure. He read it cover-to-cover. Yale didn’t have fraternities; it impressed him as super-academic and public-service focused. “I was like, wow.”





Jamie's great-grandparents, Elbert and Olianna Pedersen, lived in Pacific County, at the start of the 20th century. *Jamie Pedersen*

At Yale, he was still torn by his attraction to men and his belief it was sinful. His high-school girlfriend had sent him “three pages of handwritten Bible verses about how I was going to hell,” he recalls. A friend studying divinity was appalled by his views. “And she made it her personal project to take me to lunch several times and explain to me what modern biblical scholarship had to say about gay and lesbian people,” he says. Another friend, who was gay, took him to see “My Beautiful Laundrette” and other acclaimed films with gay central characters.

Still, he mostly dodged the question of his sexuality, while pursuing interests such as singing with the celebrated Yale Russian Chorus. It wasn't until his first year of law school that he dated a guy, an undergraduate, and came out. And it wasn't until two years later that he told his parents. “I had tried a few times and it didn't work out,” he says. “They are, now, super-supportive and have been for many years, but they did not take it very well at the time. Like not angry or whatever, but my mom cried, and I think mostly they were just really worried about me.”

HE CAME BACK to Seattle to work in corporate law at Preston, Gates and Ellis. Evan Wolfson, the marriage-equality crusader, connected him to the Legal Marriage Alliance. Pedersen took on a project to identify all Washington laws that treated couples differently depending on whether they were married or not. There were hundreds of examples to catalog: Did you know rare sea-urchin fishing licenses could only be passed on to legal spouses if the license-holder died?

The research was done, in part, because Wolfson had won a case in Hawaii, opening a legal door to same-sex marriage. It was 1996 and progress seemed possible. A terrible disease had played a part. “AIDS shattered the silence of gay people's lives,” Wolfson said, and helped show that homosexuals “are rounded people who love others, fight for loved ones, who grieve losses, and are harmed by exclusion or denial.”

But conservatives responded with fervor. They launched the Defense of Mar-

riage offensive, which was not about offering massages or candlelit dinners to stressed couples. Its purpose was to stop gay activists in their tracks. Instead, it stimulated a marriage-equality movement that few activists previously had any appetite for.

The next year brought more grim news. Washington still did not have a state law prohibiting discrimination on the basis of sexual orientation in employment and housing, despite the best efforts of Cal Anderson, who became the state’s first openly gay legislator in 1987. A Vietnam War vet, Anderson had won medals as the lead court reporter on the My Lai massacre investigation. He was a genial and skilled lawmaker, respected by peers. But he did not pass gay rights before his 1995 death from AIDS.



President Clinton signed the Defense of Marriage Act in 1996, banning federal recognition of same-sex marriage. The only member of Washington’s congressional delegation to oppose it was Jim McDermott. *Washington State Archives*

Frustrated activists over-reached by taking the issue to the electorate. Their anti-discrimination Initiative 677 landed on the 1997 ballot alongside a gun-control measure, “which turned out the gun people in droves,” Pedersen says. I-677 won just 40 percent of the statewide vote. It even lost in King County, home to Seattle’s vibrant LGBTQ community.

“Not only were we not getting marriage,” Pedersen says, “but the voters had overwhelmingly rejected the civil rights bill, and the Republicans were in control. It was just a sad, sad state of affairs.”

THE PENDULUM started to swing back. Steve Davis, an attorney at the firm that hired Pedersen, was on the board of directors at Lambda Legal, a national group pushing civil rights boundaries. Davis recruited Pedersen for the Lambda board. But a committee rejected his nomination. At 29, they thought he was too young and wouldn’t be able to drum up donations. Davis urged persistence. Pedersen helped raise a record amount for a Lambda event in Seattle. His name was resubmitted for the board and accepted in October 1998. He soon became its co-leader.

In 2003, some states still had sodomy statutes that criminalized activities between homosexuals, including consenting adults, in the privacy of their bedrooms. Simply put, those laws made it illegal for gay people to have oral and anal sex. (Washington had repealed its sodomy law in 1975 in a bill signed by Repub-

lican Governor Dan Evans.)

Lambda brought a case to the U.S. Supreme Court involving a Texas couple. Responding to a noise complaint, Houston police entered John Lawrence’s apartment. They found Lawrence and another adult, Tyron Garner, having sex. The two men were charged with a misdemeanor. Lambda lawyers appealed. Pedersen attended the oral arguments in Washington, D.C., sitting in the front row of the regal courtroom, where in 1986 five of the nine justices upheld a Georgia law, saying there was no Constitutional right to homosexual sodomy.

*Lawrence v. Texas* was decided by the nation’s highest court on June 26, 2003. Justices in a rearranged court dropped a bombshell. Their 6-3 decision overturned the court’s 1986 ruling. This time they found sodomy laws a breach of privacy rights guaranteed by the 14th Amendment’s due process clause. Two newer justices—Stephen Breyer and David Souter made the difference—along with Sandra O’Connor who changed her view. Blast waves spread far and wide.

“It really became the foundation on which all the subsequent victories at the Supreme Court were built,” Pedersen says.

Months later, the Supreme Judicial Court of Massachusetts held that excluding same-sex couples from marriage was discriminatory. The cause was revived. Pedersen and his future husband Eric Cochran, a high school teacher and assistant principal, had planned to get married in Massachusetts and honeymoon in Provincetown. But they scrapped that idea and waited for the chance to legally marry in Washington, where Pedersen’s family had been rooted since the 1880s.

ADVOCATES FOLLOWED with a bold move. In March, 2004, Lambda Legal and the Northwest Women’s Law Center filed a lawsuit, *Andersen v. Sims*, arguing that Washington’s ban on same-sex marriage was illegal. The plaintiffs were eight couples, who included a firefighter, a cop, a nurse, and a teacher.

In August, King County Superior Court Judge William Downing agreed with advocates: the state’s gay-marriage ban was unconstitutional.



When Pedersen was term-limited off the Lambda Legal board, he helped create a new fundraising arm, Lambda’s National Leadership Council, and led it for more than a decade. *Jamie Pedersen*





King County Superior Court Judge William Downing found the state ban on same-sex marriages unconstitutional, setting the stage for a state Supreme Court ruling on marriage equality. *William Downing*

creation, 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 the children’s biological parents.”

In a stinging dissent, Justice Mary Fairhurst said her colleagues in the majority relied on discriminatory speculation and circular reasoning. Critics pilloried the idea that marriage was dependent on procreation. Should licenses be withheld from women past menopause and people who were infertile? And, just how did denying marriage to gays encourage procreation? “It was a dreadful, dreadful decision,” Pedersen says.

WHAT NEXT? Pedersen was term-limited off the Lambda board. His marriage-equality case had made it all the way to Olympia’s Temple of Justice, where it did not persuade the highest arbiters of state law.

What was left to do? He and Eric were remodeling their 1909 Victorian house, and preparing to have kids. He had become a partner in

Pedersen is not a litigator and didn’t argue the case. But he took depositions of plaintiffs, organized legal support through friends-of-the-court briefs, and was listed as co-counsel for Lambda. After *Andersen* wound its way through the appeals process and landed in the state Supreme Court’s lap, advocates sat back anxiously. And waited—for 16 long months after oral arguments.

The ruling finally came in July 2006. In a 5-4 decision, the lead opinion by Barbara Madsen found a “rational basis” for upholding the state’s ban on same-sex marriage.

In a decision some scoffed at and others found “muddled,” Madsen wrote: “Limiting marriage to opposite-sex couples furthers pro-



Justice Mary Fairhurst, while dissenting on the Supreme Court’s 5-4 decision to ban same-sex marriage, called it discriminatory. *Washington Courts*

the law firm. Was corporate law his future?

Then Ed Murray called. Murray had been carrying the banner for gay rights and fighting for a beachhead in the Legislature. Like his mentor Cal Anderson, Murray tried year after year to pass a civil rights law for the LGBTQ community. It usually died in the Senate. But in early 2006, it finally passed—when King County Republican Bill Finkbeiner, who voted against it the previous year, switched his vote.

Murray was convinced the state Senate needed someone with his tenacity. Murray decided to abandon his House seat for a run at the higher chamber. He encouraged Pedersen to seek his seat. “I had zero, zero, zero political experience at that point,” Pedersen recalls.

He consulted with law-firm colleagues and his partner, Eric. He filed his candidacy. Murray, known for his temper, exploded. He hadn’t yet formally announced his own campaign for Senate, and now Pedersen had scooped him. “He literally yelled at me and was angry, angry, angry, and then didn’t talk to me for at least six months after that,” Pedersen says. It was the start of a stormy but productive relationship.

Soon, Pedersen incurred the wrath of Dan Savage, outspoken gay editor of Seattle’s influential newspaper, *The Stranger*. Savage heard that Pedersen volunteers had said he was the only candidate vying for Murray’s House seat who supported marriage equality. That wasn’t true about the crowded field of liberal contenders—although Pedersen was the only gay candidate.

Savage lambasted Pedersen as a “drip” and worse.

“Welcome to politics,” Pedersen says.

Murray had said he wasn’t going to endorse anyone for his House seat. But he called the Supreme Court’s ruling that summer a “political earthquake in the gay and lesbian community.”

He said the movement needed another community leader in Olympia. He endorsed Pedersen, noting his work on marriage equality. Pedersen barely edged five rivals in the Democratic primary for the uber-liberal 43rd Legislative District, which guaranteed a November triumph.

He and Murray began planning. “One thing we were completely aligned on was doing an incremental approach,” Pedersen says.

Murray believed, and Pedersen agreed, that having lost on marriage equality in the court, the best path forward was “attacking it little piece by little piece.” And so, he went back to his project on state statutes, which eventually identified 425 rights and obligations that depended on marital status.

A tragedy in Seattle would give their piecemeal strategy a heartbreaking push.

GALE FORCE winds and fierce rain swept through Western Washington on December 16, 2006. Trees and power lines fell. Torrents overran drainage systems. In all, 14 people would die from the effects of the tempest, called the Hanukkah Eve Wind Storm.

Kate Fleming shared a home in Seattle’s Madison Valley with her longtime partner, Charlene Strong. Fleming “touched thousands of lives” as the narrator of some 250 audiobooks. When a flash flood hit her house, Fleming raced to her basement recording studio to salvage equipment. She was trapped below, and submerged.

A rescue crew pulled her out, unconscious, some 15 minutes later, and sped to the hospital. Her partner Strong ran to the emergency room but was stopped by a social worker, who said the state could not recognize same-sex partners in such situations.

Strong needed permission from Fleming’s family to be near her, and make decisions for her care. Strong frantically dialed Fleming’s sister in Virginia, until she got the necessary blessing.

Fleming died hours later with Strong by her side. Fleming’s death certificate said she was not married. The funeral director wouldn’t let Strong make arrangements, such as cremation.

Strong became a compelling voice for legal domestic partnerships, the first plank in the Murray-Pedersen blueprint. Their 2007 bill—sponsored by Murray in the Senate and Pedersen in the House—would provide domestic partners with hospital-visitation rights, the ability to authorize autopsies and organ donations, and inheritance rights.

One of the bill’s critics, Representative Judy Warnick, a Republican from Moses Lake, said it would cause economic and social “chaos.” Nevertheless, it passed and was signed into law by Governor Chris Gregoire with Strong at her side.

The state produced wallet cards for legal partners. “That came out of Char-



Charlene Strong rushed to the hospital after a flood in Seattle trapped her longtime partner, Kate Fleming, in her basement. At the hospital, Strong was told she couldn’t see Kate until a relative approved. *Charlene Strong*



lene’s experience too,” Pedersen says, so domestic partners could show they were entitled to hospital visits. For years after that, he recalls, people would come up to him in the grocery store and pull out their cards with teary gratitude.

After the first domestic partnership law went unchallenged by ballot measure, Pedersen and others wanted to push for a marriage equality law in the upcoming 2008 session. But Gregoire balked, in a tense conversation with gay and lesbian



Pedersen cataloged hundreds of instances where married people received benefits others did not in state law—down to sea-urchin fishing licenses, which could be passed on to a spouse when the license-holder died; if they were unmarried, the license reverted to the state. *Jamie Pedersen*

lawmakers. Perhaps the governor’s instincts (and self-interest in re-election) were beneficial. Californians voted that fall to ban same-sex marriage via Proposition 8—by a 700,000-vote margin—a foreboding sign in a liberal state.

Murray and Pedersen instead produced another incremental bill, adding domestic partners to laws about probate and trusts, community property, and guardianship. “The overriding theme for this package is the financial security of domestic partners and their families,” said Pedersen, recognized by the media as a political leader in the LGBTQ movement.

Pedersen, now chairman of the House Judiciary Committee, and Murray continued their step-by-step march. In 2009, they filled any remaining gaps in the domestic partnership statute with an “everything but marriage” law.

This time, opponents overreacted. That fall, they sought to repeal the law—which they said would lead to marriage—by popular vote with Referendum 71. But public opinion had begun to shift, nudged by popular TV shows such as “Ellen” and “Will and Grace,” and mainstream movie stars such as Tom Hanks, Hilary Swank and Denzel Washington.

This time, electoral support for the LGBTQ movement reached 53 percent statewide. It was the first time in history that voters, as opposed to courts or lawmakers, had approved such rights for same-sex couples.

A HOLDING PATTERN followed in 2010, with the rise of Tea Party and GOP gains in the Legislature. The next year, however, New York legalized gay marriage, which advocates saw as game-changing. Same-sex marriage was legal in six states and the District of Columbia.

Near the year’s end, the moderate editorial board of *The Seattle Times* gave marriage equality a full-throated, let’s-do-this endorsement. The encouraging shove had come from the Blethen family’s fifth generation of owners. Like many younger people, the Blethen “fifth edition” couldn’t fathom why people who found love shouldn’t be allowed to wed.

Going into 2012, advocates in Olympia were poised to push full marriage-equality legislation. At the start of the year, Gregoire, a Catholic, vowed to support it, marking a public shift in her own journey. In her 2004 campaign for governor, she said the state wasn’t “ready” for it. But eight years later, polls showed national support climbing to 48 percent, and a bit higher in the Evergreen State. Her conversion was urged by her daughters, she said, who considered gay rights the civil-rights issue of the 21st century.

“I don’t think she took that much converting once she had won [re-election in 2008] and was in her last term,” Pedersen says, noting “she became beloved in the LGBTQ community because of all the progress we made on her watch.”

A marriage bill was introduced at Gregoire’s request. Pedersen rounded up the necessary support in the House, with longtime Speaker Frank Chopp becoming the bill’s 50th and decisive sponsor in the lower chamber.

A tougher battle awaited in the 49-member Senate, where advocates counted 24 solid “yes” votes and 21 unmovable opponents. “We had four ‘maybes’ and we had a one-by-one campaign to figure out every way we could to surround those four senators gently,” Pedersen says. Persuasion, in one case, extended to a pair of barber’s scissors. State Senator Andy Hill, a moderate Republican, got his hair cut by a guy who sang with Pedersen in the Seattle Men’s Chorus. When Hill sat in his chair, the stylist tried to sound him out and soften him up.

In a hearing on Senate Bill 6239, Murray testified first, followed by his long-time partner, Michael Shiosaki, who talked about his parents’ 56-year marriage. “That commitment I see in the relationship Ed and I share,” Shiosaki said, talking about how he and Murray leaned on one another during illnesses and deaths in their families. But unlike his parents, they couldn’t marry.



An Eagle Scout since 1984, Pedersen marched with his son Leif in the 2017 Seattle Pride Parade. *Jamie Pedersen*



Jamie and Eric's triplets, Leif, Erik and Anders, at Bridal Veil Falls above, were at the Capitol for Gov. Gregoire's signing of the marriage-equality law in 2012. *Jamie Pedersen*

Also testifying were a gay Iraq War veteran, a gay state trooper, a straight home-economics teacher with a gay daughter, and a 16-year-old who said he hoped to marry a man he loved someday.

Still, advocates couldn't get to 25 votes, until Mary Margaret Haugen, a Catholic who had previously opposed same-sex marriage, came around. Gregoire signed the bill in a festive atmosphere. Lawmakers snapped proud "selfies" at the event. News photographers filled frames with Pedersen's four blond toddlers who attended. He and Eric had conceived the boys, including triplets, through egg donors and surrogates.

Everyone knew that a challenge, in the form of another citizen initiative, loomed. And they knew the track record at the ballot box was worse than dismal.

THE QUESTION of same-sex marriage had been put to a vote in states 31 times, and was rejected 31 times. But lessons had come out of the devastating California loss, in particular.

Evan Wolfson had created a new organization, Freedom to Marry. Researchers there, along with California strategist Amy Simon, were conducting intensive focus groups, sifting through polling data, and studying with renewed resolve.

Too often in the past, LGBTQ advocates had played scattershot defense against conservatives' inaccurate claims by assuming the posture of "bigot busters." Simon flipped the script. Research showed that voters unsure, torn, or leaning against gay marriage were not bigots. When asked what marriage meant to them, they said love and commitment. And when asked why gay people wanted to marry, "most commonly, respondents said they simply didn't know."

In previous debates, advocates for gay rights had focused on fairness in the workplace and the military, or around privacy. Researchers found the most potent message, instead, was that committed same-sex couples were doing the same things as married hetero couples. They needed to talk about that.



A first step for advocates was to stop referring to “same-sex marriage” and “gay marriage” and call it “marriage equality.” They were seeking the same thing other couples had, not something separate. And campaigns underway in four states that year—Maine, Maryland, Minnesota and Washington—needed “ruthless discipline” to stay on that message.

Meanwhile, Wolfson’s Freedom to Marry had made inroads at the White House. Neither Barack Obama nor Joe Biden had advocated gay marriage in their 2008 presidential campaigns, although LGBTQ support had become a pillar of the Democratic Party. Obama cited respect for traditional values in explaining his stance.

In May 2012, the president had a different message. He said he thought about his own staffers in committed relationships, raising kids. He considered troops willing to defend America, but unable to marry loved ones. He mentioned his faith’s emphasis on the Golden Rule. “I think same-sex couples should be able to get married,” he told ABC News anchor Robin Roberts. Biden said the same on “Meet the Press.”

Wolfson was behind Obama’s carefully chosen words. There was the president, talking to Roberts, an African American journalist. He didn’t mention discrimination or civil rights. He talked about love and commitment. The debate was being shifted from the head to the heart.

Centering the debate on “love” was already underway in Washington. An unscripted tour de force came in a four-minute speech by state Representative Maureen Walsh. A Republican from Walla Walla, Walsh was moved to talk about her marriage to her husband, who died six years earlier, and about her lesbian daughter.

With her hand-on-hip candor, Walsh talked about not missing sex with her husband so much, but longing for the love they shared. “How can I deny anyone the right to have that incredible bond with another individual in life? It seems almost cruel.”

Later, about her daughter, she said, “By God, someday I want to throw a wedding for that kid.” Walsh was the second sponsor on Pedersen’s marriage-equality



In 1983, Evan Wolfson, a Harvard Law student, wrote a dissertation about how gay people could win marriage rights. Then he made the cause his crusade. Keys to the marriage movement’s success—14th Amendment legal theories and messaging focused on love—were in his dissertation. *Freedom to Marry*

legislation. She would be one of just two Republicans in the House to vote for it. Her speech went viral on the internet. And she followed Betty White on stage at a Los Angeles gay-rights event.

An email to Jeff Bezos from Seattleite Jennifer Cast would give the cause a bigger megaphone. Cast had been one of the first Amazon employees and an executive under Bezos. Now she was a volunteer on the Washington United for Marriage campaign and raising four kids with her partner.

“To be very frank,” Cast wrote, “we need help from wealthy straight people who care about us and who want to help us win.” She asked Bezos to contribute \$100,000 or \$200,000 to the campaign on Referendum 74.

She didn’t know how Bezos might respond; she had “never, ever” broached the issue with him. Two days later she got a brief reply.

“Jen,” his e-mail said, “this is right for so many reasons. We’re in for \$2.5 million. Jeff & MacKenzie.”

The early money mattered. The campaign hired professionals steeped in political science, not amateurs intuiting what strategies might work best. Six-figure donations from the likes of Bill and Melinda Gates not only paid for consultants and door-to-door canvassers, the fundraising edge was parlayed to tactical advantage. It bought TV ad time at earlier, lower rates than opponents would later pay in the campaign homestretch. That meant more eyeballs on ads featuring the disarming Maureen Walsh and other straight supporters.

Polling showed that voters favored marriage equality, albeit by a thin margin.

ON ELECTION NIGHT, Pedersen and others gathered at the Westin Hotel in Seattle. By 10 p.m., with more than half of the statewide ballots counted, it became a victory party. Marriage equality was winning with 52 percent. It ended up at 53.7 percent.

Throngs spilled into the streets of Seattle’s Capitol Hill, the epicenter of Pedersen’s district. “It’s something that’s going to go down in history as one of the biggest moments for civil rights in this generation,” said one of the revelers, Kort Haven, 26.

Less than three years later, the U.S. Supreme Court legalized same-sex marriage in the *Obergefell v. Hodges* case. Writing for the 5-4 majority, Justice Anthony Kennedy twice cited the work of Washington historian Stephanie Coontz. A longtime faculty member at The Evergreen State College, Coontz’s 2005 book, *Marriage: A History*, made her an authority.

As with many Americans, bubbling beneath the conversions by Governor

Gregoire and President Obama, was a change, over two-plus centuries, in the essence of marriage. Coontz wrote that matrimony had evolved from a property contract, in which husband was the master, to a gender-neutral bond of love. (Her book was subtitled *How Love Conquered Marriage*.) Once strict roles of a bread-winning father and submissive mother had largely dissolved, and women were fully in the workforce, and contraception was legalized, the rationale that marriage should be reserved for procreation seemed strange. And marriage equality appeared inevitable; yet still shimmering on a horizon.



When the U.S. Supreme Court legalized same-sex marriage in 2015, it cited Stephanie Coontz, a Washington historian. Marriage had evolved from a property contract to a gender-neutral bond of love, Coontz wrote, making marriage equality inevitable. *The Evergreen State College*

Coontz was surprised at how quickly it arrived. “It’s one of the fastest changes that we’ve seen as historians,” she said. Others called it the swiftest such shift.

How did it happen? In Washington state, the incremental strategy and domestic partnerships “did not lead to the failure of civilization,” Pedersen says, as doomsayers predicted. Popular media—from the Oscar-winning movie “Philadelphia” to the surprise TV hit, “Queer Eye for the Straight Guy”—smoothed the way. Demographics and younger voters helped too.

Pedersen and Coontz agreed on perhaps the most important factor. More and more LGBTQ people had come out, in a soft parade. Therein was a key distinction with the civil rights struggles for racial equality. Gay people could choose when to reveal their sexual orientation. They could be known as family members, friends, co-workers and teammates, without prejudice, before coming out.

“Compared to almost every other civil rights movement, LGBTQ have a gigantic advantage, which is that we pop up randomly in families everywhere,” Pedersen says.

HE REACHED a summit, at 44, when Washington joined Maine, Maryland and six other states in marriage equality. He had left the law firm of Preston, Gates and Ellis (which merged into K&L Gates in 2007). He became general counsel and executive vice-president at Seattle-based McKinstry, which specializes in energy-efficient building construction. He and Eric were legally wed on the ninth



“My life’s work for 17 years,” culminated in Jamie and Eric’s 2013 wedding ceremony, with Anne Levinson, Evan Wolfson, Joe McDermott, Jamie, Eric and Leif Pedersen, Mary Fairhurst, Ed Murray, Michael Shiosaki, Karen Poirier and Laurie Jinkins. *Jamie Pedersen*

anniversary of when they had tied the knot at their local church, a block from Seattle’s Cal Anderson Park. They had four young boys who made every family stroll an adventure.

What to do now?

Plenty, it turned out. Murray left the Legislature in 2013 to become Seattle’s 53rd mayor. Pedersen was elected to Murray’s Senate seat. Christian conservatives knew marriage equality was a lost cause. But, like the LGBTQ lobby, they were a powerful constituency, with battle-tested, ready troops. What would they fight over next?

The defection of two Democrats, Rodney Tom and Tim Sheldon, gave the Republicans control of the state Senate at the end of 2012 with a “majority coalition.” That created a different set of battlegrounds, Pedersen says. “So, then we fought about transgender access to bathrooms for two years.” There were also debates about conversion therapy and parentage, including surrogacy, and gender-markers on public records.

More recently, Pedersen has pushed for mandated infertility treatment in health care. “And that’s a big economic privilege issue,” he says, “because you get someone who has a high income and they can pay for a surrogate or can pay for [in vitro fertilization]. And then people who have an equally burning desire to be parents but don’t have the financial resources to pay for that are unable to have biological children.”



While challenges remained, America had transitioned. In 2004, 60 percent opposed same-sex marriage. Fifteen years later, the numbers flipped; 60 percent supported it. Laurie Jinkins, who had been in the LGBTQ civil-rights trenches for a couple decades, was elected the first female Speaker of the House in 2020. Pedersen became Senate Majority Floor Leader in 2022. And Tim Sheldon, the conservative Democrat who aligned with Republicans in the Senate, announced his retirement that year. Sheldon said he regretted voting against marriage equality and other bills aimed at advancing LGBTQ civil rights. “I think I’ve been educated a lot by my daughter and my wife,” Sheldon said.

Looking back, Pedersen thought about his former paralegal, the matronly Dorothy Nelson. She had likened marriage equality to the fall of the Berlin Wall. One day, the obstacles loomed; the next, the sky was clear.

And who was hurt? As Evan Wolfson liked to say: there’s no shortage of marriage licenses.

**Bob Young**