LOVE UNITES US
WINNING THE FREEDOM TO MARRY IN AMERICA

Edited by
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PARALLEL JOURNEYS THROUGH DISCRIMINATION: ASIAN AMERICANS AND MODERN MARRIAGE EQUALITY

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In February 2004, the City of San Francisco began issuing marriage licenses to same-sex couples, and hundreds of gays and lesbians lined up to legalize their committed relationships. This provoked a backlash from opponents of marriage equality, including lawsuits seeking to halt the marriages as well as protests and demonstrations. Among the latter were several anti-LGBT rallies organized by Chinese immigrant churches, which attracted thousands of Chinese Americans—and mainstream media attention—in San Francisco and Los Angeles.¹

As an Asian American civil rights advocate and staff member at Asian Americans Advancing Justice-Los Angeles (the nation’s largest Asian American legal organization), I was shocked and dismayed by the protests and feared they would be viewed as representing all Asian Americans. Desperate to raise an alternative voice, I helped to form API Equality-LA, a coalition of LGBT and allied individuals and organizations united by the common desire to demonstrate strong Asian American support for marriage equality.

Although API Equality-LA garnered strong initial support from respected voices in the Asian American community—such as elected officials, nonprofit heads, faith leaders, community activists, and even celebrities—we encountered
significant hurdles in expanding Asian American support for marriage equality. Despite having personal one-on-one conversations at community events and placing positive stories of Asian American lesbians and gays in Asian-language newspapers, we found that many Asian Americans dismissed marriage equality and LGBT struggles as being wholly unrelated to their own experiences.

Meanwhile, the legal challenge to the San Francisco marriage licenses (In Re Marriage Cases) was working its way through the courts. At the same time, marriage equality opponents were seeking to qualify a state ballot initiative that would constitutionally prohibit marriage of same-sex couples (Proposition 8). The possibility of such an initiative added urgency to our public education and community organizing efforts.

In early 2007, as In Re Marriage Cases was headed to the California Supreme Court, API Equality-LA and Advancing Justice-LA, along with other Asian American LGBT and legal leaders, devised a community education and organizing strategy centered on the legal case. By filing an amicus (friend of the court) brief, which allows non-parties to a lawsuit to weigh in on a pending case, we thought we could leverage the intense media focus on the case to educate fellow Asian Americans and lay important groundwork for the likely battle looming at the ballot box.²

In particular, we wanted to lift up California’s shameful history of racist marriage restrictions targeting Asian immigrants. We hoped that by highlighting how anti-miscegenation laws—along with governmental restrictions on immigration, citizenship, and other rights—had isolated and excluded Asian immigrants for decades from mainstream American society, more Asian Americans would understand and support the LGBT community’s fight for the freedom to marry.

At the turn of the twentieth century, both state and federal anti-miscegenation laws prohibited interracial marriages, built on fears of integrating white and non-white groups. These laws were driven primarily by fear of black-white couplings. But in California, where Asian immigrants outnumbered African Americans in the early 1900s, the laws explicitly targeted Asians.³ The California state law banning the issuance of marriage licenses between whites and non-whites specifically included “Mongolians,” which referred to East Asians, and was later clarified to also include Filipinos or “Malays.”⁵

In the nineteenth century, large groups of Asian immigrants, including Chinese, Japanese, Filipinos, and Asian Indians, were imported as laborers to build the West, working in mining, railroads, and agriculture.⁶ Soon after these mostly male immigrants first began arriving in the 1800s, they became the targets of laws seeking to exclude or severely restrict them, including bans on immigration, citizenship, and marriage.⁷ These laws undermined the formation of
families and communities among these early Asian immigrants, creating isolated bachelor societies whose members had no hope of marrying, having families, or integrating into American society. Without families and children, Asian immigrant populations dwindled. For example, between the Chinese Exclusion Act and anti-miscegenation laws, the Chinese population declined rapidly from more than 107,000 in 1890 to less than 62,000 by 1920.8

The tactic of drawing parallels between the struggles of early Asian immigrants and those of modern same-sex couples proved effective. By the time we submitted the amicus brief to the California Supreme Court in September 2007, we had rallied sixty-three Asian American organizations in support of marriage equality.9 The supporting groups included many of the largest and most prominent Asian American civil rights advocacy organizations, bar associations, social service providers, and community groups and represented the broad diversity of Asian America (e.g., Chinese, Filipino, Japanese, Korean, South Asian, and Southeast Asian).

Garnering the support of these groups advanced the issue of marriage equality within the Asian American community in several ways. First, focusing on the connection between Asian American and LGBT communities gave non-LGBT Asian American groups an opportunity to publicly “come out” in support of the LGBT community. Some organizations reached a decision to sign on relatively easily. For other groups, our request to support the amicus brief initiated complex conversations about the issue of marriage equality and the meaning of “civil rights” for an Asian American organization. Some who were not able to endorse the brief before it was filed did later voice public support for marriage equality, adding to the growing chorus of Asian American voices supporting the freedom to marry.10

Second, we successfully drew both mainstream and Asian-language media attention to our brief, expanding the influence of our message to a larger segment of the Asian American community. On the day we filed the brief, we held two simultaneous press conferences in San Francisco and Los Angeles, featuring diverse Asian American community leaders speaking eloquently about their support for marriage equality for same-sex couples.

In addition, the conversations that began with a simple request to endorse the amicus brief opened the door for many additional conversations with the organizations approached to endorse the brief. As the issue evolved—with the California Supreme Court ruling in favor of marriage equality in May 2008, and Proposition 8 (“Prop 8”), which challenged the basis for the ruling, qualifying for the November 2008 election—the groundwork laid by the amicus brief proved invaluable in subsequent marriage equality advocacy. In fall 2008, the relationships strengthened through the amicus brief helped line up dozens
of Asian American groups in the campaign against Prop 8. After the measure passed on November 4, 2008, many of the groups that had joined our California Supreme Court amicus brief also joined amicus briefs in support of the legal challenge to the implementation of Prop 8.\textsuperscript{11}

But the biggest legacy of the organizing in the Asian American community is the impact on views about marriage equality in the community. Prop 8 narrowly passed in 2008 (52 to 48 percent), and an exit poll conducted by Advancing Justice-LA found that Asian Americans in Southern California voted similarly to voters overall (54 to 46 percent for Prop 8).\textsuperscript{12} However, in the years leading up to Prop 8, support for marriage equality shifted more rapidly in Asian American communities than in the general population.

In March 2000, California voters considered Proposition 22, an earlier ballot initiative to statutorily prohibit California from recognizing marriage between same-sex partners. Advancing Justice-LA’s exit poll from that election showed that Asian American voters in Southern California supported Prop 22 by much wider margins than the general population, with 68 percent of Asian Americans in support of Prop 22 and only 32 percent opposed,\textsuperscript{13} compared to 58 percent of voters overall in support and 43 percent opposed.

In the eight years between Prop 22 and Prop 8, the state of California made remarkable strides in building support for marriage equality, with the gulf between voters who supported and opposed marriage equality narrowing from fifteen points (58 vs. 43 percent) to only four points (52 vs. 48 percent)—a remarkable shift in less than a decade. But Asian Americans made an even greater shift during the same period of time—tumbling from a thirty-six-point margin (68 vs. 32 percent) to eight points (54 vs. 46 percent).

While many factors contributed to this change, I believe the organizing efforts of groups like API Equality-LA and Advancing Justice-LA had a clear impact. By drawing a direct line between the experiences of Asian immigrants a century earlier and modern-day gay and lesbian couples, we made a compelling argument for marriage equality that our community could not ignore. And when the U.S. Supreme Court ruled in favor of the freedom to marry in \textit{Obergefell v. Hodges}, Asian Americans were among the most vocal and joyous celebrants, thrilled by the historic legal victory and the dismantling of a barrier to social integration that our own community knew too well.