

SR 7 (LENO)
Relative To Same-Sex Marriage

February 24, 2009
Senate Judiciary Committee
Room 112 / 1:00 p.m.

Alice A. Huffman, President
California State Conference of the NAACP

Good Afternoon Madame Chair & Committee Members.

I am Alice Huffman, President of the California State Conference of the National Association for the Advancement of Colored People (NAACP), and National Board Member.

The NAACP was established 100 years ago this month to ensure the political, educational, social, and economic equality of rights of all persons, and, to eliminate racial hatred and racial discrimination.

We'd like to thank Senator Mark Leno for introducing Senate Resolution 7, and addressing before this committee the injustice of Proposition 8, which was put forward in California as an initiative measure, and enacted by a bare majority vote in the November 4, 2008 general election.

We have been here many times on behalf of the 62 branches and 30 youth and college units in California NAACP supporting civil and human rights. We are particularly pleased to have met recently with Chairman Julian Bond and our President and CEO, Benjamin Todd Jealous, and to have received their support in our call to you to go on record calling for the invalidation of Proposition 8.

The NAACP believes that we *can* have a society in which all individuals have *equal rights*, and *equal protection* under the law. As I have said many times, a right is a right. It has no color, no prejudice, no discrimination, it just is, and in a civilized society, it is a given for everyone.

The plain and simple fact about the passage of Proposition 8, is that it represented the tyranny of the majority against a sub-group of its citizenry. It went beyond the scope of denying a right, but it also took back a right that had been granted by the courts.

Proposition 8 not only violates the equal protection statutes of the California Constitution; its movement on the ballot represented a violation of the procedures for revision and amendment of the California Constitution as mandated by Article XVIII.

When the majority of Americans failed to treat African Americans with dignity and denied us our equal rights, relief first came through the pain of war. It was war that brought down the institution of slavery, but it was the courts in case after case that finally provided the interpretations of the law that guided America through the demise of government- sanctioned segregation and discrimination. For over 100 years the American Government claimed it had a right to treat its African American citizens different than its white citizens. After learning the painful lesson that no form of government discrimination can be tolerated and sanctioned in America, here we are again attempting to inflict it on to another group.

Just as the 1954 United States Supreme Court decision in *Brown v. the Board of Education* was one of the most significant judicial turning points in the development of our country against racial discrimination, and a major triumph for the NAACP, the decision dismantled the legal basis for racial

segregation in schools and other public facilities. I believe the pending court decision in California on Proposition 8 will be as definitive for ALL our brothers and sisters in the human rights struggle, who wish to pursue their happiness in America with all of the rights granted them as every other law abiding citizen.

Many have asked “why is the NAACP in this?” They have said that this is not about race; the gay community was not enslaved, they have a choice. A clergy member of the national board, upon receipt of Julian Bond’s letter yesterday, fired back this comment in a very long document, saying:

“The Gay rights movement is not parallel with the Civil rights movement of us African Americans, as the Gay community loves to suggest. We as African Americans were discriminated against because of the color of our skin. Homosexuals haven't gone through physical slavery, homosexuals weren't persecuted with Jim Crow, homosexuals by law haven't had to sit on the back of the bus, homosexuals don't have separate water fountains, separate bathrooms, eat in separate places of a restaurant, homosexuals weren't denied the right to vote and they certainly haven't been bombed or lynched to the extent of black people, yet they feel their movement is parallel to black people. How wrong and how arrogant it is to compare their movement with African Americans.”

I have never seen it written that the gay movement claimed equal status to the African American movement. No other group in America can top the destructive debilitating experience of 400 years of slavery. The question is can one discriminate in a “right.” From my personal viewpoint it is a slippery slope when we start weighing rights. Black Americans cannot claim that our right for racial justice is more justified than another persons’ right to

religious freedom, or a woman's right to vote, or even more important than the right to freedom of speech. A civil right stems from a government entitlement to its citizenry.

We do not need to compare our struggles against each other's, we need to compare our truths against each other's and know that there is only one truth in America, in our constitution, and that is "freedom and justice for all."

We have lived to see the miracle of America transcending in its slave relations, with the election of our 44th president. Were it not for the NAACP and Brown V Board, I doubt it would have ever happened. So let us press on in the courts, and every other venue, until we all have equal protection under the law, and justice for all Americans.

Thank you Madame Chair and members for allowing me to testify today on this important issue and I respectfully urge an aye vote for Senate Resolution 7.