

The pastor behind the gay marriage ruling: Troy Perry

by [John Dart](#) in the [June 17, 2008](#) issue

Little noted in the history behind the California Supreme Court decision that gives the “right to marry” to same-sex couples are the bold steps taken over four decades by onetime Pentecostal minister Troy Perry in trying to establish legal and religious rights for gays and lesbians.

Perry, who founded a church 40 years ago that became an international denomination for Christian homosexuals, filed the initial lawsuit with his spouse and a lesbian couple in February 2004 that led to last month’s ruling making California the second state, after Massachusetts, to legalize marriage for same-sex couples.

The 4-3 decision by the high court—though endangered by an expected state initiative in November to amend the constitution to ban gay marriage—marked another milestone for the homosexual-oriented Metropolitan Community Churches, started by Perry in 1968 in Los Angeles County.

In 1969, Perry performed the first public same-sex “holy union” ceremony in the U.S., and in January 1970 he filed the first-ever lawsuit seeking legal recognition of same-sex marriage. It was dismissed before coming to trial.

Perry tried unsuccessfully for years to gain membership in the National Council of Churches for MCC churches. But ministers in the denomination do serve on NCC committees and have been welcomed into many regional and local interfaith councils. Meanwhile, gay caucuses grew vocal within nearly all mainline denominations, and some clergy were conducting same-sex blessings.

The idea of legal marriage for gays was too politically volatile in the mid-1990s for the MCC to make it a priority issue. But by early 2001, Perry and his church were fully committed to the fight. Perry and his longtime partner, Phillip Ray De Blieck, were legally married July 16, 2003, at an MCC congregation in Toronto.

“Today the California Supreme Court legally recognized our marriage,” Perry, 67 and now retired, exulted on May 15, saying that “our marriage is equal in the eyes of the law to all other marriages.”

A sociologist of religion who has studied the MCC movement credited Perry’s leadership for the changes. “He has had the audacity and the tenacity to claim for gay and lesbian people the religious and civil rights that most Americans have the privilege to take for granted,” said Steven Warner, professor emeritus at the University of Illinois–Chicago and immediate past president of the Society for the Scientific Study of Religion.

Warner said the movement led by Perry was “reformist” in seeking change and “conservative” in affirming the value of “two conservative institutions—the church and marriage.” Many people in the gay community say “nuts to marriage” and reject all churches as homophobic, he said. But Perry and other plaintiffs “don’t want to overthrow marriage; they want to be part of it.”

The majority opinion, written by Republican-appointed chief justice Ronald M. George, overthrew a law enacted in 1977 and a statewide ballot measure in 2000 that limited marriage to a man and a woman. “An individual’s sexual orientation—like a person’s race or gender—does not constitute a legitimate basis upon which to deny or withhold legal rights,” George wrote.

The justices made it clear that the ruling applies only to civil marriages: “No religion will be required to change its religious policies or practices with regard to same-sex couples, and no religious officiant will be required to solemnize a marriage in contravention of his or her religious beliefs.”

The ruling cited its own 60-year-old precedent that made California the first state to strike down a ban on interracial marriage. The U.S. Supreme Court did not follow suit until 1967 in a case filed by Mildred Loving, a black woman who died May 2 at age 68 in Virginia. In comments last month, Perry referred to her as one of his heroes—one who “paid a steep price, solely for marrying the only man she ever loved.”

The three dissenting justices worried about what effect this precedent might have in the future.

California should allow gay and lesbian people “to call their unions marriage,” Justice Carol Corrigan said somewhat surprisingly. But she joined two other dissenting justices in noting that so far a majority of Californians “hold a different view.” The two other justices asked whether a future “activist court might find laws prohibiting polygamous and incestuous marriages were no longer constitutionally justified.”

In 2000, 61 percent of California voters approved the ballot measure, saying the only valid marriage is one between a man and a woman. Only six of the state’s 58 counties voted against the initiative, all of them in the San Francisco Bay area.

Public opinion polls have shown increasing ratios favoring gay marriage. Still, a Field Poll in 2006 found that 51 percent opposed a change while 43 percent approved.

Governor Arnold Schwarzenegger, a moderate Republican who has twice vetoed bills passed by the California legislature to permit same-sex marriage, said he respected the high court ruling and would not back a constitutional amendment to overturn it.

Matthew D. Staver, representing Liberty Counsel, a firm that defends traditional marriage, and Glen Lavy, an attorney for the conservative Alliance Defense Fund, told newspapers in separate comments that they would seek a stay of the ruling until the November election.

The California Catholic bishops immediately decried the ruling, and other conservative religious groups indicated that the issue may prod conservative voters around the country to action, perhaps to renew a drive for a U.S. constitutional amendment.

“The California Supreme Court has taken a jackhammer to the democratic process,” said the Family Research Council, based in Washington, D.C. “This decision put marriage at risk all across the nation.”

The decision was called “supremely arrogant” by the Institute on Religion and Democracy, a conservative group. “Churches should work to overturn it,” said IRD president James Tonkovich, who noted that only two weeks earlier United Methodist delegates in their quadrennial conference maintained their longstanding policy that homosexual activity is “inconsistent with Christian teaching.”

By contrast, some mainline leaders who have welcomed homosexual clergy into their ranks praised the California high court.

The United Church of Christ, which joined a brief in the California case, approved overwhelmingly in its 2005 convention a resolution supporting legalization of same-sex marriages. Bill McKinney, president of the UCC-related Pacific School of Religion in Berkeley, said the seminary “celebrates this historic decision.”

Episcopal priest Susan Russell, the national president of the gay-advocacy group Integrity, indicated that supporters for gay union rites should raise these issues at the 2009 triennial Episcopal General Convention in Anaheim, California. She told Episcopal News Service that it is time for the church to “be as prophetic as the state of California has been.”

Bishop Jon Bruno, who heads the Los Angeles Episcopal Diocese, said the court decision resonates with the church’s baptismal vows to strive for justice and respect for all. “To paraphrase St. Paul,” Bruno said in a May 15 statement, “there is neither Jew nor Greek, slave nor free, gay nor straight in Jesus Christ our Lord.”