

California chief justice says same-sex marriage ruling was one of his toughest



Paul Sakuma / Associated Press

In this March 4, 2008 file photo, California Supreme Court Chief Justice Ronald M. George listens to arguments in San Francisco.

Ronald M. George, a moderate Republican who voted with the majority, likens the case to civil rights battles.

By Maura Dolan, Los Angeles Times Staff Writer

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SAN FRANCISCO -- In the days leading up to the California Supreme Court's historic same-sex marriage ruling Thursday, the decision "weighed most heavily" on Chief Justice Ronald M. George -- more so, he said, than any previous case in his nearly 17 years on the court.

The court was poised 4 to 3 not only to legalize same-sex marriage but also to extend to sexual orientation the same broad protections against bias previously saved for race, gender and religion. The decision went further than any other state high court's and would stun legal scholars, who have long characterized George and his court as cautious and middle of the road.

But as he read the legal arguments, the 68-year-old moderate Republican was drawn by memory to a long ago trip he made with his European

immigrant parents through the American South. There, the signs warning "No Negro" or "No colored" left "quite an indelible impression on me," he recalled in a wide-ranging interview Friday.

"I think," he concluded, "there are times when doing the right thing means not playing it safe."

Yet he described his thinking on the constitutional status of state marriage laws as more of an evolution than an epiphany, the result of his reading and long discussions with staff lawyers.

As he sometimes does with the most incendiary cases, George assigned the majority opinion to himself. He wrote and rewrote, poring over draft after draft. Each word change had to be approved by the other three justices joining him in the majority. Even the likely dissenters had to be told in "pink slips" of every word change.

On Wednesday, the long-awaited ruling was finally ready.

Court Clerk Fritz Ohlrich locked up stacks of the fat, stapled court opinions in his office to protect against leaks, and George's staff asked that security be beefed up. A fellow justice told George she would be at her desk in the morning because she wanted "to be part of history."

On Thursday, George was in his chambers, being interviewed for a documentary on death penalty administration. He said he wished he had canceled the interview.

He was on camera when he heard "a big roar" from the crowd outside.

George, who grew up in Los Angeles, said he counts gays among his friends. Four years ago, he peered out his chambers' windows across from San Francisco City Hall to watch gay couples lining up to marry. He saw the showers of rice, the popping of champagne corks, the euphoria of the couples.

He later joined four other justices in nullifying the marriage licenses, which the court deemed to have been granted illegally by San Francisco. The court refused to take up the constitutional questions of same-sex marriage then, insisting the cases work their way up through the courts.

A trial judge ruled in favor of same-sex marriage. A court of appeal overturned that ruling. And finally, the case was on George's desk.

'Very fatalistic'

George said he had voted to void the marriage licenses because he did not think they should be "in limbo" while the courts tackled the constitutional issues. Once he took up the constitutional challenge, he said he did not permit any consideration of political fallout.

"I am very fatalistic about these things," he said. "If you worry, always looking over your shoulders, then maybe it's time to hang up your robe."

Court rules bar George from discussing the ruling until it takes effect in 30 days or more.

During the two-hour interview with The Times, he refused to disclose anything about the court's internal deliberations and responded to a number of questions by reading aloud from the decision. His elegant and comfortable chambers had neat stacks of papers piled on the floor, all over his desk and on a long conference table.

Asked whether he thought most Californians would accept the marriage ruling, George said flatly: "I really don't know."

He indicated he saw the fight for same-sex marriage as a civil rights case akin to the legal battle that ended laws banning interracial marriage. He noted that the California Supreme Court moved ahead of public sentiment 60 years ago when it became the first in the country to strike down the anti-miscegenation laws.