



Prop 8 and HIV

August 4, 2010 By [Oriol R. Gutierrez Jr.](#)

Proposition 8 in California, which amended by referendum the state's constitution to revoke marriage equality for same-sex couples recognized by the state's top court, was declared unconstitutional today by a federal court.

LGBT supporters and LGBT people nationwide have every reason to celebrate the ruling. Equal rights, the ruling asserted, are not subject to the whims of the majority.

In his opinion, Judge Vaughn R. Walker wrote:

“Proposition 8 fails to advance any rational basis in singling out gay men and lesbians for denial of a marriage license. Indeed, the evidence shows Proposition 8 does nothing more than enshrine in the California Constitution the notion that opposite-sex couples are superior to same-sex couples. Because California has no interest in discriminating against gay men and lesbians, and because Proposition 8 prevents California from fulfilling its constitutional obligation to provide marriages on an equal basis, the court concludes that Proposition 8 is unconstitutional.”

The ruling will be appealed to a U.S. appeals court and perhaps to the U.S. Supreme Court. The ultimate outcome is yet to be determined, but the judge in this case has set the bar high for overturning this ruling. LGBT rights are civil rights, human rights.

As a gay man, I obviously support this ruling. As an HIV-positive man, however, I also support this ruling.

What do HIV and LGBT issues have in common? Homophobia contributes to HIV risk and anti-LGBT laws are homophobic.

Usually I'm a lot more diplomatic, but today all I can muster is do the rest of the darn math yourself.

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