

California backs gay marriage ban

California's Supreme Court has upheld a ban on same-sex marriage - the latest twist in a long-running saga.

The judges rejected a challenge from gay-rights activists to overturn the result of a 2008 referendum which restricted marriage to heterosexuals.

Prior to the vote, same-sex marriages were legal for six months, during which 18,000 couples were married.

The judges said their ruling was not retroactive - meaning those couples will remain legally married.

Changes 'too easy'

Tuesday's legal showdown was sparked by a 4 November vote in which Californians backed Proposition 8 - the proposal to restrict marriage to heterosexual couples - by 52.3% to 47.7%.

The campaign over November's vote cost more than \$80m (£51m) - the most expensive ballot measure on a social issue in US history.

Activists challenged the result of the referendum, saying the measure violated the civil rights of gay couples.

PROPOSITION 8

" Only marriage between a man and a woman is valid or recognised in California "

They argued that the ballot measure revised the state constitution's equal-protection clause so dramatically that it should have had legislature approval before being put to voters.

But the seven-strong panel of judges rejected the appeal by a six-to-one majority.

In their ruling, the judges said the campaigners were arguing that it was "just too easy" to amend the state constitution through the ballot process.

"It is not a proper function of this court to curtail that process; we are constitutionally bound to uphold it," the ruling said.

'Victory for democracy'

Gay-rights activists stood outside the San Francisco court shouting "shame on you" after the decision was made public.

CALIFORNIA GAY MARRIAGE

- **2004** San Francisco begins issuing marriage licences to same-sex couples

- a move annulled by Supreme Court months later
- **May 2008** Supreme Court votes 4-3 to legalise same-sex marriage; introduced in June
- **November 2008** Voters approve Proposition 8 limiting marriage to heterosexual couples
- **March 2009** Civil-rights lawyers argue before Supreme Court that referendum is anti-constitutional
- **May 2009** Supreme Court rules Proposition 8 is constitutional

Some promised to continue their campaign.

"It's not about whether we get to stay married. Our fight is far from over," said 62-year-old Jeannie Rizzo, who was one of the lead plaintiffs.

"I have about 20 years left on this earth, and I'm going to continue to fight for equality every day," she told the Associated Press.

But the court's decision was hailed as a "victory for democracy" by Brad Dacus of the Pacific Justice Institute, a conservative group that supported Proposition 8.

"[The ruling is] a victory for the civil rights of clergy, county clerks and Californians across the political spectrum who did not want to be forced by the government to approve of same-sex marriage," he said.

National 'tug of war'

Before giving their ruling, some judges indicated they would be extremely reluctant to overrule the will of the people as expressed in the vote.

The court should not "willy-nilly disregard the will of the people to change the state constitution as they have in the past", said Judge Joyce Kennard, according to AFP.

Same-sex marriage is currently legal in five states - Massachusetts, the first state to legalise it in 2004, Connecticut, Maine, Vermont and Iowa - but is subject to the continuing national tug of war over the issue.

Analysts say opponents of gay marriage might now set their sights on seeing the law overturned in Iowa.

Like several other states, California allows same-sex couples to enter "domestic partnerships", which afford many of the same rights as marriage.

But activists say such partnerships are not equivalent to marriage.

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