

# California Supreme Court Upholds Proposition 8

✖ The California Supreme Court today upheld a state constitutional amendment defining marriage as the union of one man and one woman. But the court also ruled that the estimated 18,000 gay couples issued marriage licenses before the law took effect will remain married.

The 6-1 decision rejected three lawsuits filed by gay rights activists arguing that Proposition 8, which passed in a 52 percent vote Nov. 4, should be invalidated because it amounted to constitutional revision, which requires the Legislature's approval.

The state Supreme Court legalized gay marriage in May 2008, invalidating a previous proposition that defined marriage as the union of one man and one woman. But in today's decision, written by Chief Justice Ronald M. George, the court said its role is "limited to interpreting and applying the principles and rules embodied in the California Constitution, setting aside our own personal beliefs and values."

Justice George wrote that the principal issue before the court "concerns the scope of the right of the people, under the provisions of the California Constitution, to change or alter the state Constitution itself through the initiative process so as to incorporate such a limitation as an explicit section of the state Constitution."

Andrew Pugno, who argued before the state Supreme Court in March on behalf of , said the ruling was "the culmination of years of hard work to preserve marriage in California."

"Twice, voters have decided that marriage in California should be only between a man and a woman," he said in a statement. "We are extremely pleased that the Supreme Court has

acknowledged the right of voters to define marriage in the California Constitution. The voters have decided this issue and their views should be respected.”

Although they praised the court’s decision to uphold Proposition 8, traditional marriage advocates said same-sex marriage licenses issued last year should have been invalidated when the law revised the definition of marriage.

“By allowing the previously issued same-sex ‘marriage’ licenses to remain valid, the court is perpetuating the problem that it itself created,” said Austin R. Nimocks, senior legal counsel for the Alliance Defense Fund, which filed a brief in defense of Proposition 8.”And it’s doing this despite the clear vote of the people that marriage means one man and one woman and that anything outside of that is not marriage.”

Family Research Council President Tony Perkins said recognizing the same-sex marriages performed last year sets the groundwork for further legal action. “The court’s recognition of these ‘marriages’ clearly seeds the ground for a possible legal battle before the U.S. Supreme Court,” Perkins said.

Jim Garlow, pastor of Skyline Church in San Diego and an organizer of the Yes on 8 campaign, said pastors are bracing for backlash from angry gay activists who planned demonstrations tonight decrying the court’s ruling.

The San Francisco-area gay activist group One Struggle, One Fight, which formed after Proposition 8 passed, said it planned to block the street outside the courthouse and to be arrested in a mass show of civil disobedience, according to the Associated Press (AP).

“Words are not enough right now. We believe it’s time to put our bodies on the line to show that separate is not equal,” said Kip Williams, an activist with One Struggle, One Fight,

according to the AP.

After Proposition 8 passed, churches across California were vandalized. Last week, the walls of Cornerstone Church in Fresno, which supported Proposition 8, were sprayed with red and yellow paint.

"We're bracing ourselves for some potential acts of violence and vandalism again and praying that that will not occur," Garlow told Charisma. "[Gay activist groups] already indicated ... they're going to take their anger to the street, and then also that there will be a push back ... to try to overturn [Proposition 8]. It certainly is not the end."

In statements on their Web sites, gay activist groups such as Yes! on Equality and Equality California said they were mobilizing voters to overturn Proposition 8 through ballot measures in 2010.

"We believe, as do the majority of our members, that 2010 is the best time to return to the ballot to repeal Prop. 8," Equality California spokesman Marc Solomon said in a statement. "We must take full advantage of the momentum and commitment people now have to do the work required on the ground. However, we will make the final decision on when to return in collaboration with our coalition partners and allies throughout the state."

Garlow and other traditional marriage supporters are energized by today's decision and say it could influence efforts to reverse same-sex marriage in Iowa, Vermont and Maine. Gay marriage legislation is also under consideration in New York, New Jersey and New Hampshire, and in May the District of Columbia City Council voted to recognize same-sex unions performed elsewhere.

"Today's decision should encourage pro-family activists not only in California but across the country," Perkins said. "Marriage redefinition is not inevitable unless advocates of

the family stand aside and allow it to happen.”

Garlow said Yes on 8 plans to work with voters in other states that legalized gay marriage in recent months. “All of those were coerced either by judges or coerced by legislature and the people did not get a chance to vote, so in those states we’re doing a push to vote,” said Garlow, who is organizing a rally Sunday at the San Diego County Administrative building to celebrate today’s ruling and show support for traditional marriage.

In March, the National Organization for Marriage (NOM) launched a \$1.5 million national ad campaign to mobilize 2 million activists for traditional marriage. NOM President Maggie Gallagher called today’s ruling “a victory for children, for civil rights, and for the common good.”

“Of course I’m happy that the [California] Supreme Court didn’t see fit to overturn the core civil rights of the 7 million people who voted to protect marriage,” Gallagher told Charisma. “I also am simply amazed that we had to worry about this. And I wonder what it says about the gay marriage movement that they actually went to the courts to try to strip the voters of their clearly laid out constitutional rights to amend their own constitution. ... On the one hand I’m grateful and on the other hand I’m really mad that I have to be grateful.”