

Court Rules Gay Rights Trump Doctor's Faith

The California Supreme Court ruling on Monday could make it illegal for doctors to deny gay couples artificial insemination.



[] An unanimous California Supreme Court ruling on Monday could make it illegal for doctors to deny gay couples artificial insemination even in the event that such a procedure would conflict with a physician's religious or moral views.

"The First Amendment's right to the free exercise of religion does not exempt defendant physicians here from conforming their conduct to the ... antidiscrimination requirements [of the law]," wrote Justice Joyce L. Kennard, according to the *Los Angeles Times*.

The case involved Guadalupe T.

Benitez, a lesbian who said she was denied artificial insemination years ago by

Dr. Christine Brody, an obstetrician and gynecologist at the North Coast Women's

Care Medical Group in Vista, Calif. Benitez alleged that Brody's religious views

prevented her from performing the procedure, the *Times* reported.

Brody's colleague, Douglas Fenton, allegedly urged Benitez to find another doctor.

According to the *Times*, both doctors denied the allegations. Brody claimed she would not perform the procedure on any unmarried woman, heterosexual or homosexual.

Benitez lives with her lesbian partner. The Christian doctors in the case had argued a "crisis of conscience" prohibited them from performing the insemination and playing a role in creating life under such circumstances, the *Times* reported.

The high court classified artificial insemination in the case as "medical treatment," which is why it ruled it would be unfair and discriminatory to deny "medical treatment" to anyone based on sexual orientation.

The decision clears the way for Benitez's case to now go to trial.

According to the *Times*, Robert Tyler, general counsel for Advocates for Faith and Freedom, predicted that the ruling would spur voters "to recognize the radical agenda of our opposition" and support a November ballot initiative that would amend the state Constitution to ban same-sex marriage in California. A California Supreme Court ruling in May made gay marriage legal in the state.