

Gay Marriage Ban May Get Second Life in Michigan

A U.S. appeals court on Saturday placed a temporary hold on a federal judge's ruling that struck down Michigan's ban on gay marriage, a move that followed hastily arranged wedding ceremonies in the state.

The decision by the U.S. Court of Appeals for the Sixth Circuit came one day after the lower court's ruling, which briefly made Michigan the 18th state in the nation to allow same-sex marriage.

With a temporary stay granted, same-sex couples married on Saturday could find themselves in legal limbo.

The federal appeals court issued a temporary stay in the case until Wednesday, and directed attorneys for the same-sex couple that sued in the case to respond to the state attorney general's request to place the lower court's ruling on hold pending an appeal.

"To allow a more reasoned consideration of the motion to stay, it is ordered that the district court's judgment is temporarily stayed until Wednesday," the ruling said.

The Detroit News reported that in total four counties issued 323 marriage licenses on Saturday before most clerks closed for the day at 1 p.m. local time.

At least 50 people had lined up in the Oakland County clerk's office in Pontiac, on the outskirts of the Detroit metropolitan area, when Clerk Lisa Brown arrived to open it at 8 a.m. local time carrying a heart-shaped balloon.

Lesbian Couple Challenged Ban

Michigan's ban on same-sex marriages became law in 2004 as a

state constitutional amendment. It was challenged by a lesbian couple from the Detroit suburb of Hazel Park after the law prevented them from jointly adopting each other's children.

On Friday, U.S. District Judge Bernard Friedman said the law breached equal protection rights guaranteed in the U.S. Constitution.

Bill Schuette, the state's attorney general, asked the U.S. Court of Appeals for the Sixth Circuit for an emergency order to stay the decision.

The appeals court initially said on Saturday afternoon the plaintiffs' lawyers had until midday Tuesday to file a response, before later issuing the temporary stay.

Brown, the Oakland County clerk, said the appeal was "a waste of taxpayer dollars."

"I'm no longer forced to discriminate in my office," she said. "Couples who have been waiting years to receive equal protection now have it."

Following the temporary hold in the case from the U.S. appeals court, gay rights group Equality Michigan in a blog post urged members to "this pause in marriage equality" to engage in activism, including signing a petition asking the Michigan governor and attorney general to end the state's appeal.

Michigan same-sex couples find themselves in a similar situation to counterparts in at least four other states where lower courts have ruled to extend marriage rights to them.

In December, a federal district judge in Utah overturned that state's ban on same-sex weddings and Utah's attorney general appealed.

Some 1,300 gay couples were married in Utah in the few weeks before the U.S. Supreme Court granted a stay while the appeal is considered, leaving the newlyweds uncertain about whether

they have the rights generally afforded by marriage.

April DeBoer and Jayne Rowse, the couple who successfully challenged the Michigan ban, said on Friday they would not marry until the legal uncertainty in their state was resolved.

Seventeen states plus the District of Columbia now allow same-sex nuptials, a number that would be substantially increased if a series of recent federal court decisions in Utah, Texas, Oklahoma and Virginia are upheld.

Supporters of the ban in Michigan, Utah and elsewhere have cited tradition, religious texts and the welfare of children to defend their belief in traditional marriage, arguments that several courts have ruled not sufficient.

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