

Judge Disrespects Will of 5 Million Voters With Unconstitutional Ruling

Monroe Circuit Court Judge Luis M. Garcia on Thursday released a written order granting the plaintiffs' motion for summary judgment in the matter of *Huntsman vs. Heavilin*, where homosexual bartenders filed suit arguing Florida's Marriage Protection Amendment was unconstitutional.

The amendment, defining marriage as the union of one man and one woman, was passed by Florida voters in 2008 by a 62 percent margin.

In his order, Garcia did not "stay" (stop) the issuing of marriage licenses until the federal courts determine the constitutional issues, something many judges have done after similar rulings in other cases around the country. As a result, the same-sex couple who served as plaintiffs—and perhaps hundreds of others—could be able to obtain marriage licenses in Monroe County, possibly as soon as Tuesday, according to the judge's ruling.

Unless the court recognizes the appeal filed by the attorney general of the state of Florida as staying the order, licenses could be issued. A stay would halt the issuing of same-sex marriage licenses in Monroe County until the federal courts can determine the constitutional issues surrounding this controversy.

John Stemberger, president and general counsel of the Florida Family Policy Council, who was the primary force spearheading the campaign to pass Florida's Marriage Amendment in 2008, issued the following statement:

"Today's ruling by Judge Garcia in the Florida Keys, is a

stunning act of legal arrogance and raw judicial activism. With one stroke of a pen, a mere trial judge has attempted to overthrow an act of direct democracy by 5 million Floridians who defined marriage as the union of one man and one woman.

“Judge Garcia has ignored the Constitution, ignored the will of the people, and has asserted his own personal views over the rule of law. This ruling is precisely what voters were trying to prevent when they overwhelmingly defined marriage in the Florida Constitution in 2008 by a 62 percent vote.

“Judge Garcia’s reliance on the Windsor decision by the U.S. Supreme Court in 2012 is wrong-sided and completely misplaced. Windsor was a state’s rights decision and affirmed that each state has the right to define marriage.

“Instead of relying on the Constitution, Garcia joined the judicial stampede of other lower federal judges who have tried to override marriage laws based on no precedent other than their own political agendas. The judge’s opinion that the motivation for passing the marriage amendment was animus and hatred is simply outrageous and insults 5 million Floridians.

“We thank Florida Attorney General Pam Bondi for filing an immediate appeal to the court to stay its order until the federal courts can rule on the constitutional issues and appeal this insubordinate decision.”