

New Mexico's Largest County Gives In to Gay Marriage Activists

Same-sex marriages are now legal in New Mexico's most populous county and the city of Albuquerque, a court ruled on Monday, adding to recent victories for gays and lesbians seeking the right to wed statewide.

Last week, a judge in Santa Fe County ordered the county clerk there to issue same-sex marriage licenses and a clerk in the southern part of the state decided to hand out such licenses independently of any court ruling.

The ruling could set precedent for expanding the right of gays and lesbians to eventually marry statewide in New Mexico, said representatives from the American Civil Liberties Union.

Denying gays and lesbians the right to marry violates the state constitution, which prohibits gender-based discrimination, wrote Bernalillo County Judge Alan Malott in a decision on Monday clearing the way for same-sex marriage in that county.

"Gay and lesbian citizens of New Mexico have endured a long history of discrimination," Malott ruled. "Denial of the right to marry continues this unfortunate, intolerable pattern and establishes irreparable injury on plaintiffs' part."

The lawsuit was filed by the American Civil Liberties Union and the National Center for Lesbian Rights on behalf of same-sex couples seeking the right to marry. It is one of several cases filed recently in New Mexico on the question of *gay marriage*.

The case included plaintiffs from Santa Fe County and the

judge also ruled that gay marriage licenses should be issued there. But a ruling last week by a different judge had already cleared the way for same-sex marriage in Santa Fe County.

Under Malott's ruling, Bernalillo County, with 673,000 residents, will also be required to immediately issue same-sex marriage licenses.

That will mean that three counties in New Mexico will hand out the licenses, including Doña Ana County in southern New Mexico where the county clerk last week said he would start doing so.

Thirteen states and the District of Columbia allow same-sex marriage.

"Our state is now on the brink of joining the growing list of states who live and honor the values of family, liberty and love," Peter Simonson, ACLU of New Mexico executive director, said in a statement.

The group was not sure how the ruling would affect the state's other 30 counties which are not issuing **same-sex marriage** licenses, said Micah McCoy, spokesman for the ACLU of New Mexico.

"It's a pretty unconventional route for this kind of case to take, but it will be very useful in arguing the case in other counties where people want to get married," McCoy said.

The New Mexico Supreme Court has declined to rule on lawsuits seeking the right for gays and lesbians to marry, but asked lower courts to handle them first.

Republican lawmakers in the state said they were contemplating ways to fight the decisions by the district court judges in Bernalillo and Santa Fe counties as well as the Dona Ana County Clerk's move to issue same-sex marriage licenses.

"It is inexplicable how a district court just today discovered a new definition of marriage in our laws, when our marriage

law has not been changed in over a century,” State Senator Bill Sharer, a Republican, said in a statement.

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