

Supreme Court Ruling Sets Up New Wave of Gay Marriage Battles

The Supreme Court on Wednesday made landmark rulings furthering **gay rights**, but the pointed lack of a national mandate to states ensures the fight over same-sex marriage will only heat up in regional ballot campaigns, legislative battles and courts.

Oregon and Ohio are among the states where voters could decide whether to extend marriage rights to gay couples in 2014, according to activists on both sides. State lawmakers in Nevada and Illinois are also mulling such unions. Meanwhile Indiana lawmakers may place a constitutional gay marriage ban on the 2014 ballot.

The Supreme Court decided two cases on Wednesday. In one, the court struck down part of the national **Defense of Marriage Act**, which defined marriage as between one man and one woman. That will extend over 1,000 federal benefits to married gay couples.

In the second case, over California's **Proposition 8** gay marriage ban, the justices had the opportunity to issue broad national guidance on the constitutional rights of gay couples to marry. However, the high court decided the case on procedural grounds, which may allow gay marriage in California but leaves other states to decide for themselves.

Last year gay activists won four different state ballot campaigns. Nationwide public support for gay marriage has also reached 50 percent, according to Pew Research polling.

However, gay marriage opponents won a fifth campaign last year, and Frank Schubert, who has run several initiative

campaigns opposing gay marriage, said that with the exception of Oregon, most of the future political fights will be in states that are “pretty tough territory” for gay rights advocates. Ohio, for instance, has many Catholics and is more socially conservative, he said.

“I think we’re looking at a number of states continuing to preserve marriage as it was created, Schubert said.

Massachusetts became the first state to allow gay weddings 10 years ago, and the unions are now permitted in 11 more states and the District of Columbia. About a third of the population lives in areas that allow gay marriage, including California, but more than 30 states prohibit it.

Backers of **same-sex marriage** have indicated they will attempt ballot campaigns in Oregon and Ohio in 2014. If Nevada’s legislature agrees, a similar proposal to repeal that state’s gay marriage ban could reach voters in 2016.

Brian Brown, president of the National Organization for Marriage, which opposes gay marriage, said he expects each side to spend \$30 million-\$40 million on ballot campaigns in 2014.

“I think this needs to be a wake-up call to our supporters that we need to put everything we have into this,” Brown said.

Gay marriage legislation stalled in Illinois last month. However, its chief sponsor promised to seek a vote later this year.

Lower Courts Clash

In addition to those political battles, courts in New Mexico, Hawaii and other states already are considering gay marriage.

Anthony Romero, executive director of the American Civil Liberties Union, said that even though the Supreme Court didn’t rule on the right to marriage, its **DOMA** opinion gives

gay rights advocates much more legal ammunition to attack marriage bans.

“This is the beginning of a whole new round of jurisprudence,” Romero said. “It’s enormously significant.”

Indeed, conservative Justice Antonin Scalia fretted about the very same impact. In his dissent, Scalia pointed out that the court’s majority characterized DOMA as being motivated by a bare “desire to harm.”

Wrote Scalia: “How easy it is, indeed how inevitable, to reach the same conclusion with regard to state laws denying same-sex couples marital status.”

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