

Supreme Court Takes No Action on Same-Sex Marriage Cases

The Supreme Court on Monday remained silent about whether it will enter the legal fray over **same-sex marriage** and agree to hear one of several pending appeals on the issue.

The court's nine justices met in private on Friday to consider whether to review challenges to the U.S. Defense of Marriage Act, which denies federal benefits to married same-sex couples, and to California's gay marriage ban, known as Proposition 8.

In an "orders list" issued early on Monday, the court made no mention of any of the same-sex marriage cases. The court could reschedule those cases for further consideration at its weekly conference on Friday. The justices sometimes hold especially complex cases for a future conference if they want more time to consider a course of action.

Thirty-one of the 50 states have passed constitutional amendments banning gay marriage while Washington, D.C., and nine states have legalized it, three of them in November elections.

At issue is the 1996 Defense of Marriage Act, or DOMA, which only recognizes marriages between a man and a woman. Gay men and lesbians have challenged a part of the law that prevents them from receiving federal benefits that heterosexual couples receive.

Even in states where same-sex marriage is legal, the couples do not qualify for a host of federal benefits because of **DOMA**.

The court also is considering whether to review a challenge to California's ban on same-sex marriage. The California case, *Hollingsworth v. Perry*, had sought **marriage equality** for gays

and lesbians under the U.S. Constitution.

The 9th Circuit Court of Appeals in February found the California gay marriage ban unconstitutional, but it ruled narrowly in a way that only affected the one state and not the rest of the country, finding that the state could not take away the right to same-sex marriage after previously allowing it.

The justices meet at regular weekly sessions to decide which cases to add to their calendar. They vote in order of seniority, and while it takes five of the nine for a majority decision in a dispute, it takes only four votes to add a case to the agenda and schedule oral arguments.

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