

Will SCOTUS Say 'I Do' to Marriage Case?

Last week a federal judge in Louisiana upheld that state's ban on **same-sex marriage**, as well as the ban on the recognition of marriages performed in other states—becoming the first federal judge in the nation to recognize the authority of states to define marriage, except for a judge serving on a panel that ultimately ruled against protecting marriage.

U.S. District Judge Martin Feldman said supporters of **gay marriage** failed to prove that the ban violates equal protection or due process provisions of the U.S. Constitution. He also wrote that states have the right to define the institution of marriage.

The ruling came the same week that the U.S. 7th Circuit Court of Appeals in Chicago ruled that gay marriage bans in Wisconsin and Indiana are unconstitutional—and the same week that 32 states appealed the issue of marriage to the U.S. Supreme Court.

The American Family Association says that if the Supreme Court takes up marriage, the decision will have far-reaching implications for other states where marriage-protection bans are being challenged.

“The issue of marriage is heading directly to the steps of the United States Supreme Court, and the ruling will have far-reaching implications for years to come,” said AFA President Tim Wildmon. “The court clearly stated last summer in *U.S. v. Windsor* that states should have autonomy in deciding marriage laws within each state. Voters in state after state have spoken—often overwhelmingly—for marriage-protection amendments, and their constitutional rights should be protected as they decide on the definition of marriage where

they live.”

Recent months have seen several federal judges overturn same-sex marriage bans in their states. In the Supreme Court ruling in *United States v. Windsor* in June 2013, the Court struck down part of the federal Defense of Marriage Act but not all of it. In that opinion, Associate Justice Anthony Kennedy stated the definition of marriage should be determined on a state level. Parts of DOMA were declared unconstitutional based, in part, on the principles of state autonomy.

A few states over from Louisiana, in Virginia, a county clerk is asking the U.S. Supreme Court to uphold Virginia citizens’ rights to affirm marriage as between one man and one woman in their state. Same-sex marriage supporters in Virginia won a ruling in district court and the Fourth U.S. Circuit Court of Appeals, which is located in Richmond, Virginia, but has appellate jurisdiction over district courts in Maryland, North Carolina, South Carolina and West Virginia. In this case, the Supreme Court issued an emergency stay in Virginia, pending outcome of the legal process.

Alliance Defending Freedom is representing the clerk, who has filed a formal request for the highest court in the land. ADF senior counsel Byron Babione told , the news service of American Family Association, that the people of Virginia—in fact, the people of every state—should continue to have the authority to affirm marriage as the union of one man and one woman.

He added that the Virginia clerk’s request encourages the Supreme Court “to affirm what it said in its Windsor decision last year—that marriage law is the business of the people, that it’s the business of the states.”

Feldman’s decision in Louisiana conforms to the Supreme Court’s Windsor ruling, that the definition of marriage is a constitutional right of the people, not the federal courts. In

2004, 78 percent of Louisiana voters spoke loud and clear at the ballot box that marriage should be defined as being only between one man and one woman.

“We applaud Judge Feldman’s decision in Louisiana. His ruling follows not only the Supreme Court’s decision in Windsor but also the firmly held belief among our nation’s founders that natural law governs societies. And natural marriage is the only marriage that reflects natural law,” Wildmon added.

Currently, same-sex couples can legally marry in 21 states and the District of Columbia, but the remaining state bans, enacted either by law or constitutional amendments, have been challenged.