



## **Proposition 8 ruled unconstitutional**

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SAN FRANCISCO, CA -- The U.S. Court of Appeals for the Ninth Circuit ruled Tuesday that Proposition 8, California's same-sex marriage ban, is unconstitutional.

For gay rights advocates, the 2-1 decision by the three-judge appellate panel is a milestone in the battle over marriage equality.

"Proposition 8 served no purpose, and had no effect, other than to lessen the status and human dignity of gays and lesbians in California," the court said.

Tuesday's ruling doesn't necessarily mean same-sex marriages will resume in California. And the U.S. Supreme Court might not take up the issue, since Tuesday's ruling specifically addressed whether Prop. 8 was valid in a state in which the State Supreme Court had already ruled that same-sex marriage should be legal.

Proposition 8 was passed by a margin of 52 percent by voters in November 2008 after the State Supreme Court ruled that same-sex marriage was legal. The ballot measure added a new provision to the California Constitution which provides that "only marriage between a man and a woman is valid or recognized in California."

The validity of Proposition 8 was challenged by same-sex couples seeking to marry. In 2010, former Chief U.S. District Judge Vaughn R. Walker, who is also gay, ruled that Proposition 8 was a violation of the Constitution's equality guarantee.

ProtectMarriage, the sponsors of Proposition 8, appealed his ruling to the 9th Circuit after California Governor Arnold Schwarzenegger and then-Attorney General Jerry Brown refused to defend the ballot measure.

"Today's ruling is a victory for fairness, a victory for equality and a victory for justice," said California Attorney General Kamala Harris. "Proposition 8 denied to gay and lesbian couples the equal protection to which all Americans are entitled. By striking this unconstitutional law from our books, the court has restored dignity, equality and respect to all Californians."

Tuesday's federal appeals court decision was a ruling on Walker's decision.

You can read the full text of the decision on the [Los Angeles Times website](#).

Opponents of gay marriage said the fight is not over yet.

We will immediately appeal this misguided decision that disregards the will of more than 7 million Californians who voted to restore marriage as the unique union of only a man and a woman," said Prop. 8 attorney Andy Pugno.

Republican presidential candidate Mitt Romney said it's a crime that "unelected judges" can overturn the "will of the people."

"I believe marriage is between a man and a woman and, as president, I will protect traditional marriage and appoint judges who interpret the Constitution as it is written and not according to their own politics and prejudices," Romney said.

"By declaring Proposition 8 unconstitutional, the Ninth Circuit made a strong statement that laws must not target the LGBT community for discrimination and all of our state's families deserve to enjoy fair and equal treatment under the law," said House Minority Leader Rep. Nancy Pelosi.