



Gay marriage: Supreme Court declines to halt same-sex marriages in Oregon

Supreme Court

People walk on the steps of the U.S. Supreme Court in this April 26, 2014 photo. (Associated Press)

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The U.S. Supreme Court on Wednesday refused to block gay marriages in Oregon.

In a terse, one-sentence order, the court rejected a request by the **National Organization for Marriage** to stay the May 19 federal court ruling allowing gays and lesbians to marry in Oregon.

Justice Anthony Kennedy, who rules on emergency cases in the western region of Oregon, referred the issue to the full court, which then declined to get involved in the Oregon case.

"Love is the law in Oregon," said a statement from Amy Ruiz, deputy campaign manager for **Oregon United for Marriage**, a group supporting gay marriage. "Try as they might, the opposition cannot take that away."

The Supreme Court's action **removed a potential legal cloud hanging over same-sex marriages** in Oregon.

Advocates said they will drop a proposed ballot measure to allow same-sex marriage that they had once planned to take to voters in November.

"The last thing we want to do is put the community through a painful and expensive battle" in the fall election, said Jeana Frazzini, executive director of **Basic Rights Oregon**.

The Supreme Court action came after U.S. District Judge Michael McShane of Eugene **overturned the 2004 Oregon constitutional amendment** approved by voters that limited marriage to one man and one woman.

John Eastman, chairman and attorney for the **National Organization for Marriage**, said he thought the procedural hurdles facing his group led the Supreme Court to reject its appeal.

"You can't read that much into" the national significance of the court's decision not to get involved in the Oregon case, said Eastman, noting that the court prefers not to take cases that have "a lot of procedural baggage."

Eastman argued that it is much more significant that the court in January issued a stay of a ruling to allow gay marriage in Utah, where questions about legal standing weren't at issue.

NOM has argued, so far without success, that it should be able to offer a defense of Oregon's constitutional language banning same-sex marriage after **Attorney General Ellen Rosenblum declined** to do so.

Eastman said NOM will continue its efforts to persuade the 9th U.S. Circuit Court of Appeals to allow the group to intervene in the case.

Rosenblum, who argued that Oregon's ban discriminated against gay and lesbian couples, issued this statement:

Today's ruling, which, notably, came from the full United States Supreme Court, allows the celebrations of marriages of same-sex couples in Oregon to continue without interruption while NOM pursues its motion to intervene at the appellate level (in the Ninth Circuit Court of Appeals). I am confident that the federal district court's ruling denying NOM's "last minute" motion to intervene will be upheld, as will Judge McShane's historic decision overturning Oregon's ban on same-sex marriage on the ground that it denies same-sex couples equal protection under the United States Constitution.

Both sides agree on one thing: The issue of gay marriage will almost certainly return to the Supreme Court sometime in the next few years. Federal judges have struck down or limited same-sex marriage bans in several states, some of which are starting to reach the appeals courts.

David Fidanque, executive director of the **Oregon chapter of the American Civil Liberties Union**, said supporters of same-sex marriage eventually want voters to amend the state constitution to remove the language limiting marriage to one man and one woman.

He said that would preserve the rights of same-sex couples in Oregon no matter how the high court rules. He said one possibility is to ask the Legislature to refer a measure to the ballot in 2016.

-- Jeff Mapes

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