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Court hands conservatives a victory in gay marriage case

by David Finnigan by Religion News Service

LOS ANGELES -- The California Supreme Court handed conservatives a big victory on Thursday by allowing them to defend a statewide ban on gay marriage that a federal judge struck down as unconstitutional last year.

The court's 7-0 ruling is a victory for conservative and evangelical backers of Proposition 8, the 2008 ballot initiative that ended same-sex marriage in California. State officials have declined to defend the measure in a federal appeals court.

"When an initiative measure is challenged in court, the integrity and effectiveness of the judicial process require that a competent and spirited defense be presented," Justice Joyce Kennard wrote in a concurring opinion.

"If public officials refuse to provide that defense, the ability of the initiative proponents to intervene in the pending litigation, and to appeal an adverse judgment, is inherent in, and essential to the effective exercise of, the constitutional initiative power."

Prop 8 supporters have been working on the case with the Alliance Defense Fund, a leading Christian law firm. Mormon and Roman Catholic churches also lent strong support to the proposition though the various court challenges.

Andrew Pugno, an attorney for ProtectMarriage.com, told a San Francisco radio station that the state court's ruling "really is a huge disaster for the homosexual marriage extremists."

Attorney Kate Kendell of the San Francisco-based National Center for Lesbian Rights said only state officials should be able to defend the initiative in court, even if they chose not to.

"We disagree profoundly ... that a handful of unelected initiative sponsors have the power to represent the interests of the entire public and to override the decisions of the state's elected executive officers," she said.

CCC reaction to the California Supreme Court ruling in the Perry v. Brown (Prop 8) "standing" case

The California Catholic Conference welcomed the November 17, 2011 unanimous (7-0) ruling by the justices of the California Supreme Court that the official proponents of a voter-passed initiative have standing to "appear and assert the state's interest in the initiative's validity and to appeal a judgment invalidating the measure when the public officials who ordinarily defend the measure or appeal such a judgment decline to do." (Page 5 of the ruling)

The case before the Ninth Circuit Court of Appeals challenging the federal district judge's ruling that Proposition 8 is unconstitutional can now go forward. It was in suspension awaiting affirmation by the California Supreme Court that the Proposition 8 proponents had "standing" to bring the appeal.

The CCC supports the decision of the voters of California to pass Proposition 8 in November 2008, thereby placing in our state's constitution the definition of marriage as the union of a woman and a man. By their vote they recognized that marriage is good for children and best for our state.

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