

# Same-sex marriages rose rapidly last year

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By mid-December 2013, gay and lesbian couples could count eight states that had approved same-sex marriages through court rulings or legislative action that year.

Then two western states joined the group, bringing the national total to 18 states (including the District of Columbia) offering “marriage equality”:

- On December 19, the New Mexico Supreme Court ruled that the state may not curtail the freedom of same-sex couples to wed. The justices had been asked for a statewide ruling because eight New Mexico counties had recently started issuing marriage certificates to same-sex couples; the state never had a law banning gay or lesbian marriages.
- On December 20, in Utah, where voters approved a constitutional amendment in 2004 prohibiting same-sex marriage, federal judge Robert J. Shelby overturned the ban, ruling that the law violated gay and lesbian couples’ rights under the 14th Amendment.

Shelby said the state failed to show that allowing same-sex marriages would affect opposite-sex marriages in any way.

Shelby’s ruling mentioned the practice of the United Church of Christ, noting that churches have the religious freedom to decide what couples can be married in the church, and that the law does not impose any practices on churches that do not approve of marriage equality.

Reactions in Utah were swift. Salt Lake City mayor Ralph Becker, a Democrat, went to the county clerk’s office on December 20 and helped to marry some three dozen same-sex couples. “It was a powerful, emotional day,” Becker said.

But the decision drew an angry reaction from Republican Gov. Gary Herbert, who said he was disappointed in an “activist federal judge attempting to override the will

of the people of Utah.”

Utah planned an appeal to the U.S. Supreme Court for a stay that would stop same-sex marriages, pending an appeal of Shelby’s ruling in the 10th U.S. Circuit. It was the state’s fifth attempt since Shelby’s ruling—Shelby himself denied Utah’s request on December 23 and the appellate court refused Utah’s motion for a third time the next day, after finding that the state did not stand a “significant likelihood of success” on appeal and was suffering no “irreparable harm” by allowing the marriages.

Shelby has been on the bench for less than two years, appointed by President Barack Obama after GOP Sen. Orrin Hatch recommended him in November 2011.

“Judge Shelby’s ruling is a powerful reminder that marriage equality does not threaten anyone’s religious freedom—but expands freedom for the growing number of congregations that support and bless the marriages of all of their members,” said Andy Lang, executive director of the United Church of Christ’s Coalition for LGBT Concerns.

The decision is seen as a major shift, since Utah is considered a conservative state and home to the Mormon church, which has long been against same-sex marriage.

National polls, however, showed steady shifts in public opinion and even LDS church leaders urged that members be respectful of gays and lesbians as people even as they oppose same-sex intimacy.

In late June 2013, the U.S. Supreme Court ruled the federal Defense of Marriage Act was unconstitutional because it discriminated against same-sex couples who were legally married. The justices also struck down a California law that prohibited gay marriage, restoring equality to that state.

Three more states in the fall—New Jersey, Hawaii and Illinois—were added to the list before New Mexico and Utah came aboard in December.

In 2014, there are potential legal and legislative battles in Oregon, Colorado, Michigan, Pennsylvania and Ohio.

A federal judge in Cincinnati ruled on December 23 that Ohio officials must recognize gay marriages on death certificates, reported Associated Press. Judge Timothy Black said the state’s ban on such unions is unconstitutional. Ohio’s

attorney general said the state will appeal the decision. —*USA Today*/added sources