

# Gay marriage conflict renewed in California: Judge overturns marriage ban

News in the [April 5, 2005](#) issue

Gay and lesbian activists cheered a ruling by a San Francisco judge that has overturned a statewide ban on gay marriage, but their conservative opponents say the rekindled controversy will ignite efforts to pass amendments to state and federal constitutions.

In his ruling, San Francisco County Superior Court Judge Richard Kramer said “no rational purpose exists” to exclude gays and lesbians from civil marriage. Kramer said a 2000 voter referendum that defined marriage as between a man and a woman was unconstitutional.

“The idea that marriage-like rights without marriage is adequate smacks of a concept long rejected by the courts: separate but equal,” Kramer wrote. The case was brought by San Francisco officials and a dozen same-sex couples who were denied marriage licenses.

The couples were turned away last year after the state Supreme Court ordered the city to stop issuing licenses to gay couples. That same court will now likely review the case directly or hear it on appeal.

“The ruling by Judge Richard Kramer gives hope to all of us,” said Troy Perry, founder-moderator of the international, Los Angeles-based Metropolitan Community Churches, which performs more than 6,000 same-sex church rites yearly. Noting that the judge is both a Catholic and a Republican, Perry said, “The judge did not allow his faith or his politics to intervene in his decision; he made his ruling based on the California constitution.”

Governor Arnold Schwarzenegger, a Republican, told MSNBC that he supports the existing state law, but that if the state’s Supreme Court changes it, “then we go with

that.”

Conservatives derided the decision as another example of an “activist judge” bypassing the will of voters and legalizing gay marriage from the bench. Only constitutional amendments can stop such rulings, they said. The Traditional Values Coalition, based in Anaheim, California, said the ruling will bolster support for a state constitutional amendment that is pending action by the legislature in Sacramento.

At least a dozen states are considering state-level bans on gay marriage after 13 states passed constitutional bans last year. Courts in New York, New Jersey, Washington and Connecticut are considering legal challenges to allow gay marriage.