

Court: Gay marriages can resume in California

By Maura Dolan, New York Times

The U.S. 9th Circuit Court of Appeals on Friday cleared the way for gay marriages to resume in California.

The court lifted its stay on an injunction which ordered state officials to stop enforcing Proposition 8. With the court's action, counties can now begin issuing same-sex marriage licenses.

A spokesman for the U.S. 9th Circuit Court of Appeals had originally said it would take the court at least 25 days to act after a Supreme Court ruling. Immediately afterward, Gov. Jerry Brown ordered his public health agency to advise the state's counties to "begin issuing marriage licenses to same-sex couples in California as soon as the 9th Circuit confirms the stay is lifted."

Opponents of same-sex marriage have argued that Chief U.S. District Judge Vaughn Walker's 2010 decision overturning Proposition 8 applied only to the two same-sex couples who challenged the ballot measure. But their enthusiasm for going to court to try to narrow the effect of the decision appeared to wane in the hours after the decision.

With Brown and Attorney General Kamala Harris pledging to block Proposition 8 across California, the momentum for gay marriage was likely to hinder any further challenges.

California voters passed Proposition 8 in 2008, six months after the California Supreme Court ruled that gays had the right to wed. The state high court later ruled that the initiative was a valid state constitutional amendment but upheld the validity of an estimated 18,000 same-sex marriages

that occurred before the election.

The Supreme Court ruled that ProtectMarriage, the sponsors of Proposition 8, lacked legal authority or standing to appeal Walker's ruling blocking the ballot initiative. The high court said Proposition 8's sponsors were not directly affected by Walker's ruling. Only state officials had the right to appeal, and they refused. That procedural decision wiped out the 9th Circuit Court of Appeals' 2-1 ruling against Proposition 8, leaving only Walker's decision in place and affecting only California.

County clerks who preside over marriages said they were ready for same-sex weddings. Marriage licenses already are gender-neutral, and clerks began receiving calls Wednesday from gay couples wanting to schedule appointments.

Harris called on the 9th Circuit on Wednesday to lift its hold on Walker's ruling immediately. The attorney general said she believed that the appeals court had the authority to act quickly.