

Editorial: Standing up for equal rights

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The rights of same-sex couples got another boost last week when U.S. Attorney General Eric Holder Jr. offered a carefully worded piece of advice to his state counterparts on when they can choose not to defend gay-marriage bans. Holder didn't suggest that state attorneys general can just disavow these laws based on politics or personal objections, but rather that, when these state laws relate to basic Constitutional issues such as the equal-protection clause, attorneys general should apply the highest level of scrutiny before deciding not to defend them on the grounds that they are discriminatory.

A finely calibrated distinction, to be sure. As an example of what he meant, Holder cited *Brown v. Board of Education*, which ordered public schools to integrate. "If I were attorney general in Kansas in 1953, I would not have defended a Kansas statute that put in place separate-but-equal facilities," Holder said. The U.S. attorney general has quite rightly likened the quest for gay rights today as an extension of the era of the civil-rights movement. And there are plenty of people today who back him up.

Wednesday, a federal judge in Texas – Texas, y'all! – struck down that state's gay-marriage ban, though it will not go into effect pending Attorney General Greg Abbott's intent to appeal. Also last week, Atlanta Mayor Kasim Reed joined others in opening the Southerners for the Freedom to Marry campaign, a \$1 million effort to overturn bans in 14 Southern states that have statutory or constitutional laws defining a legal marriage as between a man and a woman, period. This includes Florida, of course, where voters in 2008 approved a state

constitutional amendment banning gay marriage.

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