Beat: News

Federal judge strikes down Texas same-sex marriage ban

-, 26.02.2014, 23:26 Time

USPA News - A federal judge has declared a ban on same-sex marriages in deeply conservative Texas unconstitutional, officials said on Wednesday, but the ruling leaves the ban in place while the appeals court considers the matter. Judge Orlando Garcia of the U.S. District Court in San Antonio wrote in his ruling that the state`s marriage laws "demean the dignity of same-sex couples for no legitimate reason."

It follows similar rulings in a number of other U.S. states during the past year, most recently in Illinois where a ruling last week allowed same-sex couples in Cook County to get married immediately. "Without a rational relation to a legitimate governmental purpose, state-imposed inequality can find no refuge in our United States Constitution," Garcia wrote. The same-sex marriage ban in Texas was approved by voters in 2005 when it passed with 76 percent of the vote. Judge Garcia`s ruling was issued in response to a challenge by two same-sex couples against the state`s 2005 constitutional amendment and a 2003 law banning gay marriage. One of the couples wanted to marry in Texas and the other couple - who married in Massachusetts - wanted their union to be recognized by their state. Texas Attorney General Greg Abbott said that although Garcia has stated his decision, the ruling has no immediate effect for same-sex couples seeking to get married. "Instead, the ultimate decision about Texas law will be made by the Court of Appeals or the U.S. Supreme Court," he said. The Texas Constitution defines marriage as a union that consists only between one man and one woman. Garcia`s decision will be overturned and the state constitution upheld if the Fifth Circuit honors those precedents, but the case could eventually make its way to the U.S. Supreme Court. Responding to Wednesday`s ruling, Texas Governor Rick Perry said lawmakers will "continue to fight" for the rights of Texans to self-determine the laws of the state, referring to the 2005 referendum. "This is yet another attempt to achieve via the courts, what couldn`t be achieved at the ballot box," he said, adding that the state will appeal Garcia`s ruling to the Fifth Circuit. Under federal court rules, a judge can suspend a law if it is believed that the plaintiffs will have a strong case against it and will suffer if the law is enforced. Garcia wrote that his decision was not "in defiance of the great people of Texas or the Texas Legislature, but in compliance with the United States Constitution and the Supreme Court precedent." Last year, the U.S. Supreme Court struck down the Defense of Marriage Act (DOMA) - the 1996 law that blocked federal recognition of same-sex marriages and denied more than 1,100 federal benefits to married individuals in same-sex relationships. It was signed into law by President Bill Clinton in September 1996, although he later withdrew his support for the law. Support for same-sex marriage has increased across the United States in recent years, with now 17 states and the District of Columbia performing them. Additionally, judges in Virginia and Oklahoma have struck down same-sex marriage bans but left them in place pending appeals. A Gallup poll in 1996 found that only 27 percent of Americans were in favor of same-sex marriage, but the latest survey conducted in July 2013 found that 54 percent of Americans are now in favor of allowing marriages between people of the same gender.

Article online:
https://www.uspa24.com/bericht-1939/federal-judge-strikes-down-texas-same-sex-marriage-ban.html

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