

US Federal Judges Cancel Same-Sex Marriage Bans

Some observers say such marriages may soon be legal throughout the country | As It Is

From VOA Learning English, welcome to As It Is!

I'm Christopher Cruise in Washington.

Today we talk about the issue of same-sex marriage. About one-third of all American states permit marriages between two individuals of the same sex. In recent years, some federal judges have canceled state laws banning same-sex unions. And several states have asked higher courts to overturn those rulings.

More Battles Expected Over Same-Sex Marriages

Some Americans would describe Utah as one of the country's most conservative states. In December, a federal judge ruled that Utah's ban on same-sex marriage was unconstitutional. Many same-sex couples got married soon after the ruling was announced.

Seth Anderson and his partner were the first of hundreds of gay couples to marry in Utah after the judge's ruling in December.

"We're so happy, and I am so proud to be in Utah right now."

Philip Lott is Utah's assistant attorney general. He had a different reaction to the judge's decision.

"The state's disappointed in the ruling."

The governor of Utah, Gary Herbert, also criticized the legal decision. He said "an activist federal judge is attempting to override the will of the people of Utah."

The federal judge's ruling was surprising because Utah is home to the Mormon Church -- the Church of Jesus Christ of Latter-Day Saints. The group strongly opposes homosexuality -- sexual behavior between members of the same sex.

Ari Waldman is a professor at the New York University School of Law. He says the judge in Utah was following an earlier ruling by the United States Supreme Court.

“The Supreme Court said that the federal government cannot discriminate against legally-married same-sex couples.”

The Supreme Court found that a law called the 1996 Defense of Marriage Act was unconstitutional. The law said the federal government could not recognize same-sex marriages. But Professor Waldman adds that the court did not say whether a state could ban such marriages.

Professor Waldman says the Supreme Court’s decision on same-sex marriage did have an effect. He says it strengthened legal arguments for ending state bans on such unions.

But in January, the Supreme Court intervened in the Utah case. It ordered a suspension of same-sex marriages while the state appealed the lower court’s decision.

Gay couples are fighting for the right to marry in many states that ban gay marriages. And gay-rights groups are working to end bans on same-sex marriage by getting support from legislators or voters.

Groups opposed to same-sex marriage are still active, but they appear not as strong as they once were. For many years, opponents of same-sex marriage had won the fight. They said states should be able to decide whether they would permit same-sex marriage. But supporters of same-sex marriage believe the US Constitution does not give states the right to ban same-sex marriages. And recently, in federal courts and state legislatures, they have been winning.

The Utah ruling was one of many legal and political victories for homosexual or gay rights across the nation in 2013. The number of states where same-sex marriage is legal rose to 17, plus the District of Columbia.

Public opinion surveys show a growing majority of Americans support the right of gay people to marry.

Two months ago, the Justice Department told its employees to give same-sex couples the same rights as other couples. Attorney General Eric Holder announced that his office will give people in same-sex marriages “the same privileges, protections and rights as opposite-sex marriages under federal law.” This means same-sex couples will no longer be dealt with differently in

federal courts and will have the same federal assistance as other couples.

Also in February, the state government in Nevada decided to stop supporting a ban on same-sex marriage. The governor of Nevada said he believed the state's position would not be accepted by a judge as constitutional. Voters in Nevada approved the ban 12 years ago.

Officials in other states have decided against defending their bans on same-sex marriage. They believe federal judges will not accept their arguments that the laws are permitted under the Constitution.

In Virginia, a federal judge cancelled a state law banning same-sex marriages. Virginia voters approved a constitutional amendment banning same-sex marriage in 2006. The judge said such a ban was just as unconstitutional as were laws banning interracial marriages. Those laws were cancelled 50 years ago.

Last month, a federal judge canceled a ban on same sex marriage in Michigan. The judge said the ban violates the US Constitution's guarantees of equal protection under the law. Several hundred

marriages were performed in Michigan in late March. Michigan's governor has said the marriages are legal, but his state will not recognize them. The move blocked some state assistance meant only for traditional married couples.

Americans are still talking about the US Supreme Court's ruling in the Defense of Marriage Act. Professor Ari Waldman says the beliefs of Justice Anthony Kennedy have had an effect on the decisions of lower courts. He says Justice Kennedy does not believe that tradition should be used as a reason to keep same-sex couples from being married.

"There is no doubt that the state bans on same-sex marriage are on thin ice. Justice Kennedy was pretty clear about the guarantee of equality for gay couples. With each decision, more and more people in this country are living in 'marriage equality' states, which means that more and more people are going to meet and know and live in a world where gay couples are getting married."

Professor Waldman expects courts to rule on same-sex marriage bans in as many as 10 states this year. And he says one or two states may legalize gay marriage either through the legislative

process or by special elections. He says the issue is likely to return to the Supreme Court, but he is not sure when.

This show was based on a report from VOA's Michael Bowman. You can comment on this program on our website, learningenglish.voanews.com. Or send an email to LearningEnglish@VOANews.com

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I'm Christopher Cruise.

Thanks for listening!

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Contact information for VOA Learning English:

Postal address:

**VOA Learning English
Room 3400
330 Independence Ave SW
Washington, DC 20237
United States of America**

Email us at: LearningEnglish@VOANews.com

Or go to our website -- learningenglish.voanews.com -- and click
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