

AG wants U.S. Supreme Court to hear gay marriage appeal

Oralander Brand-Williams, The Detroit News 5:45 p.m. EST November 7, 2014



(Photo: Dale G. Young, The Detroit News)

Detroit — The state's attorney general added his voice Friday to the call for the U.S. Supreme Court to take up the constitutionality of Michigan's gay marriage ban.

A three-judge panel of the U.S. 6th Circuit Court of Appeals on Thursday ruled in favor of the the 2004 voter-approved Michigan Marriage Amendment that defines marriage as between one man and one woman.

Opponents challenged the ban at the same time similar laws in other states were being overturned on grounds they were unfair to gay couples.

"We have spoken with attorneys for the plaintiffs ... and shared that we support a swift appeal to the United States Supreme Court," Attorney General Bill Schuette said. "The Department of Attorney General will also work swiftly so that the nation's highest court can take it up as quickly as possible.

"As I have said from the beginning, the sooner the U.S. Supreme Court rules, the better, for Michigan and for the nation."

Two Hazel Park nurses, April DeBoer and Jayne Rowse, challenged the state's adoption code which denies same-sex couples from adopting each other's children as the Michigan law, which does not allow gay couples to legally marry in the state.

"If, *before* a new consensus has emerged on a social issue, federal judges may decide when the time is ripe to recognize a new constitutional right, surely the people should receive some deference in deciding when the time is ripe to move from one picture of marriage to another," Judge Jeffrey Sutton wrote for the majority in the 2-1 ruling.

"So far, not a single United States Supreme Court Justice in American history has written an opinion maintaining that the traditional definition of marriage violates the Fourteenth Amendment."

In her dissenting opinion Judge Martha Craig Daughtrey wrote that the ruling "wholly fails to grapple with the relevant constitutional question in this appeal: whether a state's constitutional prohibition of same-sex marriage violates equal protection under the Fourteenth Amendment."

Daughtrey continued: "The majority treats both the issues and the litigants here as mere abstractions.

"Instead of recognizing the plaintiffs as persons, suffering actual harm as a result of being denied the right to marry where they reside or the right to have their valid marriages recognized there, my colleagues view the plaintiffs as social activists"

"But these plaintiffs are not political zealots trying to push reform on their fellow citizens; they are committed same-sex couples, many of them heading up *de facto* families, who want to achieve equal status."

DeBoer and Rowse's attorneys said Thursday during a news conference after the ruling from the Cincinnati-based court that they will "100 percent" appeal the ruling. They expect to file their paper work in two weeks.

A spokesman for the Michigan Catholic Conference on Friday said the organization will watch and see before it makes its decision on whether it will file briefs in the case as it had done before the U.S. 6th Circuit Court of Appeals.

But the conference hailed Thursday's decision because it upholds the Michigan Marriage Amendment.

"(Thursday's) ruling is a joyous occasion for many communities and families across the state that have sought to protect the traditional definition of marriage," read the statement from the group.

The conference also added, "it must also be restated, because so many seek to misinterpret the teachings of the Catholic Church, that support for marriage between one man and one woman in no way diminishes the dignity and worth that must be afforded to all human persons, regardless of orientation."

Southfield residents Jocelyn Walters and Cindy Clardy, who have been together for 15 years, said they are not giving up on their dream of legally

marrying in Michigan.

"We have spent tens of thousands of dollars on wedding dresses for our daughters and we can't get our own," Clardy said. "We're not giving up."

Walters agreed: "The fight goes on."

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