



Written by [Dave Bohon](#) on July 2, 2013

California Ignores Rules, Issues Same-sex Marriage Licenses Early

On June 30 U.S. Supreme Court Justice Anthony Kennedy refused a request by defenders of California's Prop 8 marriage protection amendment to halt a premature order by the Ninth U.S. Circuit Court of Appeals lifting the ban on same-sex marriage licenses in the state. The Ninth Circuit made its move June 28, two days after the High Court dealt a fatal blow to the state constitutional amendment, ruling that Prop 8's defenders did not have legal standing to appeal a lower court's decision finding the amendment, which defined marriage as only between a man and a woman, was unconstitutional.



Last year the Ninth Circuit issued a stay on the lower court's ruling against Prop 8 as the amendment's defenders appealed to the Supreme Court, temporarily keeping the ban on same-sex marriages in the state. The Ninth Circuit indicated that the stay would remain in place "until the final disposition by the Supreme Court."

[Baptist Press News](#) reported that under Supreme Court rules, "the losing side in a legal dispute has 25 days to request a rehearing, and the court said it would not finalize its judgment in the case at least until after that waiting period elapsed." But the Ninth Circuit jumped the gun, lifting its own stay two days after the Supreme Court announced its ruling in the Prop 8 case, "and dozens of California residents proceeded with acquiring same-sex marriage licenses," reported *BP News*.

Prop 8's legal defense team, headed by attorneys from [Alliance Defending Freedom](#), pointed out that, under the High Court's procedural rules, the Ninth Circuit should have held its action until the Supreme Court had provided a certified copy of its judgment — something that, as of July 1, still had not happened.

"Everyone on all sides of the marriage debate should agree that the legal process must be followed," said ADF Senior Counsel Austin Nimocks. "The 9th Circuit has failed to abide by its own word that the stay would remain in place until final disposition by the Supreme Court. When courts act contrary to their own statements, the public's confidence in the justice system is undermined."

Nimocks added that "the more than seven million Californians that voted to enact Proposition 8 deserve nothing short of the full respect and due process our judicial system provides."

According to the Associated Press, California Attorney General Kamala Harris had urged the Ninth Circuit to take prompt action after the Supreme Court's decision, vowing to ensure that all of California's counties were prepared to issue marriage license to homosexual couples. Immediately after the appeals court lifted the stay, the California governor's office issued a statement declaring,

At the direction of Governor Edmund G. Brown Jr., the California Department of Public Health has



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notified clerks and registrar/recorders in all 58 California counties that same-sex marriage is now legal in California and that marriage licenses must be issued to same-sex couples immediately.

Andy Pugno, general counsel for [ProtectMarriage.com](#), Prop 8's official promoter and defender, said in a statement that the action of the Ninth Circuit "tops off a chronic pattern of lawlessness, throughout this case, by judges and politicians hell-bent on thwarting the vote of the people to redefine marriage by any means, even outright corruption."

Pugno noted that legalized same-sex marriage in California "is not happening because the people changed their mind" about Prop 8 and the definition of marriage. "It isn't happening because the appellate courts declared a new constitutional right. It's happening because enemies of the people have abused their power to manipulate the system and render the people voiceless." He added that the resumption of homosexual marriage in California "has been obtained by illegitimate means. If our opponents rejoice in achieving their goal in a dishonorable fashion, they should be ashamed."

Brian Brown, president of the [National Organization for Marriage](#), added his own reaction, saying that the actions of the appeals court and the government of California makes it appear "that the desire to impose same-sex marriage by some public officials trumps integrity, fairness, propriety, and even the rule of law. All Americans should be outraged."



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