



Written by [Dave Bohon](#) on October 25, 2014

Federal Judge Upholds Traditional Marriage in Puerto Rico

A federal judge appointed by President Jimmy Carter has ruled against a lawsuit filed by a group of homosexuals trying to overturn laws in Puerto Rico that ban same-sex marriage. The five same-sex couples “had challenged the constitutionality of several local laws, including a 1902 code that defines marriage as between a man and a woman,” reported the [Associated Press](#).

U.S. District Court Judge Juan Perez-Gimenez, appointed by Carter in 1979, issued a 21-page decision that effectively defended traditional marriage while criticizing the majority of judges who have overturned voter-passed state constitutional amendments defining marriage as between a man and woman. Perez-Gimenez warned that dismantling traditional marriage would seriously compromise political order in the nation. The U.S. Supreme Court’s 2013 ruling that overturned key portions of the federal Defense of Marriage Act (DOMA) has prompted a continuing flurry of lawsuits by homosexuals seeking to have laws protecting traditional marriage overturned in their states.



“Because no right to same-gender marriage emanates from the Constitution, the Commonwealth of Puerto Rico should not be compelled to recognize such unions,” Perez-Gimenez ruled October 21.

“Recent affirmances of same-gender marriage seem to suffer from a peculiar inability to recall the principles embodied in existing marriage law,” wrote Perez-Gimenez in his opinion. “Traditional marriage is the fundamental unit of the political order. And ultimately the very survival of the political order depends upon the procreative potential embodied in traditional marriage.”

He added that laws defending marriage are founded upon principles “on which we have relied for centuries. The question now is whether judicial ‘wisdom’ may contrive methods by which those solid principles can be circumvented or even discarded.”

Perez-Gimenez conceded that a “clear majority of courts have struck down statutes that affirm opposite-gender marriage only. In their ingenuity and imagination they have constructed a seemingly comprehensive legal structure for this new form of marriage. And yet what is lacking and unaccounted for remains: are laws barring polygamy, or, say the marriage of fathers and daughters, now of doubtful



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validity? Is ‘minimal marriage,’ where ‘individuals can have legal marital relationships with more than one person, reciprocally or asymmetrically, themselves determining the sex and number of parties’ the blueprint for their design?”

Highlighting the Supreme Court’s controversial DOMA decision, the judge declared that it “does not — cannot — change things.” He pointed out that the High Court’s “opinion did not create a fundamental right to same-gender marriage nor did it establish that state opposite-gender marriage regulations are amendable to federal constitutional challenges. If anything, [the ruling] stands for the opposite proposition: it reaffirms the States’ authority over marriage.”

Perez-Gimenez added that it requires “inexplicable contortions of the mind or perhaps even willful ignorance ... to interpret [the Supreme Court’s] endorsement of the state control of marriage as eliminating the state control of marriage.”

Homosexual activist organizations expressed their outrage at Perez-Gimenez’s affirmation of the crucial importance of traditional marriage. “It is outrageous that loving committed LGBT couples and their families have been deprived of their civil rights and dignity,” said Pedro Julio Serrano of the homosexual activist group Puerto Rico Para Todas. “We are hopeful that justice will prevail and that the equality promised by the Constitution will be upheld.”

Omar Gonzalez-Pagan, a staff attorney with the homosexual group Lambda Legal, said that “we were obviously surprised by the decision. Close to 50 court decisions have disagreed with that assessment, including four circuit courts of appeals.”

In an official statement on the group’s website Gonzalez-Pagan complained that “one struggles to understand how this judge came to a different conclusion” than that reached by the rank-and-file judges who have rushed to dismantle marriage protection statutes in state after state. He added that his group would, “of course, appeal this ruling to the 1st Circuit Court of Appeals. All families in Puerto Rico need the protections of marriage.”

Among the champions of marriage to applaud Perez-Gimenez’s decision was Tony Perkins of the conservative Christian group [Family Research Council](#).

“Judge Pérez-Giménez serves as a model of judicial restraint in the face of an epidemic of federal judges legislating from the bench on the issue of marriage,” said Perkins. “It is time for other courts to follow his example, and the Supreme Court shouldn’t allow activist lower courts to redefine states’ marriage laws.”

Perkins recommended that “every judge considering a marriage case — and every public official charged with administering or enforcing his or her state’s laws on marriage — should read and take guidance from this ruling.”



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