



Written by [Jack Kenny](#) on August 21, 2014

Supreme Court Postpones Same-sex Marriage in Virginia

Thursday's wedding date for same-sex couples in Virginia was postponed indefinitely Wednesday when the U.S. Supreme Court issued a stay of a lower court ruling that struck down the state's ban on same-sex marriage. The stay came on the heels of a high court ruling last month that Utah need not recognize the marriages of about 1,000 same-sex couples, while state officials pursue appeals of a lower-court ruling granting legal status to such unions. Wednesday's one-page order gave no indication of whether the Supreme Court will take the Virginia case, or how it might rule if it does.



The appeal for delay came from a group of county clerks in Virginia, after the U.S. Court of Appeals for the Fourth Circuit in Richmond overturned a state ban in July and ruled same-sex couples could be legally married. Last week, the same court denied their request for a stay and set August 21 as the date when the disputed marriages could begin. Had the Supreme Court not intervened, barriers to same-sex marriage enacted in North Carolina, South Carolina, and West Virginia, would also have been overturned, since those states are also within the jurisdiction of the Fourth Circuit.

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Legal and political battles over same-sex marriage have been raging in the United States for going on two decades, despite a millennia-old legal and cultural tradition of marriage as a union between one man and one woman. Hawaiians voted that definition of marriage into their state Constitution in 1998 after the state's Supreme Court had ruled same-sex couples must be granted the same right to marry as heterosexual couples have.

In the continental United States, the first court ruling requiring legal status for same-sex marriage was issued by the Supreme Judicial Court of Massachusetts, ruling in 2003 that limiting marriage to opposite-sex couples violates the requirement of equality before the law in the state's Constitution. Other courts in other states followed, and today 19 states and the District of Columbia have required equal legal status for same-sex and heterosexual marriage through changes to state marriage laws made either by court decrees, legislation or, in some cases, legislation following court rulings.

In all but one of the 30 states where defining marriage as a union of one man and one woman was offered in referendum, voters have adopted that definition. Arizona defeated such a measure in 2006, but approved a referendum to the same effect two years later. Minnesota voters voted down the traditional definition of marriage in 2012 and the state's legislature approved a "gay marriage law" the following year. In no state has legal standing for same-sex marriage been approved by referendum.

"It is time for the Supreme Court to affirm what more than 30 courts have held in the past year: Marriage discrimination violates the Constitution, harms families and is unworthy of America," Evan Wolfson, president of Freedom to Marry, said Wednesday.



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At least some opponents of same-sex marriage would also welcome a Supreme Court ruling on the issue, while hoping for a different outcome. Byron Babione, a lawyer with the conservative Alliance Defending Freedom, represented one of the county clerks who would be required to issue marriage licenses to same-sex couples under the appeals court ruling. He praised the court's grant of a stay, but told the *New York Times* a decision on the merits of the case is needed to settle conflicting rulings by various courts.

"Virginians deserve an orderly and fair resolution to the question of whether they will remain free to preserve marriage as the union of a man and a woman in their laws," Babione said.



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