



Written by [Raven Clabough](#) on May 21, 2014

Judge Overturns Pennsylvania Ban on Same-Sex Marriage

A federal judge overturned a ban on same-sex marriage in the state of Pennsylvania on Tuesday. According to Fox News, “In his decision, U.S. District Judge John E. Jones III called the plaintiffs — a widow, 11 couples and two teenage daughters to one of the couples — courageous.”

Lawyers for the plaintiffs in the case argued that the law unfairly inflicts harm on same-sex couples as well as their children by denying them the legal privileges and tax benefits provided to married couples.



The lawsuit was filed on July 9, standing as the first known challenge to the state’s law, though more have since been started. Fox News reports, “At least five later challenges have surfaced in state and federal courts since the lawsuit was filed, including one in which a country official is defending his decision to issue 174 marriage licenses to same-sex couples.”

Judge Jones referenced due process and equal protection in his decision to strike down the ban.

In his ruling Tuesday pertaining to Pennsylvania, Jones echoed many assertions made recently by his federal court colleagues.

“The fundamental right to marry as protected by the due process clause of the 14th Amendment to the United States Constitution encompasses the right to marry a person of one’s own sex,” Jones wrote, asserting that Pennsylvania’s ban against same-sex marriage within the state and its failure to recognize such unions performed in other states are both unconstitutional.

Jones declared that there is no “important governmental interest” that would warrant a justification to ban same-sex marriage, adding,

That same-sex marriage causes discomfort in some does not make its prohibition constitutional. Nor can past tradition trump the bedrock constitutional guarantees of due process and equal protection. Were that not so, ours would still be a racially segregated nation according to the now rightfully discarded doctrine of “separate but equal.”

In future generations, the label same-sex marriage will be abandoned, to be replaced simply by marriage. We are a better people than what these laws represent, and it is time to discard them into the ash heap of history.

Jones issued an order that permanently bars authorities in Pennsylvania from preventing same-sex couples from obtaining marriage licenses, allowing couples to seek licenses immediately.

As the judge explained, “By virtue of this ruling, same-sex couples who seek to marry in Pennsylvania may do so, and already married same-sex couples will be recognized as such in the Commonwealth.”

Pennsylvania Governor Tom Corbett had defended the ban after Attorney General Kathleen Kane called it unconstitutional.



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Gov. Tom Corbett tweeted early Tuesday evening that he “is in the process of thoroughly reviewing the decision of the court,” adding that a statement should be expected on Wednesday.

But Attorney General Kathleen Kane provided her own statement, saying she will “not ... defend Pennsylvania’s Defense of Marriage Act because I made a legal determination as to the unconstitutionality of this law. Today brings justice to Pennsylvanians who have suffered from unequal protection under the law because of their sexual orientation.”

LGBT supporters naturally praised the ruling, including Christine Donato, who has been with her partner for 17 years.

“We are overjoyed that we will finally be able to get married in our home state in front of our family and friends,” said Donato.

But not all Pennsylvanians were overjoyed.

The National Organization for Marriage opposed the ruling, declaring that Pennsylvanians should be given the chance to cast votes to enshrine a ban on same-sex marriage in the state constitution.

“The administration owes it to the people of Pennsylvania to pursue this matter vigorously through the court system, and give marriage the defense it requires and deserves,” declared Brian Brown, the group’s president.

Judge Jones’ decision is expected to be appealed to the Third U.S. Circuit Court of Appeals.

If the decision stands, however, Pennsylvania will be the 19th state to legalize same-sex marriage. If not, the Keystone State will be the only one in the Northeast to outlaw such marriages.

Oregon was the 18th state to recognize same-sex marriage after U.S. District Judge Michael McShane issued a ruling overturning the state’s voter-approved same-sex marriage ban on Monday.

Also on Monday, a federal judge in Utah ordered state officials to recognize over 1,000 same-sex marriages that took place in the state over a two-week period before the U.S. Supreme Court halted such weddings with an emergency stay, reports CNN.

The recent changes taking place in various states across the country are indicative of a new trend. Fox News writes, “State marriage bans have been falling around the country since the U.S. Supreme Court last year struck down part of the federal Defense of Marriage Act.”

There seems to be a shift in public opinion on the subject of same-sex marriage, several polls reveal, though the polls also seem to yield very different results.

According to an ABC News/*Washington Post* survey released in March, 59 percent of Americans favor same-sex marriage.

But a March Rasmussen Reports poll showed a much more evenly divided nation than what the ABC News/*Washington Post* survey indicated, with 43 percent in support of same-sex marriage and 43 percent opposed. That poll also revealed that fifty percent of those polled stated that marriage is a religious institution, while 39 percent considered it a civil one.

However, a Rasmussen Reports poll released May 20 shows that support for same-sex marriage has increased slightly to 45 percent, with 41 percent still opposed.



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