

Bishop praises court for affirming voters' right to define marriage

WASHINGTON – Speaking on behalf of his fellow Catholic bishops in California, Bishop Stephen E. Blaire of Stockton praised the California Supreme Court for upholding the voters' affirmation of marriage as the union of a man and a woman, but expressed disappointment that the court permitted an estimated 18,000 same-sex couples to remain legally married.

The May 26 ruling of the high court upheld the constitutionality of the state's Proposition 8 declaring that "only marriage between a man and a woman is valid or recognized in California," but said the voters' decision could not be applied retroactively to those who married before the initiative was passed.

Bishop Blaire said he and his fellow bishops "are strongly committed to protecting the dignity and worth of every human person" and supported "the intent of law to provide equal protection for all."

"However, such purpose does not have to trump the natural and traditional definition of marriage between a man and a woman," he added in a May 26 statement. "The law has found other ways to regulate civil unions without destroying the traditional understanding of marriage.

"We believe – as do the majority of Californians – that marriage between a man and a woman is foundational to our culture and crucial for human perpetuity," Bishop Blaire said.

In a Nov. 4, 2008, vote, 52 percent of the state's electorate approved Proposition 8.

In its 136-page majority decision, the court said its role was not to determine whether Proposition 8 "is wise or sound as a matter of policy or whether we, as individuals, believe it should be part of the California Constitution" but to determine "the scope of the right of the people, under the provisions of the California Constitution, to change or alter the state constitution itself through the initiative process."

On that question, the opinion written by Chief Justice Ronald M. George concluded that "Proposition 8 constitutes a permissible constitutional amendment" rather than "an impermissible constitutional revision" and "does not violate the separation of powers doctrine."

The majority decision drew immediate praise from the Campaign to Protect Marriage, a coalition that had included the state's Catholic bishops and other Catholic groups.

"We are extremely pleased that the Supreme Court has acknowledged the right of voters to define marriage in the California Constitution," said Andrew Pugno, the coalition's general counsel. "The voters have decided this issue and their views should be respected."

But organizations that had opposed Proposition 8 said they would work to repeal the measure through a ballot initiative in 2010.

Marianne Duddy-Burke, executive director of Dignity USA, an unofficial support organization for gay, lesbian, bisexual and transgender Catholics, said it was "tragic for everyone in California that discriminatory language has been allowed to stand in the state's constitution."

"We call for the elimination of language that limits civil marriage to opposite-sex couples," she added. "Dignity USA pledges to continue its work to educate people about the importance of marriage equality, and will continue to offer spiritual and emotional support to gays and lesbians and our families in the face of this temporary loss."

All but one of the court's seven justices concurred in the majority decision, and all seven agreed that the ban on same-sex marriages could not be applied retroactively.

The only dissenter, Associate Justice Carlos R. Moreno, said the majority opinion "places at risk the state constitutional rights of all disfavored minorities" and "weakens the status of our state constitution as a bulwark of fundamental rights for minorities protected from the will of the majority."

The California Supreme Court had ruled May 15, 2008, that the domestic

partnerships recognized by the state were an inadequate substitute for marriage and that civil marriage could not be denied to same-sex couples.

When the decision took effect a month later, thousands of couples from within and outside California took out marriage licenses and were married. Then came the November ballot initiative to amend the state constitution to define marriage as only between a man and a woman.

Same-sex marriage is currently legal in Massachusetts, Iowa, Connecticut, Vermont and Maine; New Hampshire Gov. John Lynch has said he will sign legislation passed by the Legislature there if additional protections for religious organizations are approved.