

Catholic leaders decry California judge's decision on same-sex marriage

WASHINGTON - Saying that marriage between a man and a woman "is the bedrock of any society," Chicago Cardinal Francis E. George, president of the U.S. Conference of Catholic Bishops, denounced the Aug. 4 decision of a federal judge to overturn a California voter-backed initiative that essentially banned same-sex marriage.

"The misuse of law to change the nature of marriage undermines the common good," he said. "It is tragic that a federal judge would overturn the clear and expressed will of the people in their support for the institution of marriage. No court of civil law has the authority to reach into areas of human experience that nature itself has defined."

The 2008 voter initiative, known as Proposition 8, was approved by voters by a margin of 52 percent to 48 percent. In overriding a May 2008 California Supreme Court ruling that enlarged the definition of state-sanctioned marriage to include all couples, the initiative defined state-sanctioned marriage as limited to a man and a woman.

Archbishop Joseph E. Kurtz of Louisville, Ky., chairman of the bishops' Ad Hoc Committee for the Defense of Marriage, echoed Cardinal George's sentiment.

"Citizens of this nation have uniformly voted to uphold the understanding of marriage as a union of one man and one woman in every jurisdiction where the issue has been on the ballot," Archbishop Kurtz said in a statement released by the USCCB. "This understanding is neither irrational nor unlawful."

"Marriage is more fundamental and essential to the well-being of society than perhaps any other institution. It is simply unimaginable that the court could now claim a conflict between marriage and the Constitution," he said.

The California Catholic Conference also weighed in on the case, calling U.S. District

Court Judge Vaughn Walker's decision a disappointment.

"That the judge should find marriage - civilization's long-standing public policy - irrational and discriminatory does a great injustice to the institution itself and ultimately will further encourage the disintegration of mother-father families," said Edward E. Dolejsi, the conference's executive director. "Homosexuals certainly have every right to the love, companionship and support of another person, but the courts do not have a right to distort the meaning of marriage."

Proponents of the initiative said they planned to appeal the decision by Walker, chief judge of the U.S. District Court for the Northern District of California.

In his decision, Walker said, "Proposition 8 fails to advance any rational basis in singling out gay men and lesbians for denial of a marriage license."

"Indeed, the evidence shows Proposition 8 does nothing more than enshrine in the California Constitution the notion that opposite-sex couples are superior to same-sex couples. Because California has no interest in discriminating against gay men and lesbians, and because Proposition 8 prevents California from fulfilling its constitutional obligation to provide marriages on an equal basis, the court concludes that Proposition 8 is unconstitutional," the judge ruled.

Walker granted a motion from Proposition 8 supporters to stay the decision pending a further hearing.

His decision followed a two-week trial in January.

The chief attorney for the leading organization that supported the initiative said Walker's action "short circuits the democratic process."

"But this is not the end of our fight to uphold the will of the people for traditional marriage, as we now begin an appeal to the Ninth Circuit Court of Appeals," attorney Andy Pugno of ProtectMarriage.com said in a statement.

"It is disturbing that the trial court, in order to strike down Proposition 8, has literally accused the majority of California voters of having ill and discriminatory intent when casting their votes for Prop 8," he said. "But the reality is that Prop 8

was simply about restoring and strengthening the traditional definition of marriage as the unique relationship of a man and a woman, for the benefit of children, families and society.”

The Catholic Church as well as the Church of Jesus Christ of Latter Day Saints were major religious supporters of the initiative, which garnered the attention of the nation as it was debated in the weeks before the November 2008 election.

The Mormon church in particular came under widespread criticism from gay rights groups for its substantial financial and organizational contribution in support of Proposition 8.