

California Supreme Court overturns gay marriage ban

In a landmark decision the California Supreme Court Thursday overturned a state ban on gay marriage, making same-sex unions legal in the most populous state in the US.

The 4-3 decision is likely to thrust gay marriage back into the political spotlight and potentially make it an important issue in the November general election.

The ruling found that domestic partnerships were not an adequate alternative to marriage.

'Under these circumstances, we cannot find that retention of the traditional definition of marriage constitutes a compelling state interest,' the court said in an opinion written by Chief Justice Ron George. 'Accordingly, we conclude that to the extent the current California statutory provisions limit marriage to opposite-sex couples, these statutes are unconstitutional.'

In a huge victory for gays and lesbians, the court said a gay marriage ban would violate current recognition that 'an individual's sexual orientation - like a person's race or gender - does not constitute a legitimate basis upon which to deny or withhold legal rights.'

The court's decision could be overturned in November, when Californians are likely to vote on a state constitutional amendment banning same-sex marriages. If voters approve the measure it will supersede Thursday's decision.

The California legislature has twice passed bills legalizing gay marriage, but they were vetoed by Governor Arnold Schwarzenegger, a Republican.

However, he said he would uphold the ruling Thursday. 'I respect the court's decision, and as governor, I will uphold its ruling,' he said in a statement. 'Also, as I have said in the past, I will not support an amendment to the constitution that would overturn this state Supreme Court ruling.'

The ruling was also greeted by gay and lesbian activists gathered outside the courthouse in San Francisco.

'As of today, the right to marry is now guaranteed to anyone,' said Kate Kendell, executive director of the National Centre for Lesbian Rights. 'All I know is that we won.'

Prior to the ruling, Massachusetts was the only of the 50 US states to allow gay marriage, and high courts in New York, Washington and New Jersey had refused to extend marriage rights to gay couples.

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