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California Supreme Court Expected to 'Half Uphold' Prop. 8

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By Susan Jones, Senior Editor

(CNSNews.com) - The California Supreme Court on Tuesday will decide whether Proposition 8 -- a voter-passed ban on same-sex marriage -- is constitutional.

Conservatives who led the fight to pass Proposition 8 say this is a “voters' rights” case, and they expect a partial victory.

A majority of justices will side with voters, whether they like Prop 8 or not, predicted Randy Thomasson, president of SaveCalifornia.com.

But Thomasson also expects the court to hand conservatives a partial defeat by allowing some same-sex marriages performed in California to stand.

"Bottom line," Thomasson said, "it's virtually guaranteed that the court will rule that only man-woman marriages could be performed after the vote on Prop. 8, but that nearly four months of homosexual 'marriages' performed before the Election Day will still be recognized. This would be half right and half wrong, not giving the Constitution or the voters the respect they deserve."

An estimated 18,000 same-sex couples married legally – under a 4-3 ruling issued by the California Supreme Court in May 2008 -- before Prop 8 passed with 52 percent of the vote in November.

Prop 8 reads, "Only marriage between a man and a woman is valid or recognized in California."

"This voters' rights case, which never should have gone to court, will likely be decided half right and half wrong," Thomasson said.

Homosexual activists insist that Prop 8 drastically changed the state constitution's equal protection clause and therefore should have had the Legislature's approval before it was put to voters.

Win or lose, the activists are launching a grassroots effort to build support for their “freedom to marry.”

The campaign involves “talking to voters in the field and telling our stories,” said Equality California. “Together, we will introduce ourselves to the people of California, winning their hearts and minds and ensuring that we win marriage back once and for all,” the group says on its Web site.

The state supreme court is expected to issue its ruling at 10 a.m. Pacific Time.

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