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Gay marriage in Kentucky gains foothold with federal judge's ruling

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Victory for those seeking same sex marriage recognition in Kentucky: Plaintiffs seeking same sex marriage recognition in Kentucky discuss their recent victory in the Fauver Law Offices on Frankfort Avenue. A new bill passed Wednesday formally recognizing same sex marriages. Alton Strupp, The Courier-Journal



Victory for those seeking same sex marriage



Same Sex Marriage | Kentucky couple file



Governor, speaker discuss gay marriage

Written by
Andrew Wolfson
The Courier-Journal

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In a ruling that could open the door to gay marriage in Kentucky, a federal judge has struck down the state's ban on recognizing same-sex unions performed in states where it is legal.

U.S. District Judge John G. Heyburn II ruled Wednesday that Kentucky's prohibition violates the U.S. Constitution's guarantee of equal protection under the law by treating gays and lesbians "differently in a way that demeans them."

Ruling in a suit brought by four gay and lesbian couples and their children, Heyburn said that, while "religious beliefs ... are vital to the



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Greg Bourke, right, and Michael Deleon have filed a federal lawsuit asking for Kentucky to recognize same sex marriages. July 26, 2013 / Scott Utterback/The Courier-Journal

fabric of society ... assigning a religious or traditional rationale for a law does not make it constitutional when that law discriminates against a class of people without other reasons."

Heyburn's decision strikes down part of Kentucky's marriage amendment, enacted in 2004 by 74 percent of the voters, which says "only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky."

In the 23-page opinion, Heyburn said the state and groups defending the amendment offered no evidence that recognizing same-sex unions would harm opposite-sex marriages, individually or collectively.

"One's belief to the contrary, however sincerely held, cannot alone justify denying a selected group their constitutional rights," he wrote.

The suit had asked only that Kentucky be required to recognize gay marriages legally performed elsewhere. But the plaintiffs' lawyers, including Laura Landenwich, said Heyburn's opinion — grounded in the equal-protection clause — could lead to the governor's office allowing same-sex marriages to be performed legally in Kentucky.

Allison Martin, a spokeswoman for Attorney General Jack Conway, whose office defended the law, said its lawyers are reviewing that question, while Gov. Steve Beshear said it would be premature to comment because the opinion is not final. He also said the matter ultimately will be decided by the U.S. Supreme Court.

Heyburn himself suggested that his ruling will lead to the legalization of same-sex marriage in Kentucky.

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Reporter Andrew Wolfson can be reached at (502) 582-7189. Reporters Greg Hall and Tom Loftus contributed to this story.

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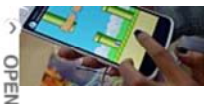
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