continue to defend the constitutionality of the state's laws "unless and until a controlling judicial decision deems those laws unconstitutional."

On Friday, Sedwick delivered the knockout punch. Just a day after the final briefings in the two Arizona lawsuits were due, Sedwick issued decisions in both cases, determining that the state's bans on same-sex marriage were unconstitutional.

Horne had the option to appeal Sedwick's decision, but instead, he stunningly conceded. At a press conference held Friday, just after Sedwick's decision was released, Horne acknowledged his loss.

"The probability of persuading the Ninth Circuit to reverse today's decision is zero," he said. "The probability of the United States Supreme Court accepting review of the Ninth Circuit decision is also zero.

"Therefore, the only purpose to be served by filing another appeal would be to waste the taxpayer's money. That is not a good conservative principle. I have decided not to appeal today's decision, which would be an exercise in futility . . . I am issuing a letter today to the 15 county clerks of court [in Arizona] with the directive that, based on today's decision by the Federal District Court, they can issue licenses for same-sex marriages immediately."

Maybe Horne really wants to save taxpayer money or maybe he wants to leave

office on a different note. He was defeated by Republican challenger Mark Brnovich in the Republican primary in late August and will leave office after a single, scandal-filled term.

But his letter to the county clerks made the impact of his decision clear: "The court has determined that both Article 30 and Section 25-101(C) of the Arizona Revised Statutes are invalid under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Accordingly, and effective immediately, the clerks of Arizona county superior courts cannot deny a marriage license" to same-sex couples.

With his signature, Arizona's attorney general opened the door for judges, pastors,



Jessica and Kathy Young, two of the plaintiffs in the *Majors* suit. They joined the case in hopes that legal recognition of their marriage would give Kathy clearer parental rights over their young son.

Ashley Cusick

rabbis, and other officiates to sign — legally, as agents of this state — the marriage certificates of "All" Arizona couples.

**A**t the core of the class-action lawsuits that became the basis for Friday's historic decision are stories of the countless Arizona couples that sought legal recognition for their committed relationships.

In her role as Law and Policy project director for Lambda Legal — the nation's largest lesbian, gay, bisexual, and transgender civil rights organization — Jenny Pizer long has had a toe in Arizona's politics. She worked on issues surrounding health-insurance coverage for domestic partners, and she assisted local municipalities that

wanted to provide stronger protections and recognitions for same-sex couples than the state was willing to offer.

Her work was in part intended to be educational. "The idea was to expand visibility," she said, "of the practical problems people faced because marriage was not available."

But the fight for full-fledged marriage equality has been tricky nationally, and Pizer and Lambda Legal did not want to push the issue until it seemed likely that they would have a good shot at winning. For three years, Lambda had been in talks with local marriage-equality groups about when the right time might be.

Lambda was involved in the 2013 campaign for a proactive ballot measure that would undo the state's constitutional ban on same-sex marriage. Fearful that the timing was not right, the measure was put off, but "with an understanding that the work around marriage nationwide was contributing to a steady rise of support on the issue," Pizer said, "and that the vectors of change indicated there [probably would] be strong support in 2016."

Then, last December, litigation in Utah opposing that state's same-sex marriage ban was successful. Given Utah's