

## Same-Sex Marriage Ruling

# Marriage

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are parents of four children. The couple married in California in 2008, but the union isn't recognized in Arizona. They had considered moving to California.

"The only reason we would have left eventually would be for same-sex rights," she said. "But if Arizona's going to join in, then there's no reason to go."

As news from the 9th Circuit on Tuesday, along with an earlier U.S. Supreme Court decision Monday, reshaped the legal landscape, Holly Mitchell and Suzanne Cummins were preparing to exchange vows of commitment at a ceremony on Saturday. The Chandler women, together seven years, set the date months ago and hoped for the best.

Mitchell and Cummins are among the seven couples who challenged Arizona's marriage laws in January as part of the first of two lawsuits still pending in court. They have waited anxiously for a ruling and hope the actions of the last two days portend the outcome they want.

"This is so exciting," Mitchell said Tuesday. "Depending on how fast this moves, we are ready to go."

They will apply for a license before Saturday's ceremony if the process is in place; if it isn't, they will count Saturday as their wedding day and attend to the legal details when they are able.

"We are so excited for the marriage movement," Cummins said.

Before Arizona county clerks begin issuing licenses, there are some legal hoops to jump through.

Attorney General Tom Horne has the authority to declare that the 9th Circuit ruling applies to Arizona and issue a letter to county clerks instructing them to start issuing licenses.

"It would be appropriate for Tom Horne to bring this to closure quickly," said Jennifer Pizer, senior counsel for the gay-rights advocacy organization Lambda Legal and an attorney representing same-sex couples in one of two Arizona lawsuits. "It doesn't serve the people of Arizona well to prolong litigation."

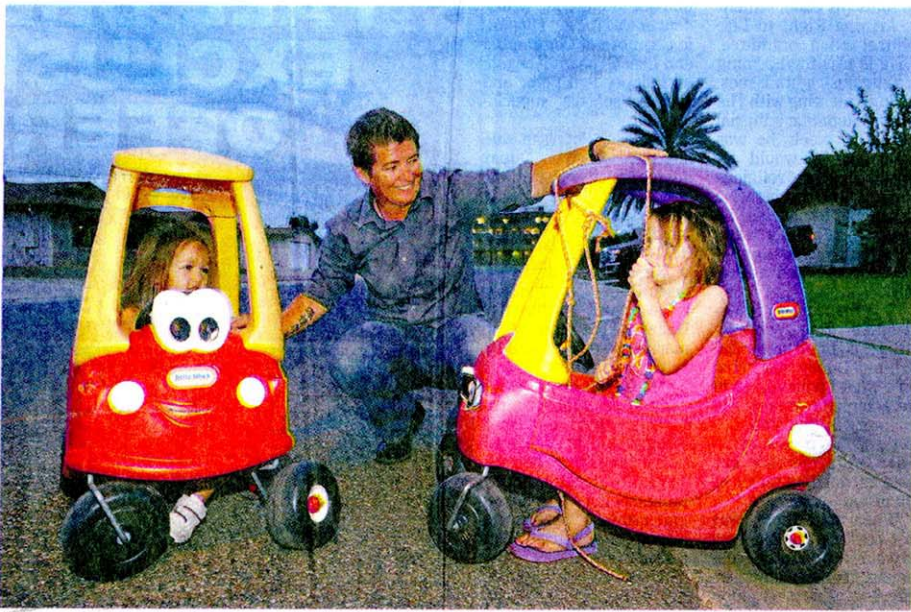
That's not expected to happen, at least not immediately.

Horne's spokeswoman, Stephanie Grisham, said it is "premature" for Horne to direct county clerks to issue marriage licenses to same-sex couples.

"It's not a done deal," Grisham said, adding that Nevada and Idaho can still appeal to an 11-judge panel of the 9th Circuit or the U.S. Supreme Court. "Today's 9th Circuit decision should not be treated as final."

She said the Attorney General's Office is reviewing the opinion "to accurately determine its implications for the pending Arizona cases."

Arizona's definition of marriage as only between one man and one woman was established in statute in 1996. The Arizona Court of Appeals in 2003 upheld that definition. Voters amended the Arizona Constitution to



Tonya Blakely plays with daughters Hayden (left) and Ashlyn on Tuesday. Tonya and her partner, Melanie Puskar-Blakely, who are parents to four children, had previously considered moving out of Arizona so their marriage would be recognized.

include the definition of marriage in 2008.

Two cases challenging Arizona's law are pending in federal court. U.S. District Court Judge John Sedwick had been expected to rule at any time on *Connolly vs. Roche*. The second Arizona case, *Majors vs. Horne*, is also before Sedwick.

Attorneys for plaintiffs in both cases said they will immediately file motions asking Sedwick to declare Arizona's law unconstitutional based on the 9th Circuit ruling.

"Obviously the 9th Circuit's opinion will be binding in Arizona, but we still need an order from our court for mar-

riage licenses to be issued," said Heather Macre, an attorney representing same-sex couples in the Connolly case.

It's unknown how long it may take for Sedwick to issue his ruling.

"The judge's timeline is his own," Macre said. "We have to be respectful of that. I don't think we'll see licenses issued today or tomorrow."

Pizer agreed, speculating it could be done in a matter of weeks.

"Residents of Arizona can start planning their weddings and they probably can leave the date a bit flexible to give us a chance to tidy up the litigation, put a bow on it, put a cake topper on it," she



Amber Beierle (left) receives a kiss from partner Rachael Beierle while waiting to address the media in Boise, Idaho.

said. "But it's wonderful news for Arizona residents who have been waiting an awfully long time."

The Christian legal or-

ganization Alliance Defending Freedom is overseeing the defense of Arizona's definition of marriage in the two cases. It deferred comments to

Horne's office.

Gov. Jan Brewer declined to comment on the ruling.

Social issues, including marriage, have become a point of debate in the governor's race.

When asked for a comment, Republican Doug Ducey, who has said he supports "traditional marriage," said only "I'll follow the law."

Democrat Fred DuVal, who has supported same-sex couples marrying, said the change is "inevitable."

"This is the way the civil-rights story always goes," he said. "It is a struggle, then there becomes critical mass, then there is a movement ... and things happen really fast and we're watching that play out."

Asked to speculate how the Republican-controlled state Legislature and conservative lobbying groups might react, DuVal said, "I know they will be resistant, but ... the force of history will simply wash over them in time."

The conservative advocacy group the Center for Arizona Policy has been an influential proponent of the state's current definition of marriage. Organization President Cathi Herrod admitted that the 9th Circuit ruling will have a "significant impact" on Arizona's law, but she has no intention of being washed over.

"It's doubtful we have much legal recourse, but the effort to restore marriage to its meaning as a timeless institution that's best for men, women and children will continue," she said.

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