

Commentary: Same-sex marriage ruling: Ruling not just wrong but an insult to democracy

Posted: 8:18 p.m. Friday, Aug. 6, 2010

Vaughn Walker, the federal judge who "ruled" California's marriage amendment is unconstitutional, is wrong - on the law, on the social science and on his role as a judge.

This single judge suddenly "discovered" last week that California's ban on same-sex-marriage, enacted by more than seven million voters in 2008, was somehow unconstitutional under the equal protection clause of the U.S. Constitution. The framers never envisioned the 14th amendment to become some unlimited reservoir of rights to be twisted and shaped like this as legal Play-Doh.

Judge Walker also ruled that "gender no longer forms an essential part of marriage." In other words, the unique roles of men and women are now optional. Two dads are just as good as a mom and a dad. Judge Walker is apparently unfamiliar with the vast body of social science research conclusively showing that children always perform better with both a mother and a father. When you create a same-sex marriage, you are simultaneously creating a same-sex family. And the question must always be: What is in the child's best interest?

Finally, judges are not supposed to act as "social change agents." Judges are to interpret existing law and not create new rights out of thin air. By implication, Judge Walker also accused the vast majority of voters in 30 other states, including Florida, of being "irrational and having discriminatory intent" when they enacted their state marriage amendments. This is a high insult to democracy.

Our gay-rights activist opponents love to quip that we are "on the wrong side of history." Truth be told, they are on the wrong side, not only of history but of biology, logic, common sense and the collective wisdom of human experience.



John Stemberger, an Orlando lawyer, is president of the Florida Family Policy Council, which led the campaign for Florida's Marriage Protection Amendment.

Find this article at:

<http://www.palmbeachpost.com/opinion/commentary/commentary-same-sex-marriage-ruling-ruling-not-just-846080.html>

Print this page

Close

 <i>Cadillac</i>	SUMMER'S BEST <hr/> SALES EVENT		0% <small>APR</small> ON ALL 2010 VEHICLES FOR QUALIFIED BUYERS	
<small>Length of contract limited. Some customers will not qualify. Take delivery by 9/7/10. See dealer for details.</small>		View All Vehicles >	View All Offers >	Locate A Dealer >