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Fight to Legalize Gay Marriage Only Gets Hotter

By: [Allison Nielsen](#) | Posted: August 23, 2014 3:55 AM



It's been nearly six years since Florida voters cast their ballots to ban same-sex marriage, but the battle for equality of marriage still rages on in the Sunshine State.

Earlier this week, U.S. District Judge Robert Hinkle in Tallahassee ruled the 2008 voter-backed ban on same-sex marriage violates the 14th Amendment's guarantees of equal protection and due process.

Hinkle is the fifth judge in Florida to rule the ban unconstitutional, but he made headlines for being the first federal judge to weigh in on the matter.

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Hinkle compared prohibitions against gay marriage to bans on interracial marriage, which were

overturned in the 1967 case Loving v. Virginia.

“When observers look back 50 years from now, the arguments supporting Florida's ban on same-sex marriage, though just as sincerely held, will again seem an obvious pretext for discrimination,” Hinkle wrote Thursday.

The issue of same-sex marriage has been one that has continuously heated up in recent years. When Florida voters turned against the measure in 2008, only one state in the entire country -- Massachusetts -- had legalized gay marriage.

As time has gone on, however, several other states have joined in to legalize same-sex marriage, which is now allowed in 19 states from coast to coast. And if this summer's rulings are any indicator, it appears gay couples might not be too far away from marrying in the Sunshine State.

Part of the intensity to legalize gay marriage comes from last year's overturning of the Defense of Marriage Act by the U.S. Supreme Court, but adding fuel to the fire has been a shift in ideologies sweeping the nation.

“There's a generation shift occurring right now ... where, if you put the amendment on the ballot in 2014, I don't know that it would pass,” Orlando lawyer Steven Kramer told Sunshine State News. “You've seen a number of cultural and social touchstones that have shifted the grounds upon which those ideas exist.”

Since DOMA was overturned, the courts have broadly ruled in favor of LGBT couples in cases across the country. According to same-sex rights group Freedom to Marry, there have been 38 court victories (only one loss) since June 2013.

But for the future of gay marriage in Florida, same-sex couples may have to look toward the nation's highest court. Attorney General Pam Bondi filed a motion earlier this month in Miami's 3rd District Court of Appeal to freeze two cases regarding the ban.

Bondi said the decision to legalize same-sex marriage needed to be decided by the Supreme Court to avoid wasting state money and judicial resources.

“Despite the vigorous policy and legal debates surrounding same-sex marriage, there is little disagreement about this: If the United States Supreme Court holds that states must sanction same-sex marriage, then Florida's contrary laws must fall,” Bondi wrote in her motion.

Steve Kramer agreed the U.S. Supreme Court had final say on the state's laws.

“I think we will see a decision from the federal appeals court or the U.S. Supreme Court that really resolves the issues,” said Kramer. “But in the end, the only place where this can ultimately be decided is the U.S. Supreme Court.”

But for gay marriage advocates, each judge's decision in their favor inch them one step closer to marrying. Some found comfort in Hinkle's ruling as a sign their pathway to equality had become a little brighter. which quoted civil rights activist Martin Luther King Jr.

“To paraphrase a civil rights leader from the age when interracial marriage was struck down, the

arc of history is long, but it bends toward justice,” wrote Hinkle.

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