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CALIFORNIA

California Supreme Court Legalizes Same-Sex Marriage

The California Supreme Court issued a long-anticipated decision to legalize same-sex marriage across the state May 15.

In their opinion, the judges ruled 4-3 that the state's "one man, one woman" marriage law violates the civil rights of same-sex couples. Equity California, the state's advocacy and education organization for queer equality, called the decision a "landmark."

The ruling said, "In contrast to earlier times, our state now recognizes that an individual's capacity to establish a loving and long-term committed relationship with another person and responsibility to take care for and raise children does not depend upon the individual's sexual orientation and, more generally, that an individual's sexual orientation—like race or gender—does not constitute a legitimate basis upon which to deny or withhold legal rights."

Gov. Arnold Schwarzenegger vowed not to interfere. "I respect the court's decision and as governor, I will uphold its ruling. Also, as I have said in the past, I will not support an amendment to the constitution that would overturn this state Supreme Court ruling."

Law Protects Gay Man from Lying Ex

The California Court of Appeal ruled unanimously May 6 that a gay Orange County man who mistakenly thought his ex-partner had registered their domestic partnership is entitled to the same protections covering heterosexual spouses who discover that, for whatever reason, their marriage is not valid.

Darrin Ellis sought the same recourse available to heterosexuals who honestly believed they were validly married but later discovered they were not. This protection allows good faith "putative spouses" access to family court for a fair division of the couple's property, rather than being treated as legal strangers.

"We're pleased the court found in Darrin's favor, but this case shows that domestic partnerships are not adequate to fully protect same-sex couples," said Tara Borelli, staff attorney for Lambda Legal, who argued before the court.

Ellis and his ex-partner, David Arriaga, had been in a committed relationship for more than



Attorney Tara Borelli says the case she won for a man whose ex-partner deceived him into thinking they were registered as domestic partners proves the need for marriage equality.

five years. In August 2003, the two met with their attorney to draft estate planning documents and a declaration of domestic partnership. Ellis understood that Arriaga was to send the notarized form to the California secretary of state's office and did not discover until their separation years later that Arriaga never mailed the form.

When Ellis tried to formally dissolve the partnership in September 2006, Arriaga requested the trial court to dismiss the case, saying Ellis had no protection since the couple were not validly registered. The trial court agreed with Arriaga's interpretation of California's domestic partnership law and dismissed the case Feb. 2, 2007. Lambda Legal appealed that dismissal.

Lambda Legal's brief argued that California's domestic partner law gives same-sex couples the same protection under the state's "putative spouse doctrine" as people in different-sex relationships. The trial court's interpretation of the domestic partnership law shows that the state's relegation of same-sex couples to a lesser family protection system like domestic partnership is inadequate to provide full equality.

"This was supposed to be a simple divorce, which was painful enough, but unlike straight spouses I had to prove that my relationship should be treated the same as anybody else's," said Ellis.

COLORADO

Lesbians Sentenced for Protest

A jury in Denver convicted a lesbian couple May 7 after staging a sit-in when they were refused a marriage license.

University of Denver employees Kate Burns and Sheila Schroeder refused to leave the Denver County clerk's office Sept. 24 in protest of Colo-

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