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ALL OVER BUT THE SHOUTING

By Letting Weddings Start In Florida, The Supreme Court Just Made It Clear That Marriage Equality Is A Done Deal

On the surface, it seems like just one more piece of really good news. On Friday night, the Supreme Court **refused to stop marriage equality in Florida**, which means that weddings can start on Jan. 6. That's a big deal for a lot of reasons: Florida is one of the most populous states without marriage equality, same-sex marriage is now officially in place in the South (following the Carolinas, and the inevitability of marriage equality is now stronger than ever. It's also a thumb in the eye for Florida Attorney General Pam Bondi, the thrice-married Republican who has made a career out of blocking marriage equality (and concomitantly **making incredibly dopey statements**).

But the ruling goes far beyond Florida. The Supreme Court just essentially signaled that marriage equality is a settled issue.

In this case, at issue before the court was a request to put a hold on **the awesome ruling by Judge Robert Hinkle** that struck down Florida's marriage ban. Usually, such requests are submitted to the Supreme Court justice responsible for the region. This time, however, the entire court considered the request for a stay. And in a telling action, only two justices—Antonin Scalia (of course) and Clarence Thomas—would have taken the request.

That means seven justices let marriage equality take effect in Florida, including two—Chief Justice John Roberts and Samuel Alito—who dissented from the Supreme Court's Windsor ruling.

Now, it's entirely possible that Roberts and Alito saw the request as a narrow legal issue that the Court had no reason to get involved with. But in general they're not especially willing to place legal reasoning above political ideology. Apparently, they don't object to marriage equality on legal principle, or at least not enough to try to stop it in its tracks. If they wanted to take a stand, this would have been the chance. Instead, they took a pass.

Which is a pretty strong signal that the majority feels that the issue is largely settled. Because there are conflicting rulings, the Court will have to weigh in on the issue at some point. They have a chance **to take it up again next month**, having **punted earlier this fall**.

But there can be little doubt what the ultimate ruling will be, particularly after the Florida ruling. There are **only 14 states remaining now that ban marriage equality** (although marriage is on hold in six states due to appeals). By the time the Supreme Court finally weighs in, it will be anti-climactic.

Even Pam Bondi knows when she's defeated. In a statement she said she won't try to stop marriages from starting. Heaven knows, she's started a few of her own already.

BY: JOHN GALLAGHER

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TAGGED: ANTONIN SCALIA, CLARENCE THOMAS, FLORIDA, MARRIAGE, MARRIAGE EQUALITY, PAM BONDI, ROBERT HINKLE, SUPREME COURT



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