

**Chapter 1 : Resource: Voices & Visions**

*Get this from a library! Voices & visions viewer's guide. [Joseph Parisi; American Library Association.] -- This guides details notes and biographical details for 13 renowned American poets.*

A three-judge panel from the 9th Circuit Court of Appeals will hear arguments in the case on Monday, Dec. Broadcast of the district court trial last January was disallowed due to objections by some witnesses who said they feared harassment. But only attorneys will appear before the court Monday, and the 9th Circuit has agreed to allow the proceedings to be broadcast on C-SPAN and in other venues around the country. Another six states have interpreted existing law as excluding same-sex couples from marriage licensing. Only five states and the District of Columbia have marriage equality laws. If the 9th Circuit U. Court of Appeals upholds the lower court decision, the ruling would make the bans in California and eight other western states unenforceable. But the decision of the 9th Circuit "whatever it is" will almost certainly be appealed to the U. Supreme Court, and a decision there could affect bans in all states. But there are also numerous potential variations to this simple scenario. The most prominent potential variation at the moment concerns whether the group that has been defending Proposition 8 in court has legal standing to bring its appeal to the 9th Circuit. It is a dull question compared to the drama of the original three-week trial of witnesses who testified about how Proposition 8 had damaged their lives. Here is some key information most court watchers will need to know and will want to take notice of Monday: Schwarzenegger is the shorthand name for the case. The full name is Perry v. Schwarzenegger and Hollingsworth et. Court of Appeals, in San Francisco. Court enthusiasts can also go to the federal courthouse in select cities around the country to watch a live feed "in Boston; Brooklyn, N. Perry is Kristin Perry, one of four plaintiffs who originally filed the lawsuit challenging Proposition 8. Perry seeks to marry her partner of 10 years, Sandra Stiers. They have four children. The other two plaintiffs "also a couple" are Paul Katami and Jeff Zarrillo, who have been together for nine years. The city of San Francisco was also designated as a plaintiff-intervenor in the district court, meaning the city did not bring the lawsuit but established that it had a governmental interest in the outcome. Schwarzenegger is, of course, Republican Gov. Arnold Schwarzenegger, who represents the California government in the case. Neither Schwarzenegger nor California Attorney General Jerry Brown now governor-elect was willing to defend Proposition 8 in the appeal. Dennis Hollingsworth and others. In addition, the board of supervisors and clerk of Imperial County are seeking the right to serve as appellants as well. The entire proceeding is likely to be concluded by around On merits, famed conservative attorney Ted Olson will argue for the four plaintiffs, and Therese Stewart, the openly gay chief deputy city attorney for San Francisco, will present arguments for the city, which would like to see the ban struck down. Conservative attorney Charles Cooper, who led the defense of Proposition 8 at the district court trial, is expected to argue the merits for proponents. On standing, it has not yet been announced who will argue the standing issue for plaintiffs, the Yes on 8 Proponents, or Imperial County. Not just anybody can initiate a lawsuit and appeal the decision, but courts err on the side of allowing a party to appeal. Proponents will argue that the fact they were allowed standing in the U. District Court should mean they should naturally have standing on appeal. Two provisions of the U. It may not treat oppressed minorities with less favor unless it has a compelling reason to do so. Judge Walker ruled that gays and lesbians are an oppressed minority and that proponents failed to establish evidence of even a simple, rational reason to treat them differently, much less a compelling one. The 9th Circuit on Monday, Nov. The senior-most judge "in age and experience on the federal appeals bench" is Stephen Reinhardt, 79, a Carter nominee who has ruled favorably on gay-related cases before. The least senior is N. Prop 8 proponents on Wednesday, Dec. But Reinhardt on Thursday morning, Dec. There is no deadline by which the three-judge panel must issue its opinion, however, a decision is likely to be forthcoming within a few months. The losing party then will almost certainly appeal that decision to the full 9th Circuit U. Court of Appeals, which may or may not agree to hear an appeal. The losing party at that point would then likely appeal to the U. The earliest the Supreme Court would likely get such an appeal would be in the fall of , and the earliest it would rule would be in the late spring of If the proponents or Imperial County lose on the

question of standing, the 9th Circuit could decide not to make a ruling on the merits. Should the Supreme Court rule that either of those parties has standing, it would then send the question on the merits of the appeal back to the 9th Circuit for a decision. That eventual decision on the merits from the 9th Circuit could then be appealed to the Supreme Court. Wild guess timetable for a decision from the Supreme Court on merits with this scenario? This article appeared in the Dallas Voice print edition December 3,

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