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Calif. same-sex marriage ban ruled unconstitutional

By [Robert Barnes](#),

A federal appeals panel in San Francisco ruled Tuesday that California's ban on same-sex marriage violates the constitutional right to equal protection.

The panel overturned Proposition 8, which was approved by 52 percent of the state's voters in 2008 and amended the state's constitution to limit marriage to a man and a woman.

The court's decision upheld a 2010 decision by former Judge R. Vaughn Walker that found marriage to be a fundamental right protected by the Constitution, and that the proposition "fails to advance any rational basis in singling out gay men and lesbians for denial of a marriage license."

Opponents of same-sex marriage have the option of appealing Tuesday's decision to the full U.S. Court of Appeals for the 9th Circuit or taking it directly to the Supreme Court, which has never ruled on the matter.

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