

Hawaii Supreme Court dismisses same-sex appeal

Eight present and former legislators have lost an appeal to intervene in the same-sex marriage case, reinforcing a ruling that the state attorney general has the exclusive right to control state cases.

The state Supreme Court yesterday dismissed the 1996 appeal, which was an attempt by legislators to use all possible arguments -- including homophobic, emotional, social and economic -- to fight same-sex marriage.

State Rep. Gene Ward, one of the legislators, said he wasn't surprised by the ruling to not allow them to play a legal role in the same-sex case.

But Ward (R, Mariner's Ridge-Aina Haina) added that the high court should wait until after November 1998 to make its final ruling.

Residents will vote in the November elections on a constitutional amendment to let lawmakers define marriage.

Justices have the state's appeal of the same-sex issue before them. If they affirm a 1996 lower court ruling that found the state failed to show a compelling reason to ban same-sex marriage, it would make Hawaii the first state in the nation to allow such unions.

Dan Foley, the attorney representing the three couples who sued for the right to marry, said Ward was trying to turn a constitutional issue into a political one to advance his own career.

He said Ward's proposal to let the majority rule or to determine issues through polls leaves the minority without rights.