

Marriage Equality for All

A Quick Summary

Last summer, on June 26, 2015, the United States Supreme Court ruled in favor of marriage equality. The decision was a 5-4 split, with Justice Anthony Kennedy writing for the majority, and the other four justices each writing their own dissent. In the Court's Opinion, Justice Kennedy wrote that the hope of gay people who wish to get married "is not to be condemned to live in loneliness, excluded from one of civilization's oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right." Two questions were posed for the Supreme Court to answer: Can states ban same sex marriage? And do states have to recognize lawful marriages performed out of state?

Background: *Obergefell v. Hodges* is the combination of six different cases from Federal District Courts that involve, "sixteen same-sex couples, seven of their children, a widower, an adoption agency, and a funeral director" In one of these cases, a man named Jim Obergefell, who later became the lead plaintiff, and his spouse John Arthur travelled to Maryland to get married in 2013. When Arthur died months after they were married, Obergefell wanted to be recognized as his husband's spouse on his death certificate; however, the Ohio Attorney General's office announced their intentions to stand by their same-sex marriage ban and refuse to recognize the Maryland marriage. In the U.S. District Court in Ohio, Judge Timothy Black, found that Ohio was legally bound to recognize same sex marriages from other states in which they were legally married on death certificates in Ohio. This and the five other cases were appealed and consolidated to the United States Court of Appeals for the Sixth Circuit. The Sixth Circuit ruled that Ohio's ban on same-sex marriage was not unconstitutional. Following this decision. The claimants from the six cases appealed to the Supreme Court. The U.S. Supreme

Court decision on *Obergefell v. Hodges* was issued on June 26, 2015, the two year anniversary of the Supreme Court ruling that struck down the Defense of Marriage Act.

Opinion:

The Supreme Court found that the Right to Marry was a fundamental, constitutional right. “Its dynamic allows two people to find a life that could not be found alone, for a marriage becomes greater than just the two persons. Rising from the most basic human needs, marriage is essential to our most profound hopes and aspirations.” Marriage involves one’s rights, including that of privacy, individual autonomy, self-determination, liberty, child-rearing, procreation, education, and the keystone to our social order. As such, as there is no cognizable difference between same sex and opposite sex couples relating to these principals, it is unlawful to deny the fundamental Constitutional right of marriage with equal force to same-sex couples as it would deny them equal protections of the laws, and due process in individual proceedings.

Dissent:

Conservative Justice Antonin Scalia’s dissent famously said that the decision had nothing to do with the constitution, saying that is lacked “even a thin veneer of law” Before the Supreme Court’s decision came out, same sex marriage was legal in 36 states, the District of Columbia, and Guam. However, counties in states such as Alabama, Texas, and Kentucky still refuse to give marriage licenses to same sex couples.

Sources:

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