

Case Name: Obergefell v. Hodges

Case Number: 14-556

Name: Danne

Facts of the case:

Obergefell came from six district-court lawsuits, *DeBoer v. Snyder*, *Obergefell v. Kasich*, *Henry v. Wymyslo*, *Bourke v. Beshear*, *Love v. Beshear*, and *Tanco v. Haslam*. Each district case involved some form on denying marriage rights to same-sex couples. The trial courts all found in favor of the couples, but the Sixth Circuit Court of Appeals reversed the decisions.

Law in question:

Various state-level laws restricting the marriage rights of same-sex couples, as well as the refusal of many states to recognize the marriages and adoptions of same-sex couples.

Legal question:

Is banning same-sex marriages a violation of the Due Process and Equal Protection clauses of the Fourteenth Amendment; is refusing to recognize same-sex marriages from out of state a violation of the Due Process and Equal Protection clauses of the Fourteenth Amendment and the Full Faith and Credit clause of the Constitution; and does refusing to recognize the adoptions of same-sex couples made out of state violate of the Due Process and Equal Protection clauses of the Fourteenth Amendment and the Full Faith and Credit clause of the Constitution as well as restrict a citizen's right to interstate travel.

Arguments:

Petitioner:

The petitioners argued that the States' laws had made same-sex couples an inherently lower class by denying them basic rights, and that not recognizing same-sex marriages from other States undermined a same-sex couple's stability.

Respondent:

The respondents argued that marriage was traditionally between a female and a male, and that recognizing same-sex couples would be the end of the American family.

Opinion of the court:

The Fourteenth Amendment states that States may not ban or refuse to recognize same-sex marriages.

Majority opinion: Kennedy, joined by Ginsburg, Breyer, Sotomayor, Kagan

The majority held that bans on same-sex marriage were violations of the Equal Protection and Due Process clauses. Precedent set by cases such as *Loving v. Virginia* dictates that citizens have the fundamental right to marry.

Concurring opinion: N/A

Dissenting opinion: Roberts, joined by Scalia, Thomas

Roberts claimed that marriage could only exist between a man and a woman, and warned that the precedent set could be a slippery slope.

Dissenting opinion: Scalia, joined by Thomas

Scalia claimed that the decision had sidestepped democracy by deciding the issue nationwide.

Dissenting opinion: Thomas, joined by Scalia

Thomas rejected the notion of substantive due process, claimed that the decision was a violation of religious liberty, and claimed that marriage does not confer any benefit to the couple, rendering the decision pointless.

Dissenting opinion: Alito, joined by Scalia, Thomas

Alito claimed that due process only protects rights which are deeply rooted in American history.

Decision: 5-4 Obergefell

Impact of the decision: Same-sex couples in the States would be given the same rights as couples of opposite sexes.

I. What was the immediate response to the Court's decision? How did people react? Were there any groups or people angry or pleased with the decision?

LGBT+ rights groups were extremely pleased with the decision, homophobes less so. Then-President Barack Obama called the decision a victory for America, and several corporations modified their logos to include the rainbow flag. *The Advocate*, a widely-read magazine focusing largely on LGBT+ issues, named the Justices as their People of the Year. Several officials immediately came out as being against the decision, among them was then-Presidential-candidate Mike Huckabee. Some county clerks refused to issue marriage licenses to gay couples, most infamous among them Kim Davis. Eight counties in Alabama are still refusing to issue any marriage licenses at all, and one county in Texas is still refusing to issue licenses to gay couples. Several Christian magazines raised concerns about no longer being able to discriminate against gay couples on the grounds of religious freedom.

II. Did the case change or reverse any previous decisions made by the Court? Has there been a lasting impact on American citizens and the legal system? Did the decision in your case change any laws? Are there any laws today that are questioned because of the decision?

The case reversed the decision of *Baker v. Nelson*, which found that limiting marriage to opposite-sex couples

III. Does the decision in your case still stand or has it been changed by subsequent cases? Are there any related cases decided by the Supreme Court? Precedent?

IV. What is your opinion regarding this case and its impact on American society? Is it important or not?, and explain. Do you agree with the decision of the court?, explain your reasoning citing the law to support your position.

V. How does this case affect your life? What freedoms do you have or not have due to the Court's decision?