hibiting discrimination against homosexuals, lesbians or bisexuals, and prohibited any state or local governmental action to either remedy discrimination or grant preferences based on sexual orientation. However, the Court declined to follow the lead of the Supreme Court of Colorado, which had held that the amendment infringed on gays' and lesbians' fundamental right to participate in the political process.[2012] The Court also rejected the application of the heightened standard reserved for suspect classes, and sought only to establish whether the legislative classification had a rational relation to a legitimate end.

The Court found that the amendment failed even this restrained review. Animus against a class of persons was not considered by the Court as a legitimate goal of government: "[I]f the constitutional conception of 'equal protection of the laws' means anything, it must at the very least mean that a bare . . . desire to harm a politically unpopular group cannot constitute a *legitimate* governmental interest."[2013] The Court then rejected arguments that the amendment protected the freedom of association rights of landlords and employers, or that it would conserve resources in fighting discrimination against other groups. The Court found that the scope of the law was unnecessarily broad to achieve these stated purposes, and that no other legitimate rationale existed for such a restriction.

In *United States v. Windsor*,[2014] the Court struck down section 3 of the Defense of Marriage Act (DOMA),[2015] which provided that for purposes of any federal act, ruling, regulation, or interpretation, the word "spouse" would mean a person of the opposite sex who is a husband or a wife. In *Windsor*, the petitioner had been married to her same-sex partner in Canada and she lived in New York where the marriage was recognized, so she had sought to claim a federal estate tax exemption for surviving spouses.[2016] The majority opinion by Justice Kennedy[2017] noted that while over 1,000 federal statutes were affected by DOMA, "by history and tradition the definition and regulation of marriage . . . has been treated as being within the authority and realm of the separate States."[2018] The opinion, however, de-emphasized the federalism implications of the

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[2012] Evans v. Romer, 854 P.2d 1270 (Colo. 1993).

[2013] 517 U.S. at 634, *quoting* Department of Agriculture v. Moreno, 413 U.S. 528, 534 (1973).

[2014] 570 U.S. ___, No. 12–307, slip op. (2013).

[2015] 110 Stat. 2419, 1 U.S.C. § 7.

[2016] Section 3 also provided that "marriage" would mean only a legal union between one man and one woman.

[2017] The opinion was joined by Justices Ginsburg, Breyer, Sotomayor and Kagan.

[2018] 570 U.S. ___, No. 12–307, slip op. at 14,16.