

Station 6 - Obergefell v. Hodges

As a group, analyze the below document. Then, answer the questions at the end of the handout.



Obergefell v. Hodges: **Same-Sex Marriage Legalized**

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Summary

On June 26, 2015, the Supreme Court issued its decision in *Obergefell v. Hodges* requiring states to issue marriage licenses to same-sex couples and to recognize same-sex marriages that were legally formed in other states. In doing so, the Court resolved a circuit split regarding the constitutionality of state same-sex marriage bans and legalized same-sex marriage throughout the country. The Court's decision relied on the Fourteenth Amendment's equal protection and due process guarantees.

Under the Fourteenth Amendment's Equal Protection Clause, state action that classifies groups of individuals may be subject to heightened levels of judicial scrutiny, depending on the type of classification involved or whether the classification interferes with a fundamental right. Additionally, under the Fourteenth Amendment's substantive due process guarantees, state action that infringes upon a fundamental right—such as the right to marry—is subject to a high level of judicial scrutiny.

In striking down state same-sex marriage bans as unconstitutional in *Obergefell*, the Court rested its decision upon the fundamental right to marry. The Court acknowledged that its precedents have described the fundamental right to marry in terms of opposite-sex relationships. Even so, the Court determined that the reasons why the right to marry is considered fundamental apply equally to same-sex marriages. The Court thus held that the fundamental right to marry extends to same-sex couples, and that state same-sex marriage bans unconstitutionally interfere with this right.

Though the Supreme Court's decision in *Obergefell* resolved the question of whether or not state same-sex marriage bans are unconstitutional, it raised a number of other questions. These include questions regarding, among other things, *Obergefell's* broader impact on the rights of gay individuals; the proper level of judicial scrutiny applicable to classifications based on sexual orientation; what the decision might mean for laws prohibiting plural marriages; the Court's approach to recognizing fundamental rights moving forward; and the proper level of judicial scrutiny applicable to governmental action interfering with fundamental rights. This report explores these questions.



James Obergefell



James Obergefell outside Supreme Court



Questions

1. Where in the United States did this take place? When?
2. What level of government was involved (city, state, federal)?
3. What branch of government was involved (legislative, executive, judicial)?
4. Who were the plaintiffs in the case?
5. Who was the defendant in the case?
6. What was the issue involved in the case?
7. What was the decision of the case?
8. How did the decision affect the civic process and history of the Marriage Equality debate?