

## Handout 2: Supreme Court Case Study 1

### *Obergefell v. Hodges (2015)*

#### **Background**

Between 1996 and 2005, several states passed laws and state constitutional amendments defining marriage as being between only a man and a woman. Meanwhile, other states passed laws allowing marriages between two men or two women, otherwise known as same-sex marriages. If a married same-sex couple moved to a state where same-sex marriage was not allowed the couple's marriage would not be legal in that state. Some people thought that it was unconstitutional to treat same-sex couples differently.

As a result, Jim Obergefell and a group of other people sued several states for not allowing same-sex marriages. The case eventually made it to the Supreme Court.

#### **Constitutional Questions Related to This Case**

The following questions were asked when the case was tried in court.

- Does the Fourteenth Amendment require a state to allow marriage between two people of the same sex?
- Does the Fourteenth Amendment require a state to recognize a marriage between two people of the same sex that was legally performed in another state?

<b>The Fourteenth Amendment</b>	<b>The Fourteenth Amendment Summary</b>
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.	The Fourteenth Amendment states that: <ul style="list-style-type: none"><li>• all people born or naturalized in the United States are citizens of the United States and of the state where they live.</li><li>• states cannot take away rights that are protected by the U.S. Constitution.</li><li>• states cannot deny due process.</li><li>• states cannot deny people equal protection of the law.</li></ul>

### Selected Arguments in the Case

The following are the arguments used by each side when the case was tried in court.

<b>Obergefell (Same-Sex Couple)</b>	<b>Hodges (the States)</b>
<ul style="list-style-type: none"><li>• Laws against same-sex marriage take away rights from same-sex couples.</li><li>• Marriage is a fundamental right and people's rights should not be decided by the states' voters.</li></ul>	<ul style="list-style-type: none"><li>• States have always had the power to pass laws about marriage.</li><li>• It should be up to the states' voters to decide whether they want to allow same-sex marriages.</li></ul>

### The Path to the Supreme Court

The following diagram shows how the case moved through the court system, eventually reaching the Supreme Court.



### Impact on the Lives of People in the United States

State laws against same-sex marriages were struck down. Same-sex couples now have all the legal benefits of marriage, such as being eligible to share the same health insurance plan.