

U.S. Supreme Court Declares State Marriage Bans for Same-Sex Couples Unconstitutional

Ruling Establishes Marriage Equality Nationwide

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WASHINGTON –The U.S. Supreme Court today issued a sweeping and historic [decision](#) that affords gay and lesbian couples the same legal right to marry and recognition of their marriages as different-sex couples. The ruling invalidates discriminatory laws in Kentucky, Michigan, Ohio, and Tennessee upheld by the Sixth Circuit Court of Appeals, and as a practical matter, requires all 50 states to allow same-sex couples to marry.

“The Supreme Court today welcomed same-sex couples fully into the American family. Gay and lesbian couples and our families may be at peace knowing that our simple request to be treated like everyone else – that is, to be able to participate in the dignity of marriage – has finally been granted,” said James Esseks, director of the ACLU’s Lesbian, Gay, Bisexual, Transgender and HIV Project. “Today’s historic victory comes on the backs of same-sex couples and advocates who have worked for decades to dismantle harmful stereotypes and unjust laws in the quest for equal treatment.”

The court’s 5-4 opinion holds that state marriage bans violate the due process and equal protection provisions of the U.S. Constitution. Recognizing that “marriage embodies a love that may endure even past death,” the Court held that the Constitution grants to same-sex couples the right to “equal dignity in the eyes of the law.”

"Today's decision has been 50 years in the making and will stand with *Brown vs. Board of Education* as one of the landmark civil rights moments of our time," said Anthony D. Romero, ACLU Executive Director. "Now we take the battle for full legal equality to the states, where 31 states have yet to pass any statewide LGBT non-discrimination laws. The wind is at our backs, and we are now on the cusp of achieving full legal equality for LGBT Americans across the country."

The case is captioned *Obergefell v. Hodges* and is made up of cases from Kentucky, Michigan, Ohio, and Tennessee. The American Civil Liberties Union represented plaintiffs in Kentucky cases *Bourke v. Beshear* and *Love v. Beshear* and in Ohio case *Obergefell, et al. v. Hodges* with private firms.

“We’re very excited for our clients, and for other families all over the country, who no longer have to have their relationships relegated to second-tier status,” said Dan Canon, attorney at Clay, Daniel, Walton and Adams representing Kentucky plaintiffs. “This is the right decision – one that puts the U.S. on the right side of both history and

humanity.”

More than fifty courts ruled in favor of marriage equality following the Supreme Court’s watershed 2013 decision in *United States v. Windsor* that struck down the federal Defense of Marriage Act. In January 2015, the high court granted review of an aberrant Sixth Circuit Court of Appeals ruling that upheld marriage bans in the four states – the first appeals court to do so after *Windsor*.

“We started this case with a dying married man – John Arthur – and a death certificate. Without recognition of his marriage, this last document recording his life on earth would be forever wrong. Now the Supreme Court has ruled that Ohio must recognize his marriage and Jim Obergefell will be properly recorded as his surviving spouse,” said Alphonse Gerhardstein of Gerhardstein & Branch representing Ohio plaintiffs. “This ruling will protect LGBT families from cradle to grave in medical and all other respects. May John Arthur rest in peace. We are thrilled and honored to help make this ruling a reality.”

This statement is available at:

<https://www.aclu.org/news/us-supreme-court-declares-state-marriage-bans-same-sex-couples-unconstitutional>