In separate opinions issued this morning, the U.S. Supreme Court ruled on two long-awaited same-sex marriage cases.

The two holdings can be synthesized in their significance as follows: the Supreme Court declined an opportunity to broadly hold that same-sex couples have a fundamental, constitutional right to marry; instead, the Court ruled that states are free to determine this issue on their own but, once they do so, the federal government must respect the determination made at the state level. In addition, same-sex marriages will presumably resume in California, after the Court dismissed an appeal on the grounds that supporters of Prop 8 – which would have amended the California Constitution to define marriage as a union between a man and woman – lacked standing to appeal a California trial court’s determination that Prop 8 was unconstitutional.

In the first case, the Court found that the federal “Defense of Marriage Act” (“DOMA”) was unconstitutional as a violation of equal protection. DOMA is a 1996 law that denied federal benefits to same-sex spouses who had legally married in a state that recognized same-sex marriage. The 5-4 decision, authored by Justice Kennedy, declined to broadly hold that a fundamental right to same-sex marriage existed under the Constitution. Instead, the reasoning of the decision was that marriage is a legal issue to be determined on the state level and, once determined there, the federal government has no legitimate interest in treating different legally married couples in a disparaging and injurious manner.

In the second case, involving California and its Proposition 8, Chief Justice Roberts delivered the opinion of the Court that the appellants lacked standing to pursue the case. Previously, the California Supreme Court had determined that limits on same-sex marriage were unconstitutional. In response, California voters passed Prop 8, which amended the California Constitution to define marriage as a union between a man and a woman. Same-sex marriage supporters filed suit in a California federal district court, seeking a determination that Prop 8 was unconstitutional. The defendants in the Prop 8 case – California’s governor and other state officials – refused to defend Prop 8, so the district court permitted a group that supported Prop 8 to intervene in its defense. After a bench trial, the federal district court in California ruled Prop 8 to be unconstitutional. After losing at the trial court level, the intervening Prop 8 supports appealed.

The U.S. Supreme Court concluded that the intervenors lacked standing to appeal the district court’s decision, effectively reinstating the district court’s determination that Prop 8 is an unconstitutional restriction on same-sex marriage.

The complete text of the Prop 8 case can be found here: http://www.supremecourt.gov/opinions/12pdf/12-144_8ok0.pdf
U.S. Supreme Court Decides Two Same-Sex Marriage Cases

Learn more about Michael Kohlhaas and his practice by visiting his profile.