

*Sample brief – NOT an answer key!!*

**Case citation:** Obergefell v. Hodges, 574 U.S. 644 (2015).

**Procedural history:** Petitioners sued state officials responsible for enforcing laws against same-sex marriages in federal district courts in MI, KY, OH and TN (all in Sixth Circuit). District courts ruled in favor of couples, holding that statutes prohibiting same-sex marriage violated 14th Amendment. State officials appealed; Sixth Circuit Court of Appeals reversed, held that states were entitled to prohibit same-sex marriage. Couples petitioned for certiorari; Supreme Court granted, noting a circuit split (different Circuit Courts of Appeals had reached different conclusions on whether prohibiting same-sex marriage is constitutional), which is one of the reasons Supreme Court will choose to consider an appeal (grant certiorari).

**Statement of facts:** Fourteen same-sex couples, and two men whose partners are deceased, were denied right to marry, because Michigan, KY, OH and TN state laws prohibiting same-sex marriage. They sued state officials responsible for enforcing those laws, claiming laws violate 14th Amendment.

**Issues/Questions Presented:** Whether state statutes prohibiting same-sex marriage violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment of the US Constitution?

**Holding:** Yes. Right to marry is a fundamental right that same-sex couples must be permitted to exercise. Therefore, statutes restricting right to marry based solely on sexual orientation violate the Equal Protection and Due Process Clauses of the 14th Amendment of the US Constitution.

**Reasoning:** Court reviewed the history of marriage, including that it was traditionally only considered to exist between a man and a woman, but also, that marriage has always been considered an important institution in society. Court also reviewed development of case law on restricting marriage, including Loving v. Virginia and other cases invalidating restrictions based on the 14th Amendment's Due Process and Equal Protection Clauses (interracial, prisoners, deadbeat dads, etc.). Court acknowledged that prior decisions assumed marriage was between a man and a woman, but things change, and now Court believes the Constitution requires states to permit same-sex couples to exercise their fundamental right to marry.

**Disposition:** Court of Appeals decision reversed. States must permit same-sex marriage.