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## Supreme Court Declares Bans on Same-Sex Marriage Unconstitutional

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In an historic 5-4 decision, with Justice Anthony Kennedy writing for the majority, the **Supreme Court** today held in **Obergefell v. Hodges** that state bans on same-sex marriage violate the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the U.S. Constitution.

The majority opinion found that the constitutional right to same-sex marriage rests on two Fourteenth Amendment grounds: a right to due process of law and a right to equal protection under the law. In exploring the right to due process, the Court noted that the right to marry is fundamental under the Due Process Clause. The Court cited four "principles and traditions" in support of its conclusion that marriage is a fundamental right for all persons regardless of their sexual orientation. The first principle is that the right to personal choice in marriage is inherent in the concept of individual autonomy. Second, the right to marry supports a two-person union unlike any other in its importance to committed individuals. The third principle is that the right to marry safeguards children and families, drawing meaning from the related rights of childbearing, procreation, and education. Finally, marriage is a keystone of the nation's social order.

The result of today's landmark decision is that marriage is now a constitutional right for all individuals nationwide and no state can refuse to recognize a same-sex marriage celebrated in another state. The ruling resolves the cloud of uncertainty and anxiety that many same-sex couples have been living under, allowing them to move forward with essential planning involving spouses and children.

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