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For more information, contact:

Tim Kolly | DIRECTOR OF PUBLIC POLICY

P: 312.698.6220 | E: tkolly@dri.org

In 5-4 Vote, High Court Establishes Same-Sex Marriage As Fundamental Right

CHICAGO – (June 26, 2015)— In a decision that set off celebrations outside the Supreme Court building, the Supreme Court declared today in *Obergefell v. Hodges* that same-sex marriage is protected by the due process and equal protection clauses of the 14th Amendment, and thus is a constitutionally guaranteed right.

The majority opinion was written by Justice Anthony Kennedy and joined by Justices Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor and Elena Kagan. In it, Kennedy stated “The nature of injustice is that we may not always see it in our own times,” Kennedy said. “The generations that wrote and ratified the Bill of Rights and the 14th Amendment did not presume to know the extent of freedom in all of its dimensions, and so they entrusted to future generations a character protecting the right of all persons to enjoy liberty as we learn its meaning.”

Each of the four dissenting justices (John Roberts, Antonin Scalia, Clarence Thomas, and Samuel Alito) wrote their own decision but Justice Roberts, for the first time, read his dissenting opinion from the bench. In it, he said that there were a number of reasons to be celebrated by those Americans who favor same-sex marriage but admonished “...do not celebrate the Constitution. It had nothing to do with it.”

"I welcome the Court's resolution of this longstanding controversy which is of great significance to many Americans," said DRI president John Parker Sweeney. "We can be happy for all those who will benefit from today's historic decision of the highest Court in our land."

The decision is the culmination of many years of litigation and activism and the first same-sex marriages in several states and mirrors a relatively rapid change in American public opinion. Many recent polls indicate that most Americans now approve of the unions.

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