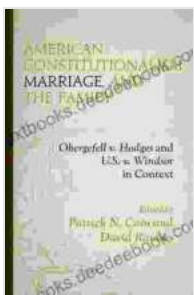


Obergefell v. Hodges and Windsor v. United States: A Landmark Decision for LGBTQ+ Rights

On June 26, 2015, the Supreme Court of the United States ruled in favor of same-sex marriage in two landmark cases: *Obergefell v. Hodges* and *Windsor v. United States*. These decisions were a major victory for LGBTQ+ rights and marked a significant turning point in the fight for marriage equality.



American Constitutionalism, Marriage, and the Family: Obergefell v. Hodges and U.S. v. Windsor in Context

by Scott Yenor

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In this article, we will provide an in-depth overview of these cases, their historical context, and their ongoing impact on LGBTQ+ rights.

Obergefell v. Hodges

Obergefell v. Hodges was a consolidated case involving several lawsuits challenging state bans on same-sex marriage. The plaintiffs in the case

were same-sex couples who were denied the right to marry or have their marriages recognized by their states.

The Supreme Court ruled in favor of the plaintiffs, holding that the Fourteenth Amendment of the Constitution requires states to allow same-sex couples to marry and to recognize their marriages on the same terms as opposite-sex couples. The Court found that the right to marry is a fundamental right that is essential to personal dignity and autonomy.

The *Obergefell* decision was a major victory for LGBTQ+ rights. It overturned state bans on same-sex marriage and legalized same-sex marriage in all 50 states. The decision also had a significant impact on public opinion, helping to shift the debate on same-sex marriage in favor of equality.

Windsor v. United States

Windsor v. United States was a case involving a challenge to the Defense of Marriage Act (DOMA), which defined marriage as a union between one man and one woman for the purposes of federal law. The plaintiff in the case was Edith Windsor, a lesbian who was denied federal benefits after her partner died because she was not considered to be married under DOMA.

The Supreme Court ruled in favor of Windsor, holding that DOMA was unconstitutional because it violated the Equal Protection Clause of the Fifth Amendment. The Court found that DOMA was based on a discriminatory purpose and that it had a harmful impact on same-sex couples.

The *Windsor* decision was a major victory for LGBTQ+ rights. It struck down DOMA and paved the way for same-sex couples to receive equal treatment under federal law. The decision also had a significant impact on public opinion, helping to increase support for marriage equality.

Historical Context

The *Obergefell* and *Windsor* decisions did not happen in a vacuum. They were the culmination of decades of activism and advocacy by LGBTQ+ people and their allies.

In the early 1970s, LGBTQ+ activists began to challenge state laws that criminalized same-sex relationships. In 1973, the American Psychiatric Association removed homosexuality from its list of mental disorders. These developments helped to create a more positive climate for LGBTQ+ people and laid the groundwork for the fight for marriage equality.

In the 1990s, the debate over same-sex marriage began to heat up. Several states passed laws banning same-sex marriage, while other states began to legalize it. In 1996, the Defense of Marriage Act was passed by Congress and signed into law by President Bill Clinton. DOMA defined marriage as a union between one man and one woman for the purposes of federal law.

The passage of DOMA was a major setback for LGBTQ+ rights. However, it also galvanized the movement for marriage equality. In 2003, the Supreme Court ruled in *Lawrence v. Texas* that laws criminalizing same-sex relationships were unconstitutional. This decision was a major victory for LGBTQ+ rights and helped to create momentum for the fight for marriage equality.

In 2013, the Supreme Court struck down a provision of DOMA that denied federal benefits to same-sex couples. This decision was a major victory for LGBTQ+ rights and paved the way for the *Obergefell* decision two years later.

Impact of Obergefell and Windsor

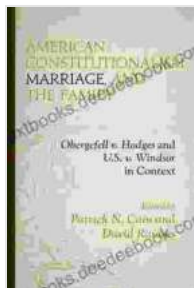
The *Obergefell* and *Windsor* decisions have had a profound impact on LGBTQ+ rights in the United States. They have legalized same-sex marriage in all 50 states and have given same-sex couples the same rights and responsibilities as opposite-sex couples under federal law.

The decisions have also had a significant impact on public opinion. According to a 2017 Gallup poll, 64% of Americans support same-sex marriage, up from 27% in 1996. The decisions have helped to create a more inclusive and welcoming society for LGBTQ+ people.

However, the fight for LGBTQ+ rights is not over. LGBTQ+ people continue to face discrimination in employment, housing, and other areas of life. The *Obergefell* and *Windsor* decisions are important victories, but they are only one step in the fight for full equality.

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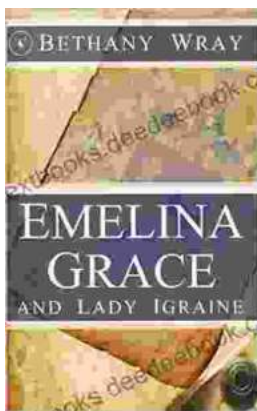


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