History of Same-sex Marriage in the US

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In 2004, when Massachusetts became the first state to allow same-sex couples to marry, President George W. Bush declared support for a constitutional amendment "to protect the institution of marriage." Voters in 13 states changed their constitutions to define marriage as the union of a man and a woman.

Eleven years later, in 2015, the Supreme Court ruled in *Obergefell v. Hodges* that all those gay marriage bans are unconstitutional and same-sex couples therefore have the same right to marry under the Constitution as everyone else. "No longer may this liberty be denied to them," Justice Anthony Kennedy said in his June 26, 2015 opinion for the court. The opinion builds on the legal fights that same-sex couples undertook over more than 40 years.

However, same-sex marriage remains one of the most polarizing issues in the United States.

So how did the U.S. undergo such a dramatic social, cultural, and political shift on this issue in such a short period of time?

Seismic Shift 1: Hawaii and DOMA

There were isolated cases of individuals attempting to get marriage licenses, starting from Jack Baker and Michael McConnell in Minnesota in 1970, but it was not until Hawaii in the 1990s that same-sex marriage started to become a national issue.

In 1990, three gay couples in Hawaii applied for marriage licenses that helped start the national debate on same-sex marriage, and led to the creation of the Defense of Marriage Act.

The three same-sex couples challenged the state's marriage prohibition by suing the state in the 1993 case *Baehr v. Lewin*, which went all the way to the state Supreme Court.

In the 1993 case, the Hawaii State Supreme Court ruled that the state must show a compelling interest in prohibiting same-sex marriage, thus ruling in favor of same-sex marriage. But same-sex marriage was left in legal gray area in the aftermath of the case. Five years later, in 1998, the state legislature passed a constitutional amendment that took jurisdiction from the courts and gave it to the legislature, which then banned same-sex marriage.

Despite same-same marriage not being legal in Hawaii until 2013, the 1993 court decision in Hawaii was a huge step, even with the setbacks that followed, said Evan Wolfson, founder and president of the pro-gay-marriage group Freedom to Marry.

"If you had to pick one thing that was the turning point, to me it was Hawaii because the Hawaii case really was the first time we were able to get our day in court," Wolfson said.

While this issue was being discussed between the legislative and judicial branches in the state of Hawaii, though, concerns were raised by opponents of same-sex marriage that eventually other states might recognize same-sex marriages.

Despite the fact that no states permitted gay marriage in the mid-1990s, and according to Gallup, 68% of Americans were against it, the US Congress still felt it needed extra protection from what might be coming.

In 1996, as a reaction to Hawaii's judicial ruling three years earlier, Congress passed the Defense of Marriage Act (DOMA), which defined marriage for the first time under federal law as a legal union of one man and one woman.

Its Congressional sponsors stated, "[T]he bill amends the U.S. Code to make explicit what has been understood under federal law for over 200 years; that a marriage is the legal union of a man and a woman as husband and wife, and a spouse is a husband or wife of the opposite sex."

Under DOMA, which was signed into law by President Clinton, the Federal government did not recognize same-sex marriages or civil unions, even if those unions were recognized by state law. For example, members of a same-sex couple legally married in Massachusetts could not file joint Federal income tax returns even if they filed joint state income tax returns.

In the United States, civil marriage is governed by state law. Each state is free to set the conditions for a valid marriage, subject to limits set by the state's own constitution and the U.S. Constitution. But there are federal rights that are given to married couples, and this is what DOMA dealt with.

DOMA meant that only heterosexual couples are eligible to receive any of the estimated 1,138 federal benefits designed for married people. Some of the federal benefits that opposite-sex married couples receive include income tax deductions, the ability to file joint taxes, and the ability to receive a spouse's inheritance upon death. There are also extensive benefits given to the spouses of federal government employees and military veterans including health care, job placement assistance, survivor benefits, and the right to continuation of certain benefits if one's spouse dies or the couple divorces.

While DOMA prevented same-sex couples from receiving *federal* benefits, it did not and could not dictate which *state* benefits were given to married couples, how individual

states defined marriage, or what state laws were made concerning other facets of the daily lives of married couples.

The Defense of Marriage Act was designed specifically to "quarantine" same-sex marriage and allow states to refuse to recognize same-sex marriages performed in other states and prohibit federal recognition of same-sex marriage, the latter thus prevented gay couples from filing joint tax returns or gaining access to spousal benefits under Social Security and other federal programs.

Critics of DOMA argued that the law was unconstitutional on several grounds including:

- Congress over-reached its authority under Article IV of the Constitution, known as the Full Faith and Credit Clause
- the law illegally discriminated and violated the Equal Protection Clause of the 14th Amendment
- the law violated the fundamental right to marriage (including same-sex marriage) under the due process clause

Seismic Shift 2: Vermont's Civil Unions

Three couples in the state of Vermont started the movement towards same-sex marriage in the United States when they sued the state of Vermont in 1997. Their lawsuit, and a 1999 state Supreme Court ruling (*Baker v. State*) in their favor, led the Legislature in 2000 to make Vermont the first state in the country to provide marriage-like rights and benefits to same-sex couples.

Late in December 1999, Vermont's state Supreme Court justices decided that two lesbian couples and one gay couple were correct in arguing that state law confining marriage to heterosexuals was discriminatory.

The Court ruled that "government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, not for the particular emolument or advantage of any single person, family, or set of persons…"

The justices decided to put the ball in the state Legislature's court, so it was up to the state Legislature to fix this discrimination with a new law. The state Legislature's options were to either extend full marriage rights and benefits to all or create a parallel status that would essentially do the same.

The anger of the Court's decision was such that two days after the Baker decision, a dozen members of the Legislature called for an impeachment of the Vermont Supreme Court for "usurping federal authority." Constitutional amendments declaring marriage between a man and a woman and voiding the Baker decision were put forward (and were defeated). More money flowed into Montpelier than had ever been spent in state history on a political campaign or issue.

What followed was what Gov. Howard Dean later characterized as "the least civil public debate in the state in over a century" — so uncivil that, at times, the governor wore a bulletproof vest after receiving numerous death threats.

In the opinion of Republican Rep. John Edwards, the arguments against same-sex marriage mirrored accounts of the civil rights debates of the 1960s. The language of that time startled him. "Just change the N-word for nigger, for fags or faggots," Edwards says. "It was nothing new. Just that the object of the bile had been changed."

At public hearings, members of the public denounced gays and lesbians as abominations, people who were sure to experience the wrath of God. They warned that approving civil unions would destabilize "traditional" marriage" and allow outsiders with a "homosexual agenda" to propel the state down an immoral path of no return.

Proponents of civil unions, and full same-sex marriage rights, argued that marriage was a civil, not a religious, right. They spoke of their families, some talked about their gay children, and of the Constitution's guarantee of equal protection under the law.

Gov. Howard Dean had already made clear he would veto any legislation labeled "marriage."

"We wanted something that sounded dignified," says William Lippert, a Democrat who was vice chairman of the House Judiciary Committee writing the law. "We were trying to give it as much stature as possible, since we wouldn't be able to call it marriage."

Eventually, in February 2000, they settled on "civil unions."

It seemed radical at the time, and tore the state apart.

But the state legislature in Montpelier approved An Act Relating to Civil Unions, and Gov. Dean signed it into law on April 26, 2000, making it the first law in the nation to extend marriage-like rights of any kind to same-sex couples.

Anti-civil unions forces organized a "Take Back Vermont" effort that helped lead to the defeat in the next election of all but one of the 14 Republican House members who voted for civil unions. Edwards was one of the victims.

"My security detail asked me to wear a bulletproof vest for the summer when I was campaigning after I signed it," former Gov. Dean says.

Vermont paved the way for a national movement for marriage rights for same-sex couples. Numerous states followed Vermont's early civil unions example and extended to gay couples an array of spousal rights similar to, but short of, marriage.

More than a decade later, Democrats retain firm control the Vermont House. Democrat Peter Shumlin, who as Senate president pro tem in 2000 was instrumental in ushering

through the civil unions bill, is in the governor's office and chairs the national Democratic Governors Association. Beth Robinson, one of the lawyers who argued the marriage equality case before the Vermont Supreme Court and who led the effort to pass the state's same-sex marriage law, is herself a justice on that same court.

Civil unions "went quickly from being the most cutting-edge thing to be attacked," Lippert says, "to being the conservative alternative to marriage equality." Soon, it was not civil unions that advocates of marriage rights wanted, but marriage itself.

Vermont legalized full same-sex marriage in 2009, becoming the first state to do so without a court order prompting it.

http://www.npr.org/2013/03/18/174651233/how-vermonts-civil-war-fueled-the-gay-marriage-movement
http://www.reformer.com/localnews/ci_28390563/vermont-was-first-nation-recognize-gay-marriage

Seismic Shift 3: Massachusetts

Despite having civil unions as an option, many same-sex couples didn't want "separate but equal," they wanted marriage and all the rights, benefits, and recognitions that come with it.

Massachusetts became the first state to issue marriage licenses for gay couples in May 2004.

It started in 2001, when seven gay Massachusetts couples sued the Massachusetts Department of Public Health after they were refused marriage licenses.

On November 18, 2003, the Massachusetts Supreme Court found the state's ban on same-sex marriage unconstitutional. In a 4-3 ruling for the case of *Goodridge v. Department of Public Health*, the Massachusetts Supreme Court declared that "barring an individual from the protections, benefits, and obligations of civil marriage solely because that person would marry a person of the same sex violates the Massachusetts Constitution."

The state Supreme Court said same-sex couples had a right to marry under the state constitution. "It forbids the creation of second-class citizens," Chief Justice Margaret Marshall wrote for the court.

Opponents of gay marriage – including Gov. Mitt Romney – attempted to reverse the ruling. Gov. Romney even sought a state constitutional amendment to overturn the ruling.

The state legislators voted to ask the court if allowing civil unions would comply with the ruling. In a bitingly dismissive response in February 2004, the court said no.

The legislature then attempted to approve a constitutional amendment that would ban gay marriage and establish civil unions.

Twelve of the state's 1,200 justices of the peace even resigned rather than perform same-sex marriages.

But on May 17, 2004, Massachusetts became the first state to make it legal for same-sex couples to marry.

Marcia Kadish, 56, and Tanya McCloskey, 52, married at Cambridge City Hall in Massachusetts, becoming the first legally married same-sex partners in the United States. Over the course of the day, 77 other same-sex couples tied the knot across the state, and hundreds more applied for marriage licenses.

This decision in Massachusetts unleashed a backlash of opposition throughout the country, even making its way to the White House.

"The sacred institution of marriage should not be redefined by a few activist judges," Pres. Bush said.

At that time, 60% of Americans opposed the idea of same-sex marriage.

The 2004 election campaigns were in full swing and President George W. Bush announced his support for a constitutional marriage amendment. State lawmakers began adding measures to make similar changes to state constitutions.

State legislatures across the country rushed to pass legislation banning same-sex marriage and enacting state constitutional amendments defining marriage as between one man and one woman.

By year's end, President Bush had been re-elected and 13 state constitutions changed, passing constitutional amendments outlawing same-sex marriage. These prohibitions passed everywhere they were offered, reaching 30 states in all and handing the marriage-equality movement one of the most impressive losing streaks in American political history.

GLAAD's Wilson Cruz said, "Anti-gay activists said the sky would fall, but the sun has shone; they said marriage would become weaker and that Americans would turn their backs on our nation's founding principle of equality for all, but we've only moved closer."

Massachusetts' Attorney General Martha Coakley said in 2013, "Massachusetts has seen, despite the consternation expressed by some at the time, that the institution of marriage has only been strengthened since we embraced equality."

In Massachusetts, though, besides the right to marriage that same-sex couples had gained, many in the state began to recognize other benefits of legalizing same-sex marriage.

Economic incentives of legalizing same-sex marriage became apparent throughout the state. A 2009 study says the over 12,000 same-sex marriages performed in Massachusetts since 2004 pumped over $111 million into the state's economy.

The report from the Williams Institute at the UCLA School of Law says a typical same-sex couple spent about $7,400 on their wedding, with one in ten couples spending over $20,000.

M.V. Lee Badgett, a researcher at the University of Massachusetts, says allowing gay couples to marry has helped businesses in tough economic times.

http://content.time.com/time/video/player/0,32068,2854527330001_null,00.html

Seismic Shift 3: Constitutional Amendment?

In 2004, US President George W Bush formally called for an amendment to the US Constitution to ban gay marriages.

He said the unusual step was necessary to stop judges from changing the definition of the "most enduring human institution".

His comments came thousands of weddings had taken place in Massachusetts.

An amendment would require two-thirds support in the House and Senate. It would then be sent to the individual states for ratification, and would need to be approved by three-fourths of them.

The Federal Marriage Amendment (FMA) (also known as the Marriage Protection Amendment) was the official name of the proposed amendment to the United States Constitution which would define marriage in the United States as a union of one man and one woman, thus permanently denying marriage to same-sex couples. The FMA also would prevent judicial extension of marriage rights to same-sex or other unmarried couples, as well as preventing people from having multiple spouses.

Bush said: "Ages of experience have taught us that the commitment of a husband and a wife to love and to serve one another promotes the welfare of children and the stability of society."

"An amendment to the constitution is necessary because activist courts have left our nation with no other choice," Pres. Bush said.

The Federal Marriage Amendment was been introduced in the United States Congress three times, most recently in 2006.

Senator Wayne Allard (R-CO) introduced the Amendment in May 2004. The 2004 version of the Federal Marriage Amendment stated:

> *"Marriage in the United States shall consist solely of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."*

The measure was defeated in 2004, was brought up again by Pres. Bush in 2006, but the US Senate rejected a constitutional amendment to ban gay marriage then, too.

Although a majority of Americans opposed same sex marriage at the time, most want individual states to make their own decisions about the issue.

Seismic Shift 4: the 2012 Election

While the US Congress was debating a federal marriage amendment, a number of states throughout the country legalized same-sex marriage through their state legislatures or through state Supreme Courts.

After Massachusetts, Connecticut (2008), Iowa (2009), Vermont (2009), New Hampshire (2009), Washington, DC (2010), and New York (2011) all had legalized same-sex marriage by 2012.

In the decade after Massachusetts legalized same-sex marriage, there has been an astounding transformation of public opinion and legal thinking. Support for gay and lesbian civil rights, starting from a much lower base than support for racial and gender equality, has risen with stunning speed. Between 2003 and 2013, the proportion of Americans supporting same-sex marriage rose 21 points nationwide, from 32% to 53%.

Even in the socially conservative South, support more than doubled, increasing from 22% to 48%. By contrast, in 1978, 11 years after the Supreme Court struck down laws prohibiting interracial marriage, only 36% of Americans supported such unions.

Many factors have contributed to these changes in public and legal opinion. One is the increased visibility of gays and lesbians across the culture, as more come out of the closet. Three-quarters of Americans now say they have a relative, friend or co-worker who is gay and millions have become used to sympathetic gay and lesbian characters on television and to openly gay talk-show hosts and entertainers. It is harder to deny rights to people who are no longer faceless "others."

Another factor in the rapid acceptance of marriage equality is the success the civil rights and feminist movements have had in establishing social equality as a moral and ethical principle.

A third factor behind changing public opinion has been the growing tendency to treat freedom of choice in marriage as a basic right. This was not the case historically. Before the late 1960s, a majority of states had laws prohibiting marriage of whites to blacks, Asians or Filipinos. Twelve states forbade "drunks" or "mental defectives" from

marrying. Several states denied marriage to any person with tuberculosis. Prisoners had no right to marry, and employers were legally entitled to refuse to hire a woman who was married, or to fire her if she married after getting the job.

But in 1967, invalidating anti-miscegenation laws (marriage between two people of different races) in *Loving v Virginia*, and in 1987, ruling that prisoners could not be denied marriage rights (*Turner v. Safley*), the Supreme Court ruled that states could not prohibit marriages just because they disapproved of the partnership. Once it became a violation of individual rights to prevent prisoners, inter-racial couples, flight attendants, and female teachers from marrying, gays and lesbians could argue that they, too, should have the right to marry a partner of their choice.

Ironically, the most important factor in persuading many Americans to support same-sex marriage may have been the dramatic changes heterosexuals have made in their own marriages.

For thousands of years, marriage was defined as the union of two individuals who had different and unequal rights and responsibilities based on their gender. Until the late 1970s, husbands -- but not wives -- were legally obliged to support their families, while wives -- but not husbands -- were legally obliged to perform services (including providing sex) in the home.

In the past 30 years, however, as Americans have rejected such rigid gender roles, the courts have redefined marriage as a union of two individuals who have equal rights and responsibilities, and who can organize their marital division of labor on the basis of personal inclinations rather than pre-assigned gender roles.

Today 62% of all Americans prefer a marriage where husband and wife share breadwinning, child care, and homemaking. The more that heterosexual couples organize their own marriages without regard to gender roles, the less reasonable they find it to deny marriage to two people who happen to be the same biological sex.

Connecticut

In April 2005, Connecticut legalized same-sex civil unions through an act of its legislature in its Civil Unions Law.

But many felt the Civil Unions Law were nothing more than a modern-day "separate but equal" case, thus violating Connecticut's state constitution. In 2005, eight same-sex couples sued the state, in what was known as *Kerrigan and Mock v. the Connecticut Department of Public Health*, arguing that the civil union law had created an unequal status for gay men and lesbians and did not confer upon them the same rights and protections as marriage that Connecticut's Constitution guaranteed them. The plaintiffs contended that the denial of marriage licenses deprived them of due process and equal protection under the law.

In October 2008, the Connecticut Supreme Court ruled in the case by striking down the state's Civil Unions Law, ruling that gay and lesbian couples have the right to get married.

"Interpreting our state constitutional provisions in accordance with firmly established equal protection principles leads inevitably to the conclusion that gay persons are entitled to marry the otherwise qualified same-sex partner of their choice," Justice Richard Palmer wrote in his 4-3 opinion.

In his majority opinion, Justice Palmer wrote that the court found that the "segregation of heterosexual and homosexual couples into separate institutions constitutes a cognizable harm," in light of "the history of pernicious discrimination faced by gay men and lesbians."

"Although marriage and civil unions do embody the same legal rights under our law, they are by no means equal," Justice Palmer wrote.

The court also found that "the state had failed to provide sufficient justification for excluding same-sex couples from the institution of marriage."

Iowa

In April 2009, Iowa's Supreme Court legalized gay marriage in a unanimous decision that made Iowa the third state, and first in the nation's heartland, to allow same-sex couples to wed.

The case had been working its way through the courts since 2005, when Lambda Legal, a New York-based gay rights organization, filed a lawsuit on behalf of six gay and lesbian couples in Iowa.

In its ruling, the Supreme Court ruled that a state law limiting marriage to a man and a woman violates the constitutional rights of equal protection.

Iowa lawmakers have "excluded a historically disfavored class of persons from a supremely important civil institution without a constitutionally sufficient justification."

Justice Mark S. Cady wrote for the seven-member court, "We have a constitutional duty to ensure equal protection of the law."

The Iowa court said that mere moral disapproval or deeply held values are not enough to warrant legal sanctions or the denial of legal rights.

"Civil marriage must be judged under our constitutional standards of equal protection and not under religious doctrines or the religious views of individuals. This approach does not disrespect or denigrate the religious views of many Iowans who may strongly believe in

marriage as a dual-gender union, but considers, as we must, only the constitutional rights of all people, as expressed by the promise of equal protection for all."

John Logan, a sociology professor at Brown University, said Iowa's status as a largely rural, Midwest state could enforce an argument that gay marriage is no longer a fringe issue.

"When it was only California and Massachusetts, it could be perceived as extremism on the coasts and not related to core American values.

"But as it extends to states like Iowa, and as attitudes toward gay marriage have evidently changed, then people will look at it as an example of broad acceptance," Logan said.

Vermont

In 2008, House Speaker Gaye Symington and Senate President Pro Tem Peter Shumlin launched the Vermont Commission on Family Recognition and Protection to study same-sex marriage in Vermont. The Commission held eight public hearings around the state to provide Vermonters the opportunity to have their say on whether Vermont should continue to deny same-sex couples the right to marry.

Testimony in support of marriage rights for same-sex couples outweighed the opposition 20 to 1.

In early 2009, a same-sex marriage bill was introduced into the state legislature. The bill, sponsored by over 50 state representatives, was introduced to the Vermont House of Representatives to permit same-sex couples to marry in the state.

As the proposed bill read, "The purpose of this act is to promote legal equality in the civil marriage laws." It would change the current definition of marriage as between as a "legally recognized union of one man and one woman" to "two people".

The proposed bill would have replaced Vermont's civil unions law with one that allowed marriage of same-sex partners. Civil unions would still be recognized but no longer granted.

Supporters said gay marriage would give couples the right to legally wed, qualify spouses for insurance purposes and health care decision-making and allow survivors to obtain Social Security benefits that those in civil unions don't have.

Beth Robinson, chairwoman of the Vermont Freedom to Marry Task Force and lawyer who worked on the court case that led to the creation of civil unions, said that civil unions were a "painful compromise" that left gay couples feeling like second-class citizens.

By March 2009, 181 members of the Vermont clergy vowed their support for the right of same-sex couples to participate in civil marriage. Also, more than 250 Vermont lawyers also announced their support of the bill.

The Vermont Senate and House both passed the bill in 2009.

Republican Gov. Jim Douglas, however, opposed the bill and vetoed it in early April 2009 when it came before him. "I believe that marriage should remain between a man and woman," Gov. Douglas said.

With the veto, the bill went back to the state Congress for an override vote. The Senate passed the override vote 23-5, and the House voted 100-49 to override Gov. Douglas' veto. The votes surpassed the number needed -- two-thirds of those present -- to override the veto.

With that, Vermont became the fourth state to legalize same-sex marriage, and the first to do so through the through the legislature and without a court order.

Vermont state Senator Peter Shumlin, the President Pro Tem of the Senate, said, "I am proud that Vermont can reclaim its status as a civil rights leader. Our state has a distinguished history of leading on civil rights issues, from being the first state in the Union to ban slavery, to being an advocate of women's rights. Now, Vermont is the first state to grant marriage equality without a court mandate."

Getting gay marriage approved in a political, rather than purely legal, forum is a big step, said Boston University law professor Linda McLain, an expert on family law and policy.

But critics argued that what had happened in states like Connecticut, Iowa, and Vermont, among others, were merely the actions of activist judges and biased legislators. Their argument was that the general population was firmly against same-sex marriage, as evidenced by the consistent defeat of same-sex marriage in statewide referendums across the country.

However, in the November 2012 general election, Washington, Maryland, and Maine all had ballot measures on same-sex marriage on their state's ballot, and all three state's voted in favor of legalizing same-sex marriage in their state.

Gay rights advocates called it a historic turning point, the first time that marriage for gay men and lesbians has been approved at the ballot box. For the first time, same-sex marriage was upheld in a popular statewide vote.

While six states and the District of Columbia had legalized same-sex marriage before this through judicial or legislative decisions, voters had rejected it in 32 states up to this point.

"We have made history for marriage equality by winning our first victory at the ballot box," said Chad Griffin, the president of the Human Rights Campaign.

"We made history and sent a powerful message that we have truly reached a tipping point on gay and lesbian civil rights in this country," said Brian Ellner, head of the pro-gay marriage group The Four. "By winning for the first time on marriage at the ballot box, we made clear what national polls already show that Americans support fairness and equality for all families."

"In a remarkably short time, we have seen courts start to rule in favor of the freedom to marry, then legislatures affirm it, and now the people vote for it as well," said James Esseks, director of the ACLU Lesbian Gay Bisexual and Transgender Project.

Seismic Shift 5: President Obama and DOMA

In October 2009, President Obama publicly called on Congress to repeal DOMA in a speech.

This was part of President Obama's growing support for LGBT rights. Earlier in 2009, he posthumously awarded Harvey Milk, the gay rights advocate in San Francisco in the 1970s who was assassinated, the Presidential Medal of Freedom for his contribution to the gay rights movement. In 2009, President Obama signed into law the Matthew Shepard Hate Crimes Bill, which expanded the 1969 hate-crimes law to include crimes motivated by the victim's gender, disability, sexual orientation or gender identity. President Obama, also in 2009, started publicly calling for the repeal of the "don't ask, don't tell" policy, which was formally repealed in 2010 with President Obama's signature after Congress passed the repeal of the policy. And in 2013, at his 2nd inaugural address, President Obama used the platform to put the gay rights movement alongside other important civil rights movements in the country's history:

> "We the people declare today that the most evident of truth that all of us are created equal -- is the star that guides us still; just as it guided our forebears through Seneca Falls and Selma and Stonewall; just as it guided all those men and women, sung and unsung, who left footprints along this great mall, to hear a preacher say that we cannot walk alone; to hear a King proclaim that our individual freedom is inextricably bound to the freedom of every soul on Earth."

In a similarly bold move connected to marriage equality, President Obama in February 2011 instructed the Justice Department to no longer defend the constitutionality of the Defense of Marriage Act. Attorney General Eric Holder said that the department would stop defending the policy.

The legal shift, however, did not overturn DOMA — rather, it signaled a potential end to its enforcement.

"After careful consideration, including a review of my recommendation, the President has concluded that given a number of factors, including a documented history of discrimination, classifications based on sexual orientation should be subject to a more heightened standard of scrutiny," Holder said. "The President has also concluded that

Section 3 of DOMA, as applied to legally married same-sex couples, fails to meet that standard and is therefore unconstitutional."

Section 3 -- the section spotlighted by Holder -- prevented married same-sex couples in Massachusetts and other states from filing joint federal tax returns, among other federal spousal benefits.

"Much of the legal landscape has changed in the 15 years since Congress passed DOMA," Holder concluded in Feb. 2011. "The Supreme Court has ruled that laws criminalizing homosexual conduct are unconstitutional. Congress has repealed the military's Don't Ask, Don't Tell policy. Several lower courts have ruled DOMA itself to be unconstitutional. Section 3 of DOMA will continue to remain in effect unless Congress repeals it or there is a final judicial finding that strikes it down, and the President has informed me that the Executive Branch will continue to enforce the law."

Two U.S. appeals courts struck down DOMA as unconstitutional in 2012, with a Boston court (1st Circuit Court of Appeals) unanimously ruling against it in May 2012 and a New York court (2nd Circuit Court of Appeals) ruled against it in October 2012.

The New York ruling came in a case brought by Edith Windsor, an 80-year-old woman who sued the government in 2010 after being told to pay $363,053 in federal estate tax after her wife died. She and her wife Thea Spyer had been partners for 44 years and had married in Canada in 2007. New York had a law that recognized same-sex marriages from other states and countries, and therefore their marriage was recognized as legal in the state of New York.

Thea died in 2009 of complications from multiple sclerosis, leaving their shared estate to Windsor. Upon Spyer's death, Windsor was served with a bill of $363,053 in estate taxes on property that Spyer had left her. Spouses are exempt from the estate tax, so Windsor filed for a refund from the IRS. It was denied. Because of DOMA, the couple's legal same-sex marriage didn't qualify them for any federal protections, including the estate-tax exemption for surviving spouses.

http://poy.time.com/2013/12/11/runner-up-edith-windsor-the-unlikely-activist/ (video on Edith Windsor)
http://time.com/3934678/marriage-equality-supreme-court-history/?xid=emailshare
http://time.com/3937733/supreme-court-gay-marriage-ruling-3/

In her 2010 suit in New York, Windsor argued that DOMA violated the constitutional right to equal protection. The momentum was with her. In 2011—for the first time in history, according to Gallup—a majority of Americans supported legalizing gay marriage. In 2012, the U.S. Second Circuit Court of Appeals ruled in Windsor's favor.

In the 2012 majority opinion, written by Judge Dennis Jacobs, said that DOMA's "classification of same-sex spouses was not substantially related to an important government interest" and therefore violated the equal protection clause of the US Constitution.

In May 2012, President Obama took the next step, publically supporting same-sex marriage. In a televised interview, President Obama said, "At a certain point I've just concluded that for me, personally, it is important for me to go ahead and affirm that I think same-sex couples should be able to get married." In doing so, President Obama became the first U.S. president in history to endorse same-sex marriage.

Video: https://www.youtube.com/watch?v=kQGMTPab9GQ

Joe Solmonese, president of the Human Rights Campaign, said: "His presidency has shown that our nation can move beyond its shameful history of discrimination and injustice. In him, millions of young Americans have seen that their futures will not be limited by what makes them different."

"In supporting marriage equality, President Obama extends that message of hope to a generation of young lesbian, gay, bisexual and transgender Americans, helping them understand that they too can be who they are and flourish as part of the American community."

At his 2nd inaugural address in January 2013, President Obama went so far as to include gay Americans in his speech: "Our journey is not complete until our gay brothers and sisters are treated like anyone else under the law, for if we are truly created equal, then surely the love we commit to one another must be equal, as well."

Meanwhile, the US Supreme Court decided to take up the matter of the constitutionality of DOMA in March 2013 with the case of Edith Windsor (*Windsor v. United States*) as only it can rule if Congress' laws are constitutional.

In an unprecedented move, President Obama made the bold decision to file an *amicus curiae* ("friend of the court") brief in support for the repeal of DOMA in the case. In late February 2013, before the Supreme Court's hearing began, the Justice Department submitted an *amicus brief* to the court, outlining the executive branch's positions.

"Moral opposition to homosexuality, though it may reflect deeply held personal views, is not a legitimate policy objective that can justify unequal treatment of gay and lesbian people" contained in the DOMA law, Solicitor General Donald Verrilli said in the Justice Department's legal brief.

In June 2013, the Supreme Court announced its verdict on DOMA in the *Windsor v. United States* case, ruling DOMA unconstitutional. In a landmark 5-4 decision, the justices ruled that DOMA was an unconstitutional violation of the 5th Amendment.

The Court specifically struck down Section 3 of the Act, which stated that "the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife." The Court found Section 3 to be a violation of equal protection and, therefore, unconstitutional.

Justice Anthony Kennedy cited the contradictions between state and federal statutes as among the reasons for striking down the measure:

> "By creating two contradictory marriage regimes within the same State, DOMA forces same-sex couples to live as married for the purpose of state law but unmarried for the purpose of federal law. DOMA undermines both the public and private significance of state sanctioned same-sex marriages; for it tells those couples, and all the world, that their otherwise valid marriages are unworthy of federal recognition. This places same-sex couples in an unstable position of being in a second-tier marriage. The differentiation demeans the couple, whose moral and sexual choices the Constitution protects … and whose relationship the State has sought to dignify. And it humiliates tens of thousands of children now being raised by same-sex couples."

"DOMA writes inequality into the entire United States Code. Under DOMA, same-sex married couples have their lives burdened, by reason of government decree, in visible and public ways," the decision added.

"DOMA's principal effect is to identify a subset of state-sanctioned marriages and make them unequal."

Kennedy continued:

"DOMA instructs all federal officials, and indeed all persons with whom same-sex couples interact, including their own children, that their marriage is less worthy than the marriages of others," Kennedy wrote. "The federal statute is invalid, for no legitimate purpose overcomes the purpose and effect to disparage and to injure those whom the State, by its marriage laws, sought to protect in personhood and dignity."

In the end, the Supreme Court struck down a 1996 federal law that is considered one of the most odious, discriminatory federal laws in existence. It's rare for the court to invalidate a federal law, and even rarer when the law was passed by wide majorities at a time when most of the country would not have thought twice about the law's impact.

Four of the Justices disagreed with Justice Kennedy and dissented.

This was a huge victory for same-sex couples in the states where same-sex marriage is legal. With DOMA gone, the legal marriages of same-sex couples in those states will now receive federal recognition. With the decision, more than 100,000 legally married gay and lesbian couples across the country will now enjoy the same recognition as opposite-sex partners.

Married same-sex couples are now entitled to the federal benefits and protections they were denied under DOMA. After the Supreme Court decision, gay couples could file joint tax returns, get access to veterans' and Social Security benefits, hold on to their homes when their spouses died and get spousal health insurance benefits.

Same-sex married couples are therefore also now eligible for green cards or immigration visas – ensuring that the estimated 36,000 same-sex couples in the US where one partner is not a legal resident can now apply for green cards for their spouses.

"The highest court in the land has properly thrown on the trash heap of history a discriminatory law that denies rights to Americans based on who they love," Representative Peter Welch said. "With this uplifting decision, the court is sending a clear message to our country: The days of denying rights to same-sex couples are numbered."

President Obama called the DOMA ruling a "historic step forward for marriage equality" and said he had ordered government departments to implement it as quickly as possible.

The decision was "not simply a victory for the LGBT community," he said. "I think it was a victory for American democracy."

"Regardless of race, regardless of religion, regardless of gender, regardless of sexual orientation ... people should be treated equally, and that's a principle that I think applies universally," Obama said after hearing about the historic ruling.

As a result of the overturning of DOMA in 2013, lower courts had heard from the Supreme Court as to how banning same-sex marriages were now considered discrimination and therefore unconstitutional. Therefore, in a flurry or judicial action, state Supreme Courts and federal appeals courts throughout the country ruled that existing state bans on same-sex marriage were unconstitutional, overturning these bans in the states where they were challenged.

Since the overturning of DOMA, a flood of victories for same-sex marriage spread across the U.S. By the summer of 2014 – in just a little over one year since the DOMA ruling – 10 additional states had legalized same-sex marriage, bringing the total to 19 states.

- Rhode Island (2013)
- Delaware (2013)
- Minnesota (2013)
- California (2013)
- New Jersey (2013)
- Illinois (2013)
- Hawaii (2013)
- New Mexico (2013)
- Oregon (2014)
- Pennsylvania (2014)

A number of additional state bans on same-sex marriage had been challenged up through the judicial system, making their way to the U.S. Supreme Court in October 2014. In a shocking move, the Court declined to take up any of the cases. As a result, the court left intact the lower-court rulings, which had all ruled these bans as unconstitutional, thus same-sex marriage became legal immediately in five states: Virginia, Oklahoma, Utah, Wisconsin, and Indiana. The state bans that these states all had were instantly overturned as a result of the Supreme Court's decision, and same-sex marriages started immediately. Same-sex marriage instantly spread from 19 states to 24 states.

Virginia

Virginia voters had approved a same-sex marriage ban 57 to 43 percent in 2006.

A lawsuit before a federal court in Norfolk, Virginia in 2014, where two couples: Timothy Bostic and Tony London, and Carol Schall and Mary Townley, were challenging the state's law banning same-sex marriage, got an unexpected show of support from the state's new attorney general, Mark Herring.

Mark Herring concluded in January 2014 that the state's ban on gay marriage is unconstitutional and that he would no longer defend it in federal lawsuits. He immediately filed a brief with the federal court in Norfolk as notification of the state's change in position in the case.

In the lawsuit, Bostic and London applied for a marriage license with the Norfolk Circuit Court clerk's office in July 2013, but their application was denied.

Schall and Townley were legally married in California in 2008. They have a daughter, whom Schall gave birth to in 1998, but Townley can't adopt her because Virginia law didn't allow same-sex couples to adopt children, according to the lawsuit.

The lawsuit argued that Virginia law stigmatizes gay men and lesbians, along with their children and families, because it denied them the same definition of marriage afforded to opposite-sex couples.

In February 2014, a US federal judge in Virginia ruled that the state's ban on same-sex marriage was unconstitutional.

It was the first time that a southern state had a voter-approved prohibition on gay marriage overturned.

Judge Arenda Wright Allen agreed with the couples that the ban infringed on their constitutional rights and their fundamental freedom to marry.

The case was challenged up to the Supreme Court, but in October 2014, the Supreme Court declined to take up the case. As a result, the court left intact the lower-court ruling, thus same-sex marriage became legal in Virginia.

Four other states that had same-sex marriage bans saw these bans instantly overturned in October 2014 also as a result of the Supreme Court declining to take up their cases: Oklahoma, Utah, Wisconsin and Indiana. In these states, the bans had been overturned by lower court rulings, and therefore the Supreme Court's decision leaves these lower-court rulings intact.

Utah

When Utah voters approved a law banning same-sex marriage in 2004 (Prop 3), it had 66% voter support. But that has since fallen.

A recent Williams Institute survey found that among metro areas with a population above 1 million, Salt Lake City had the nation's highest rate of same-sex couples raising children, at 26%. Virginia Beach, Detroit, Memphis and San Antonio were not far behind. Among states, Mississippi led the list, also at 26%.

In December 2013, U.S. District Judge Robert J. Shelby declared Utah's voter-approved ban on gay marriage unconstitutional. The judge said the ban violated the constitutional rights of gay couples and ruled Utah failed to show that allowing same-sex marriages would affect opposite-sex marriages in any way.

Utah's lawsuit was brought by three gay and lesbian couples, including one that was legally married in Iowa and just wanted that license recognized in Utah.

In the ruling, Shelby wrote that the right to marry is a fundamental right protected by the U.S. Constitution according to the 14th Amendment.

"These rights would be meaningless if the Constitution did not also prevent the government from interfering with the intensely personal choices an individual makes when that person decides to make a solemn commitment to another human being," Shelby wrote.

Shelby said the state's "current laws deny its gay and lesbian citizens their fundamental right to marry and, in so doing, demean the dignity of these same-sex couples for no rational reason.

"Accordingly, the court finds that these laws are unconstitutional," he said.

Shelby's ruling jolted many of Utah's 2.8 million residents, nearly two-thirds of whom are members of the Church of Jesus Christ of Latter-day Saints, which teaches that traditional marriage is an institution ordained by God.

Not all Mormons were disappointed, though. A group called Mormons for Equality applauded the ruling, saying it was particularly sweet coming in "the heartland of our faith."

Same-sex marriage became legal in Utah in October 2014 as a result of the Supreme Court’s decision not to hear appeals in the case, thus leaving lower-court rulings in place.

The ripple effect of the October 2014 Supreme Court decision spread rapidly.

Other states under the jurisdiction of appeals courts that had struck down state bans were also affected by the Supreme Court's decision, and within days, the number of states that

overturned these state bans quickly increased to additional states. Same-sex marriage instantly spread from 24 states to 36 states.

- North Carolina (2014)
- West Virginia (2014)
- South Carolina (2014)
- Wyoming (2014)
- Kansas (2014)
- Colorado (2014)
- Idaho (2014)
- Nevada (2014)
- Alaska (2014)
- Arizona (2014)
- Montana (2014)
- Florida (2014)

That made 36 states – representing more than 70% of all Americans – where same-sex marriage was legal in the U.S. in just 10 years.

But it was still not legal in all 50 states as gay marriage bans remained in 14 states.

Then in January 2015, the US Supreme Court announced that it would hear arguments on whether state laws that ban same-sex marriage violate the constitution.

Lower federal courts pretty clearly agree on this point. Even some of the most conservative courts of appeal have ruled that state laws against same-sex marriage are in conflict with the Court's 2013 ruling against DOMA. In 2014, the Supreme Court had declined to take up the issue, for the simple reason that the lower court judges were all arriving at the same decision. Where there was no dispute, the high court saw no need to step in.

But in November 2014, a panel of the 6th Circuit Court of Appeals—with jurisdiction over Ohio, Kentucky, Michigan and Tennessee—upheld state laws banning same-sex marriages.

These four states — Michigan, Ohio, Tennessee and Kentucky —defended their bans. They won their case in the lower court, and because other appeals courts threw out bans enacted in other states, the Supreme Court now had to get involved and resolve the conflict.

The combined case about marriage bans in four states was heard in April 2015. Before the court were the consolidated cases of 12 couples and two widowers. Among them were nurses, teachers, veterinarians, an Army sergeant and businessmen and women.

The standard-bearer for the recognition cases, and indeed, all the cases, is widower Jim Obergefell. Because his lawsuit was filed first, all of the consolidated cases are known as *Obergefell v. Hodges* (Richard Hodges is the Ohio official in charge of death certificates).

Obergefell and John Arthur were together for 20 years. But by 2013, Arthur was bedridden and dying of ALS (also known as Lou Gehrig's disease). Due to same-sex marriage not being legal in Ohio, friends and family quickly raised the money for a

medical charter to Maryland, where gay marriage is legal. The couple legally wed, but later learned that Ohio would not recognize Jim as a surviving spouse on John's death certificate. They sued the state of Ohio for the right to be able to be a legally recognized married couple in the state.

All told, fourteen state bans remained in effect in the US at the time of the hearing.

The justices considered two related questions - whether the US constitution requires states to issue marriage licenses to gay and lesbian couples and whether states must recognize such marriages performed in other states.

Seismic Shift 5: *Obergefell v. Hodges* (2015)

On June 26, 2015, the US Supreme Court ruled that there is a constitutional right to same-sex marriage, striking down bans in 14 states and handing a historic victory to the gay rights movement.

The high court's historic ruling in *Obergefell v. Hodges* expands the recognition of gay marriages beyond the 37 states and Washington, D.C., where it had been legal, to all 50, affording same-sex couples the same rights and benefits long conferred on heterosexual unions.

The 5-4 majority ruled that preventing same-sex people from marrying violated their constitutional right to due process and equal protection under the 14th Amendment and that the states were unable to put forth a compelling reason to withhold that right from people. Therefore, states cannot constitutionally ban same-sex marriage.

Justice Anthony Kennedy wrote in the majority decision: "It would misunderstand these men and women to say they disrespect the idea of marriage. Their plea is that they do respect it, respect it so deeply that they seek to find its fulfillment for themselves."

"Their hope," Kennedy wrote, "is not to be condemned to live in loneliness, excluded from one of civilization's oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right."

"The Constitution promises liberty to all within its reach, a liberty that includes certain specific rights that allow persons, within a lawful realm, to define and express their identity," wrote Kennedy.

Kennedy was swayed by the fact that hundreds of thousands of married same-sex couples already exist and that they — and their children — are being treated differently by the law when they move to a state that doesn't recognize their union.

Kennedy wrote: "Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser. They also suffer the significant material costs of being raised by unmarried parents, relegated

through no fault of their own to a more difficult and uncertain family life. The marriage laws at issue here thus harm and humiliate the children of same-sex couples."

"That is not to say the right to marry is less meaningful for those who do not or cannot have children," wrote Kennedy, after pointing out the advantages for children of same-sex couples. "An ability, desire, or promise to procreate is not and has not been a prerequisite for a valid marriage in any State."

The United States is now the 21st country in the world to allow same-sex marriage in every jurisdiction.

President Barack Obama heralded the landmark decision, stating that justices definitively "reaffirmed that all Americans are entitled to equal protection under the law."

"Our nation was founded on a bedrock principle that we are all created equal. The project of each generation is to bridge the meaning of those founding words with the realities of changing times — a never-ending quest to ensure those words ring true for every single American." Obama said. "Sometimes there are days like this when that slow steady effort is rewarded with justice that arrives like a thunderbolt."

Jim Obergefell, who was among the 14 individuals who brought suit and to whom the case was named, said, "It's my hope that gay marriage will soon be a thing of the past, and from this day forward it will simply be 'marriage.'"

Public opinion on gay marriage has changed at lightning speed as well: 60% of Americans support it, compared with just 37% 10 years ago.

Chief Justice John Roberts read a stinging dissent from the bench. Roberts wrote that the decision showed "disrespect" for the democratic process and that the American people should be able to decide for themselves whether they want to accept this huge social change. "Five lawyers have closed the debate and enacted their own vision of marriage as a matter of constitutional law," Roberts wrote. "Stealing this issue from the people will for many cast a cloud over same-sex marriage."

Chief Justice Roberts also made the slippery slope argument as a part of his dissent: "It is striking how much of the majority's reasoning would apply with equal force to the claim of a fundamental right to plural marriage."

He then continued with the belief that marriage has been defined one way for thousands of years and has never changed: "[T]he Court invalidates the marriage laws of more than half the States and orders the transformation of a social institution that has formed the basis of human society for millennia, for the Kalahari Bushmen and the Han Chinese, the Carthaginians and the Aztecs. Just who do we think we are? … The Court today not only overlooks our country's entire history and tradition but actively repudiates it, preferring to live only in the heady days of the here and now."

Roberts, in bringing up the tradition and his belief in what the historical definition of marriage, contrasted Justice Kennedy, who stated in his majority opinion: "The history of marriage is one of both continuity and change."

Joining Chief Justice Roberts in dissent was Justice Antonin Scalia, who blasted the Court's decision as a "threat to American democracy."

“The five Justices who compose today’s majority are entirely comfortable concluding that every state violated the Constitution for all of the 135 years between the Fourteenth Amendment’s ratification and Massachusetts’ permitting of same-sex marriage in 2003.”

“What really astounds is the hubris reflected in today's judicial Putsch," he wrote.

Former Arkansas Gov. Mike Huckabee, and Republican candidate for president in 2016, repeatedly called the decision "an out-of-control act of unconstitutional, judicial tyranny,” saying it “will prove to be one of the court’s most disastrous decisions.”

- Alabama (2015)
- Arkansas (2015)
- Georgia (2015)
- Kentucky (2015)
- Louisiana (2015)
- Michigan (2015)
- Mississippi (2015)
- Missouri (2015)
- Nebraska (2015)
- North Dakota (2015)
- Ohio (2015)
- South Dakota (2015)
- Tennessee (2015)
- Texas (2015)

Videos: https://www.yahoo.com/politics/supreme-court-finds-universal-right-to-gay-122495807066.html
http://www.bbc.com/news/world-us-canada-33290341 (2 different perspectives on the decision)

California

California - America's most populous state - has the country's most colorful record on gay marriages.

Californian voters approved a ban against same-sex marriages in a 2000 referendum – Proposition 22 – with 61% of the vote. The law stated that "only marriage between a man and a woman is valid or recognized in California".

California's gay couples, therefore, could have all the benefits and responsibilities of marriage under so-called domestic partnerships, but their relationships could not be called “marriages.”

San Francisco’s Mayor Gavin Newsom, though, claiming the state legislation was discriminatory, made his city the first place in the US where gay couples were able to marry after authorizing same-sex marriage licenses.

The city of San Francisco started issuing marriage licenses to same-sex couples in February 2004, defying state law and allowing gay weddings.

More than 3,400 gay couples crowded the city hall clerk’s office and got married. However, California Governor Arnold Schwarzenegger came out against gay marriages, and told the state's attorney general to get a court ruling against them. In August 2004, the state's Supreme Court ruled the mayor had exceeded his authority and nullified the marriages.

In September 2005, the state assembly became the first state legislature in the US to pass a bill endorsing gay marriages, following a similar move from the state Senate. Governor Arnold Schwarzenegger vetoed the bill, though.

But on May 15, 2008, California's top court ruled that the state law banning marriage between same-sex couples was unconstitutional. The state's Supreme Court said the "right to form a family relationship" applied to all Californians regardless of sexuality.

"Limiting the designation of marriage to a union 'between a man and a woman' is unconstitutional and must be stricken from the statute," California Chief Justice Ron George said in the written opinion.

California already offered same-sex couples who register as domestic partners the same legal rights and responsibilities as married spouses, including the right to divorce and to sue for child support.

Domestic partnerships are not a good enough substitute for marriage, though, the justices ruled. The ruling said sexual orientation, like race or gender, "does not constitute a legitimate basis upon which to deny or withhold legal rights."

"There can be no doubt that extending the designation of marriage to same-sex couples, rather than denying it to all couples, is the equal protection remedy that is most consistent with our state's general legislative policy and preference," said the ruling.

With the ruling, California became the second state to allow same-sex couples to legally wed. Unlike Massachusetts, though, which has a residency requirement for obtaining a marriage license, California had no residency requirement and would thus marry couples from other states.

The court's decision cited a 1948 California Supreme Court decision, *Perez v. Sharp*, which overturned a ban on interracial marriages in the state.

"California sets the tone, and this will have a huge effect across the nation to bringing wider acceptance for gay and lesbian couples," Shannon Minter, attorney for one of the plaintiffs in the case, the National Center for Lesbian Rights, said.

Chief Justice George took pains to emphasize the limits of the majority's ruling. It does not require ministers, priests or rabbis to perform same-sex marriages, he said.

He added that the decision "does not affect the constitutional validity of the existing prohibitions against polygamy and the marriage of close relatives."

In a dissenting opinion, Justice Marvin Baxter agreed with many arguments of the majority but said the court overstepped its authority. Changes to marriage laws should be decided by the voters, Baxter wrote.

Groups opposing same-sex marriage also reacted strongly to the ruling.

"I can imagine the discussion in a couple of years of how many people should be included. Why is it wrong for two men and a woman to get married?" said Tom McClusky, a vice president at the conservative Family Research Council.

James Dobson, the head of Focus on the Family, a conservative Protestant group, called the ruling "judicial tyranny".

"The California Supreme Court has engaged in the worst kind of judicial activism today, abandoning its role as an objective interpreter of the law and instead legislating from the bench," said Matt Barber, policy director for cultural issues for the group Concerned Women for America

"So-called 'same-sex' marriage is counterfeit marriage. Marriage is, and has always been, between a man and a woman. We know that it's in the best interest of children to be raised with a mother and a father. To use children as guinea pigs in radical San Francisco-style social experimentation is deplorable."

"The decision must be removed from the hands of judicial activists and returned to the rightful hands of the people."

A coalition of religious and social conservative groups succeeded in putting a measure on the November 2008 ballot in California that would enshrine laws banning gay marriage in the state constitution.

The measure – Proposition 8 – was just 14 words long: "Only marriage between a man and a woman is valid or recognized in California." It put the decision of same-sex marriage in the hands of the people, not the judges.

Opponents of same-sex marriage wanted to place their definition of marriage in the state's constitution, thus preventing the state's Supreme Court from overturning it.

At least 64,000 people from all 50 states and more than 20 countries gave money to support or oppose Proposition 8. The total contributions for and against the measure has surpassed $74 million, which is a record nationally for a ballot initiative based on a social rather than economic issue.

Proposition 8 was approved by California voters in November 2008 with 52% of the vote, overturning the state Supreme Court ruling that legalized same-sex marriages by changing the state constitution to limit marriage to a man and a woman. Since it introduced a constitutional ban, gay marriage is no longer legal in California.

It was the first time a state took away gay marriage after it had been legalized.

"People believe in the institution of marriage," Frank Schubert, co-manager of the Yes on 8 campaign said. Voters thus put a stop to same-sex marriage in California.

San Francisco Mayor Gavin Newsom, an opponent of Prop. 8, said, "We have now done something that no other state has ever done, certainly in my lifetime, and that's to amend a constitution to strip rights away from people."

The question of the 18,000 same-sex marriages that had been conducted since the state Supreme Court ruling was decided in 2009 when California's highest court allowed the 18,000 unions performed before the ban to remain valid.

The US Constitution, however, does not allow rights to be stripped from its citizens by majority vote. Specifically, the US Supreme Court ruled in 1996 that any laws motivated by homophobia (or other bigotry) are unconstitutional. The motivation behind the Proposition 8 campaign thus becomes an issue.

In January 2010, two gay couples filed suit, challenging Proposition 8 – the ban on gay marriage in the state of California. The two couples -- Kristin Perry and Sandra Stier, and Jeffrey Zarrillo and Paul Katami – argued that California's ban on gay marriage was unconstitutional.

The trial of *Perry v Schwarzenegger* pitted two gay couples (including Kristin Perry) against the state of California (nominally represented by its governor, Arnold Schwarzenegger). It was a federal review of whether Proposition 8, a Californian voter initiative of 2008 that outlawed gay marriage in the state, is constitutional.

Supporters of Proposition 8 argued California does not discriminate against gays, as the current law allows them to get married - as long as they wed a partner of the opposite sex. They asserted that Californians were well within their rights to establish a definition of marriage. The defense based their stance on the right of voters to amend the constitution of their state, which is what the opponents of gay marriage did by putting Proposition 8 on the ballot in 2008. It passed, and the state Supreme Court upheld the vote.

The plaintiffs' lawyers argued that Proposition 8 violates the 14th Amendment's guarantee of equal protection and due process and falls in line with other historical prohibitions on marriage, including some states' ban on interracial marriages, that were overturned by the Supreme Court.

In August 2010, U.S. District Chief Judge Vaughn Walker said Proposition 8 violated the federal constitutional rights of gays and lesbians to marry the partners of their choice. The federal judge said gays and lesbians have a constitutional right to marry, overturning Proposition 8 as unconstitutional.

"Plaintiffs challenge Proposition 8 under the Due Process and Equal Protection Clauses of the Fourteenth Amendment," the judge wrote.

Ultimately, the judge concluded that Proposition 8 "fails to advance any rational basis in singling out gay men and lesbians for denial of a marriage license. Indeed, the evidence shows Proposition 8 does nothing more than enshrine in the California Constitution the notion that opposite-sex couples are superior to same-sex couples. … Because Proposition 8 prevents California from fulfilling its constitutional obligation to provide marriages on an equal basis, the court concludes that Proposition 8 is unconstitutional."

A separate ruling came down shortly thereafter, though, preventing same-sex marriages from taking place until the appeal was heard.

The ruling was appealed to the U.S. Supreme Court, which heard the case in March 2013 as *Hollingsworth v. Perry*. At issue was whether the Constitution's guarantee of equal protection under the law prevents states from defining marriage to exclude same-sex couples, and whether a state can revoke same-sex marriage through referendum, as California did, once it already has been recognized.

But a majority of the Supreme Court opted in June 2013 not to rule on those issues. Instead, it ruled on "standing." The Court said a private party did not have the right, or "standing", to defend the constitutionality of a law, because it could not demonstrate it would suffer injury if the law were to be struck down and same-sex marriages allowed.

Their opinion leaves in place a ruling by the lower court that had struck down Proposition 8. By dismissing the case, the court leaves in place the lower court decision in California that allows same-sex marriage to be reinstated. Thus, as of 2013, same-sex marriage in California was again legal.

Connecticut

In April 2005, Connecticut legalized same-sex civil unions through an act of its legislature in its Civil Unions Law.

But many felt the Civil Unions Law were nothing more than a modern-day "separate but equal" case, thus violating Connecticut's state constitution. In 2005, eight same-sex couples sued the state, in what was known as *Kerrigan and Mock v. the Connecticut Department of Public Health*, arguing that the civil union law had created an unequal status for gay men and lesbians and did not confer upon them the same rights and protections as marriage that Connecticut's Constitution guaranteed them. The plaintiffs contended that the denial of marriage licenses deprived them of due process and equal protection under the law.

In October 2008, the Connecticut Supreme Court ruled in the case by striking down the state's Civil Unions Law, ruling that gay and lesbian couples have the right to get married.

The ruling made Connecticut the third state to decide its constitution mandates treating citizens equally when applying for marriage licenses, regardless of their sexual orientation.

"Interpreting our state constitutional provisions in accordance with firmly established equal protection principles leads inevitably to the conclusion that gay persons are entitled to marry the otherwise qualified same-sex partner of their choice," Justice Richard Palmer wrote in his 4-3 opinion.

In his majority opinion, Justice Palmer wrote that the court found that the "segregation of heterosexual and homosexual couples into separate institutions constitutes a cognizable harm," in light of "the history of pernicious discrimination faced by gay men and lesbians."

“Although marriage and civil unions do embody the same legal rights under our law, they are by no means equal,” Justice Palmer wrote.

The court also found that “the state had failed to provide sufficient justification for excluding same-sex couples from the institution of marriage.”

As a result, couples were allowed to start marrying on Nov. 12, 2008.

Iowa

In April 2009, Iowa's Supreme Court legalized gay marriage in a unanimous decision that made Iowa the third state, and first in the nation's heartland, to allow same-sex couples to wed.

At the time, Iowa joined only Massachusetts and Connecticut in permitting same-sex marriage.

The case had been working its way through the courts since 2005, when Lambda Legal, a New York-based gay rights organization, filed a lawsuit on behalf of six gay and lesbian couples in Iowa.

In its ruling, the Supreme Court ruled that a state law limiting marriage to a man and a woman violates the constitutional rights of equal protection.

Iowa lawmakers have "excluded a historically disfavored class of persons from a supremely important civil institution without a constitutionally sufficient justification."

Justice Mark S. Cady wrote for the seven-member court, “We have a constitutional duty to ensure equal protection of the law.”

The Iowa court said that mere moral disapproval or deeply held values are not enough to warrant legal sanctions or the denial of legal rights.

“Civil marriage must be judged under our constitutional standards of equal protection and not under religious doctrines or the religious views of individuals. This approach does not disrespect or denigrate the religious views of many Iowans who may strongly believe in marriage as a dual-gender union, but considers, as we must, only the constitutional rights of all people, as expressed by the promise of equal protection for all.”

Religious opponents to gay marriage were not convinced. "We, the Roman Catholic Bishops of Iowa, strongly disagree with the decision of the Iowa Supreme Court which strikes down Iowa's law defining marriage as a union of one man and one woman. This decision rejects the wisdom of thousands of years of human history,” the bishops said in a statement.

John Logan, a sociology professor at Brown University, said Iowa's status as a largely rural, Midwest state could enforce an argument that gay marriage is no longer a fringe issue.

"When it was only California and Massachusetts, it could be perceived as extremism on the coasts and not related to core American values.

"But as it extends to states like Iowa, and as attitudes toward gay marriage have evidently changed, then people will look at it as an example of broad acceptance," Logan said.

Old cultural norms are more firmly planted in the Midwest, but this is changing. Of the ten states showing the greatest increase in gay couples from 2000 to 2005, all but two were in that region.

http://www.time.com/time/video/?bcpid=1485842900&bctid=4244593001

http://content.time.com/time/video/player/0,32068,4244593001_1865064,00.html

Vermont

In 2008, House Speaker Gaye Symington and Senate President Pro Tem Peter Shumlin launched the Vermont Commission on Family Recognition and Protection to study same-sex marriage in Vermont. The Commission held eight public hearings around the state to provide Vermonters the opportunity to have their say on whether Vermont should continue to deny same-sex couples the right to marry.

Testimony in support of marriage rights for same-sex couples outweighed the opposition 20 to 1.

In early 2009, a same-sex marriage bill was introduced into the state legislature. The bill, sponsored by over 50 state representatives, was introduced to the Vermont House of Representatives to permit same-sex couples to marry in the state.

As the proposed bill read, "The purpose of this act is to promote legal equality in the civil marriage laws." It would change the current definition of marriage as between as a "legally recognized union of one man and one woman" to "two people".

The proposed bill would have replaced Vermont's civil unions law with one that allowed marriage of same-sex partners. Civil unions would still be recognized but no longer granted.

Supporters said gay marriage would give couples the right to legally wed, qualify spouses for insurance purposes and health care decision-making and allow survivors to obtain Social Security benefits that those in civil unions don't have.

Beth Robinson, chairwoman of the Vermont Freedom to Marry Task Force and lawyer who worked on the court case that led to the creation of civil unions, said that civil unions were a "painful compromise" that left gay couples feeling like second-class citizens.

By March 2009, 181 members of the Vermont clergy vowed their support for the right of same-sex couples to participate in civil marriage. Also, more than 250 Vermont lawyers also announced their support of the bill.

In opposition to the bill were Take It to The People, a Vermont group led by Rev. Craig Benson that opposes same-sex marriage, and Vermont Renewal, a Rutland-based opponent of same-sex marriage.

Pastor Richard Merrill of the Church at Rutland cited Old and New Testament scripture as basis for his opposition. "The state should not sanction or give approval to sin. We don't want to impose our views on other people, but when you destroy marriage … all the basic institutions that hold us together as a culture are devastated and gutted."

The Vermont Senate and House both passed the bill in 2009.

Republican Gov. Jim Douglas, however, opposed the bill and vetoed it in early April 2009 when it came before him. "I believe that marriage should remain between a man and woman," Gov. Douglas said.

With the veto, the bill went back to the state Congress for an override vote. The Senate passed the override vote 23-5, and the House voted 100-49 to override Gov. Douglas' veto. The votes surpassed the number needed -- two-thirds of those present -- to override the veto.

With that, Vermont became the fourth state to legalize same-sex marriage, and the first to do so through the through the legislature and without a court order.

Vermont state Senator Peter Shumlin, the President Pro Tem of the Senate, said, "I am proud that Vermont can reclaim its status as a civil rights leader. Our state has a distinguished history of leading on civil rights issues, from being the first state in the Union to ban slavery, to being an advocate of women's rights. Now, Vermont is the first state to grant marriage equality without a court mandate."

Getting gay marriage approved in a political, rather than purely legal, forum is a big step, said Boston University law professor Linda McLain, an expert on family law and policy.

Maine

Homosexual couples living in Maine had been able to register for domestic partnerships since July 2004.

The legislation granted registered couples rights to do with inheritance and funeral arrangements and explicit protection under domestic violence laws, but is more limited than the civil unions offered in some other states.

But this changed on when the Maine state Congress passed a marriage quality bill. On May 6, 2009 when Maine Governor, Democrat John Baldacci, signed the marriage equality bill, legalizing same-sex marriage, Maine became the 5th state in the nation to do so.

This was the first time a marriage equality bill has been signed by a governor.

"In the past, I opposed gay marriage while supporting the idea of civil unions. But I have come to believe that this is a question of fairness and of equal protection under the law, and that a civil union is not equal to civil marriage," Gov. Baldacci said.

"The Maine Constitution demands that all people are treated equally under the law."

"It's not the way I was raised and it's not the way that I am," Mr. Baldacci, a Democrat, said. "But at the same time I have a responsibility to uphold the Constitution. That's my job, and you can't allow discrimination to stand when it's raised to your level."

But the opposition got enough signatures to put the issue on the November 2009 ballot for a referendum from the public. Maine voters repealed the state law in the election that would have allowed same-sex couples to wed.

Mainers' 53-47% vote to reject gay marriage simply slapped down the law that just six months previous had been passed by the legislature.

The issue made it back onto the ballot in Maine in 2012 as a ballot measure, again asking the citizens of that state whether they supported legalizing same-sex marriage. Voters in 2012 in Maine voted in support of same-sex marriage, reversing the 2009 referendum that lost narrowly.

Same-sex marriages were therefore once again legal in Maine.

New Hampshire

Lawmakers in New Hampshire approved same-sex civil unions in April 2007.

The bill, which gave legal recognition to gay partnerships, was passed by the state Congress and was signed into law by Governor John Lynch. Civil Unions came into force in January 2008.

It offered same-sex couples the same state-level rights and responsibilities as under traditional marriage laws, just not the name of marriage.

The move was welcomed by New Hampshire's-own Bishop Gene Robinson - the U.S. Episcopal Church's first openly gay bishop.

He told the Associated Press he and his partner wanted to be among the first gay couples in New Hampshire to officially unite under the civil unions law.

"We knew that this was accepting a back seat in the bus, but many of us felt it was a step in the right direction," said state Rep. Edward Butler.

In 2009, New Hampshire legislators were back with a bill on same-sex marriage, one year after a law granting civil unions to gay couples took effect.

Democratic state Rep. Jim Splaine sponsored a bill to allow gay marriage in the state. Bishop Gene Robinson testified in favor of the bill.

Civil unions are not marriage, said Rep. David Pierce. He argued that the law should respect and support his life with his partner and their two daughters. "When my children grow up to be old enough to know what discrimination is, they should not have to learn they were the objects of it," he said.

"It is separate but equal all over again. Would you volunteer to ride at the back of the bus? Would you volunteer to give up your marriage license for a civil union license?" said Pierce.

Brookline Democratic Rep. Melanie Levesque, who is black and married to a white man, said her marriage was still a crime in Virginia in the mid-1960s. "We have had a long history of challenging conventional wisdom -- the Earth is flat, people from different continents should not marry, people who are the same should not marry," she said.

Opponents cited concerns about the bill's impact on children and that gay marriage defies nature. Rep. John Cebrowski, of Bedford, said, "You cannot make two similar things into something they were never meant to be."

New Hampshire's Democratic-controlled House of Representatives endorsed gay marriage in a 198-176 vote, hours after the state Senate approved the legislation 14-10 along party lines.

After the state House and Senate passed the bill, Gov. John Lynch signed the bill on June 3, 2009, making the state the sixth to allow gay marriage.

Lynch, a Democrat, personally opposed gay marriage but decided to view the issue "through a broader lens." The governor had promised a veto if the law didn't clearly spell out that churches and religious groups would not be forced to officiate at gay marriages or provide other services.

The law distinguishes between civil and religious marriage and says that any two individuals have a right to a civil marriage. It also leaves it up to each religion whether to recognize and officiate over same-sex marriages. Organizations affiliated with religious groups that operate for charitable or educational purposes can deny marriage services to gay individuals.

"If you have no choice as to your sex, male or female; if you have no choice as to your color; if you have no choice as to your sexual orientation; then you have to be protected and given the same opportunity for life, liberty and happiness," Rep. Anthony DiFruscia, R-Windham, said.

Washington, DC

Washington, DC, is home to a higher concentration of same-sex couples than anywhere else in America.

A same-sex marriage law was introduced in the 13-member Washington City Council in October 2009. At that time, gay couples had only legally been able to live together in domestic partnerships.

On December 15, 2009, the City Council approved same-sex marriage and D.C. Mayor Adrian M. Fenty signed it.

All local legislation in the District of Columbia, home to 590,000 people, must undergo a mandatory congressional review period by the U.S. Congress before it can become law because Washington is a federal district.

On March 3, 2010, D.C. became the sixth place in the nation where gay marriages can take place.

New York

In May 2008, Gov. David A. Paterson made a major policy decision when he directed all state agencies to begin to revise their policies and regulations to recognize same-sex marriages performed in other jurisdictions, like Massachusetts, Canada, and South Africa.

The governor's legal counsel, David Nocenti, instructed the agencies that gay couples married elsewhere "should be afforded the same recognition as any other legally performed union."

It means that New Yorkers who marry in San Francisco or Montreal can return home knowing that their rights will be protected. That is progress, especially since many states have specifically outlawed even the recognition of same-sex marriages granted legally elsewhere.

Mr. Paterson described the move as "a strong step toward marriage equality." And people on both sides of the issue said it moved the state closer to fully legalizing same-sex unions in the state.

Senate majority leader, Joseph L. Bruno, said, "I don't care whether they're gay, black, white, Oriental, whatever. Equal justice. That's what it's all about."

But others said the decision didn't go far enough.

"If you're going to treat us as equals, why don't you just give us the marriage license?" said Alan Van Capelle, executive director of Empire State Pride Agenda. "So this is a temporary but necessary fix for a longer-term problem, which is marriage equality in New York State."

They got what they wanted in June 2011 when the New York state Congress voted to legalize same-sex marriage in New York, and New York Governor Andrew Cuomo quickly signed the bill into law, making New York the sixth state to legalize same-sex marriage and by far the most populous state to do so at this time.

"New York sends the message that marriage equality across the country is a question of 'when,' not 'if,'" said Fred Sainz of the Human Rights Campaign. "The fact that New York will double the percentage of the U.S. population afforded marriage equality fundamentally changes the equation."

Archbishop Timothy Dolan of New York was an outspoken critic to the bill. "We are living in New York, in the United States of America — not in China or North Korea," said Dolan. "In those countries, government presumes daily to 'redefine' rights, relationships, values, and natural law. There, communiqués from the government can dictate the size of families, who lives and who dies, and what the very definition of 'family' and 'marriage' means."

Michael Klarman, a Harvard professor, said, "I have a feeling that these people manning the walls against gay marriage are going to wake up in 50 years and realize they were in the same position that southern whites were in when they rallied in the 1950s to defend white supremacy."

Washington

Since 22 July 2007, same-sex couples in the state of Washington have been able to register as domestic partners.

The legislation gave them some of the rights and responsibilities afforded to married couples but was not as far-reaching as that of some other states which offer civil unions.

But in February 2012, the state of Washington became the 7th US state to legalize same-sex marriage. The Washington state Congress passed the bill and Governor Christine Gregoire signed it into law on Feb. 13, 2012.

"I'm proud our same-sex couples will no longer be treated as separate but equal," Governor Gregoire told the crowd, which included many gay rights activists. She also praised the day as one "that historians will mark as a milestone for equal rights."

Same-sex marriage also had the backing of several prominent Pacific Northwest businesses, including Microsoft Corp., Nike Inc. and Starbucks Corp.

But quickly enough names were added in opposition that the measure was postponed from going into effect and therefore went before the voters in the Nov. 2012 general election in a statewide referendum.

For the first time, same-sex marriage was upheld in a popular statewide vote as the Washington voters voted to support same-sex marriage at the polls. Therefore, same-sex marriage remained legal in the state of Washington as of 2012.

Maryland

Maryland followed a similar path to Washington to finally legalizing same-sex marriage in the November 2012 election.

For much of his political career, Gov. O'Malley, a practicing Roman Catholic, had been on record as supporting civil unions as an alternative to gay nuptials. But in July 2011, Gov. O'Malley announced his support of same-sex marriage legislation.

In early 2012, the Maryland legislature passed a bill legalizing same-sex marriage, which was signed into law by Gov. O'Malley.

But before the law could go into effect, opponents of the legislation gathered enough signatures to force a public vote in the November 2012 general election.

Marylanders were asked whether to affirm the gay marriage law championed earlier in the year by the governor. The voters approved same-sex marriage in the statewide referendum, and thus same-sex marriage became legal in 2012.

New Jersey

In December 2006, New Jersey lawmakers approved same-sex civil unions giving gay and lesbian couples the same rights as heterosexual couples.

Under the ruling, which came into effect in February 2007, gay couples gained benefits like adoption rights and inheritance rights. But the bill did not allow the unions to be called marriages.

The move came in response to the state's Supreme Court ruling in October 2006 that gay couples were entitled to the same rights as heterosexual couples. The court ruled that they were entitled to the same rights as heterosexual couples and gave lawmakers six months to review the law. But it said it could not "find that the right to same-sex marriage is a fundamental right under our constitution".

In 2013, Judge Mary Jacobson of Mercer County Superior Court argued that civil unions didn't go far enough, though, because they illegally prevented same-sex couples from getting federal benefits.

Her ruling cited the U.S. Supreme Court's rejection of part of the federal Defense of Marriage Act in 2013, a move that ensured same-sex spouses legally married in a state may receive federal benefits.

After the 2013 overturn of DOMA, some federal agencies were extending benefits to legally married same-sex couples, but denying them to same-sex couples in "civil unions," Jacobson wrote.

"If the trend of federal agencies deeming civil union partners ineligible for benefits continues, plaintiffs will suffer even more, while their opposite-sex New Jersey counterparts continue to receive federal marital benefits for no reason other than the label placed upon their relationship by the state," Jacobson wrote.

"This unequal treatment requires that New Jersey extend civil marriage to same-sex couples to satisfy the equal protection guarantees of the New Jersey Constitution," she continued.

The state Supreme Court handed down its decision on the issue in Oct. 2013, granting same-sex couples the right to marry in New Jersey.

The state Supreme Court ruled that same-sex marriages were legal in the state, backing up Judge Jacobson’s lower court ruling. "The State has advanced a number of arguments, but none of them overcome this reality: same-sex couples who cannot marry are not treated equally under the law today. The harm to them is real, not abstract or speculative," wrote Chief Justice Stuart Rabner in the decision.

New Jersey Gov. Chris Christie had asked the Court to delay the granting of marriage licenses to same-sex couples while further appeals were held, but the Court denied that request. "When a party presents a clear case of ongoing unequal treatment, and asks the court to vindicate constitutionally protected rights, a court may not sidestep its obligation to rule for an indefinite amount of time," the decision read.

Steven Goldstein, the former head of Garden State Equality, which filed the original lawsuit with other parties, said the court's decision on the stay allows the same-sex couples to "begin to tear down its Berlin Wall separating straight people who have had total freedom and LGBT who have not."

The ruling makes New Jersey the 14th state and the third most populous among them to allow same-sex marriage.

Illinois

In November 2013, a same-sex marriage bill narrowly won acceptance in the Illinois state legislature and was signed into law by Gov. Pat Quinn.

"At the end of the day, what this bill is about is love, it's about family, it's about commitment," said sponsoring Rep. Greg Harris, clutching an American flag he said was sent by a supportive soldier stationed in Afghanistan.

"At the end of the day, this bill is about the vision that the founders of our country had and wrote into our Constitution, where they said America is a journey. … And we'll continue to walk down that road to make America a better place, to make ourselves a 'more perfect union,' to ensure the blessings of liberty to ourselves and our posterity," the Chicago Democrat said.

Some even claimed that Pope Francis I's recent comments on the subject of homosexuality helped them make up their minds on this issue.

"As a Catholic follower of Jesus and the pope, Pope Francis, I am clear that our Catholic religious doctrine has at its core love, compassion and justice for all people," said Rep. Linda Chapa LaVia, a Democrat from Aurora who voted for the bill after spending much of the summer undecided.

House Speaker Michael Madigan also cited the pope's recent comments in explaining his support for the measure.

"For those that just happen to be gay — living in a very harmonious, productive relationship but illegal — who am I to judge that they should be illegal?" the speaker said.

Under the measure, the definition of marriage in Illinois changed from an act between a man and a woman to one between two people. The legislation doesn't require religious organizations to wed gay couples, and church officials are not be forced to allow gay couples seeking to marry to use their facilities.

Hawaii

In 1990, gay couples in Hawaii applied for a marriage license that helped start the national debate on same-sex marriage, and led to the creation of the Defense of Marriage Act.

The lawsuit saw three same-sex couples arguing that Hawaii's prohibition of same-sex marriage violated the state constitution.

In the 1993 case *Baehr v. Lewin*, the Hawaii State Supreme Court ruled that the state must show a compelling interest in prohibiting same-sex marriage, thus ruling in favor of same-sex marriage. But same-sex marriage was left in legal gray area in the aftermath of the case.

Five years later, in 1998, the state legislature passed a constitutional amendment that took jurisdiction from the courts and gave it to the legislature, which then banned same-sex marriage.

Fifteen years later, Hawaii and same-sex marriage were back in the national discussion, this time with a different ending.

Hawaii became the 16th state to legalize same-sex marriage when the state Congress passed a bill legalizing same-sex marriage in November 2013, followed by the signature of the bill by Gov. Neil Abercrombie.

University of Hawaii researchers estimate the law will boost tourism by $217 million over the next three years as Hawaii becomes an outlet for couples in other states, bringing ceremonies, receptions and honeymoons to the islands.

President Obama, who was born in Hawaii, said of the vote, “Whenever freedom and equality are affirmed, our country becomes stronger. By giving loving gay and lesbian couples the right to marry if they choose, Hawaii exemplifies the values we hold dear as a nation. I’ve always been proud to have been born in Hawaii, and today’s vote makes me even prouder.”

New Mexico

Officials in Sandoval County, New Mexico, issued marriage licenses to gay couples for a matter of hours on 20 February 2004, following the lead of San Francisco.

More than 60 couples are believed to have been married before the state's attorney general ordered that they be stopped.

"No county clerk should issue a marriage license to same-sex couples because those licenses would be invalid under current law," New Mexico attorney general Patricia Madrid wrote in an "advisory" statement to local officials.

New Mexico's state legislature was one of the few states who didn’t have a law declaring who marriage was legally between. With their state law silent on gay marriage, there were numerous challenges on both sides of the argument clamoring for a law to protect marriage the way they saw it.

Then, in 2013, counties in New Mexico started granting marriage licenses to same-sex couples again, arguing that nothing in the laws of the state forbade them from doing so. More than 1,400 same-sex couples were issued marriage licenses in New Mexico starting in August 2013.

A state district court judge in Albuquerque ruled in 2013 that it was a violation of New Mexico's constitution to deny marriage licenses to same-sex couples. The judge based his decision on a 1972 constitutional amendment adopted by voters that prohibits discrimination "on account of the sex of any person".

Eventually, after eight of the state’s 33 counties were granting marriage licenses, county officials petitioned the state Supreme Court to provide a state-wide ruling. Since the state didn't explicitly ban or allow same-sex marriage, leaving the issue in limbo, it was up to the state Supreme Court to decide whether it was legal or not.

On Dec. 19, 2013, the New Mexico Supreme Court ruled that denying marriage licenses to same-sex couples violated the constitution, making it the 17th state to allow gay marriage.

The court ruled that “all rights, protections, and responsibilities that result from the marital relationship shall apply equally to both same-gender and opposite-gender married couples” the Albuquerque *Journal* reports.

Justice Edward Chavez, who authored the unanimous opinion, rejected arguments made during an October hearing by opponents of same-sex marriage.

“Procreation has never been a condition of marriage under New Mexico law, as evidenced by the fact that the aged, the infertile, and those who choose not to have children are not precluded from marrying,” Chavez wrote in his opinion.

The ruling means that all counties will have to recognize same-sex marriages.

Oregon

In May 2014, Oregon legalized same-sex marriage after a U.S. District Court judge struck down Oregon's ban on same-sex marriage.

Many gay couples in Oregon still vividly remember March 2004, when Multnomah County, acting on its own, began issuing same-sex marriage licenses in a scene of joyous release. Several thousand licenses issued at that time were ultimately voided by the courts. And later that year, a majority of Oregon voters approved a constitutional amendment defining marriage as between one man and one woman by a vote of 57% to 43%.

Four gay and lesbian couples eventually sued over the ban on same-sex marriage, and state Attorney General Ellen Rosenblum (D) said she would not defend the decade-old law.

"Because Oregon's marriage laws discriminate on the basis of sexual orientation without a rational relationship to any legitimate government interest," Judge Michael McShane wrote, "the laws violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution."

Pennsylvania

A federal judge struck down Pennsylvania's ban on same-sex marriage in May 2014, making it the latest in a host of states in which such prohibitions have been declared unconstitutional.

U.S. District Judge John E. Jones cited the constitutional touchstones of due process and equal protection in striking down the prohibition.

"In future generations, the label same-sex marriage will be abandoned, to be replaced simply by marriage," Jones wrote. "We are a better people than what these laws represent, and it is time to discard them into the ash heap of history."

Gov. Tom Corbett ended his fight to stop same-sex marriage in the state, allowing a growing number of couples to proceed with their wedding plans with greater peace of mind. Pennsylvania is now the 19th state to recognize same-sex marriages.

Corbett, a Catholic and a Republican, went against his personal beliefs in choosing not to appeal Jones' decision.

It has been a sensitive issue for Corbett, a former state attorney general who is up for re-election and facing poor public approval ratings. He took heat in October 2013 for comparing marriages of same-sex couples to the marriage of a brother and sister, but had moved to the political center and away from staunchly conservative positions on several hot-button issues.

The governor's decision means that same-sex marriage will remain legal in Pennsylvania, without the threat that a higher court will reinstate the ban.

Virginia

Virginia voters approved a same-sex marriage ban 57 to 43 percent in 2006.

A lawsuit before a federal court in Norfolk, Virginia in 2014, where two couples: Timothy Bostic and Tony London, and Carol Schall and Mary Townley, were challenging the state's law banning same-sex marriage, got an unexpected show of support from the state's new attorney general, Mark Herring.

Mark Herring concluded in January 2014 that the state's ban on gay marriage is unconstitutional and that he would no longer defend it in federal lawsuits. He immediately filed a brief with the federal court in Norfolk as notification of the state's change in position in the case.

In the lawsuit, Bostic and London applied for a marriage license with the Norfolk Circuit Court clerk's office in July 2013, but their application was denied.

Schall and Townley were legally married in California in 2008. They have a daughter, whom Schall gave birth to in 1998, but Townley can't adopt her because Virginia law didn't allow same-sex couples to adopt children, according to the lawsuit.

The lawsuit argued that Virginia law stigmatizes gay men and lesbians, along with their children and families, because it denied them the same definition of marriage afforded to opposite-sex couples.

In February 2014, a US federal judge in Virginia ruled that the state's ban on same-sex marriage was unconstitutional.

It was the first time that a southern state had a voter-approved prohibition on gay marriage overturned.

Judge Arenda Wright Allen agreed with the couples that the ban infringed on their constitutional rights and their fundamental freedom to marry.

The case was challenged up to the Supreme Court, but in October 2014, the Supreme Court declined to take up the case. As a result, the court left intact the lower-court ruling, thus same-sex marriage became legal in Virginia.

Four other states that had same-sex marriage bans saw these bans instantly overturned in October 2014 also as a result of the Supreme Court declining to take up their cases: Oklahoma, Utah, Wisconsin and Indiana. In these states, the bans had been overturned by lower court rulings, and therefore the Supreme Court's decision leaves these lower-court rulings intact.

As a result, the Supreme Court's decision led to the legalization of same-sex marriage in these 5 states in October 2014.

Other states under the jurisdiction of appeals courts that had struck down the bans were also affected by the Supreme Court's decision, meaning the number of states with gay marriage spread to an additional 6 states: North Carolina, West Virginia, South Carolina, Wyoming, Kansas and Colorado.

And since 2013, federal or state judges in Idaho, Michigan, Texas, and Arkansas also recently have found state same-sex marriage bans to be unconstitutional in the wake of the Supreme Court's 2013 decision invalidating sections of the Defense of Marriage Act. It is still undecided whether the Supreme Court will take up these cases.

Utah

When Utah voters approved a law banning same-sex marriage in 2004 (Prop 3), it had 66% voter support. But that has since fallen.

A recent Williams Institute survey found that among metro areas with a population above 1 million, Salt Lake City had the nation's highest rate of same-sex couples raising children, at 26%. Virginia Beach, Detroit, Memphis and San Antonio were not far behind. Among states, Mississippi led the list, also at 26%.

In December 2013, U.S. District Judge Robert J. Shelby declared Utah's voter-approved ban on gay marriage unconstitutional. The judge said the ban violated the constitutional rights of gay couples and ruled Utah failed to show that allowing same-sex marriages would affect opposite-sex marriages in any way.

Utah's lawsuit was brought by three gay and lesbian couples, including one that was legally married in Iowa and just wanted that license recognized in Utah.

In the ruling, Shelby wrote that the right to marry is a fundamental right protected by the U.S. Constitution according to the 14th Amendment.

"These rights would be meaningless if the Constitution did not also prevent the government from interfering with the intensely personal choices an individual makes when that person decides to make a solemn commitment to another human being," Shelby wrote.

Shelby said the state's "current laws deny its gay and lesbian citizens their fundamental right to marry and, in so doing, demean the dignity of these same-sex couples for no rational reason.

"Accordingly, the court finds that these laws are unconstitutional," he said.

The ruling prompted a frenzy of activity by lawyers and gay couples. The Republican governor blasted the ruling as going against the will of the people. Gay couples rushed to the Salt Lake County Clerk's office en masse to secure marriage licenses, waiting in line by the dozens and getting married on the spot by the mayor and ministers.

"I am very disappointed an activist federal judge is attempting to override the will of the people of Utah. I am working with my legal counsel and the acting attorney general to determine the best course to defend traditional marriage within the borders of Utah," Gov. Gary Herbert said.

Many similar challenges to same-sex marriage bans are pending in other states, but the Utah case has been closely watched because of the state's history of steadfast opposition to gay marriage as the home of The Church of Jesus Christ of Latter-day Saints.

Shelby's ruling jolted many of Utah's 2.8 million residents, nearly two-thirds of whom are members of the Church of Jesus Christ of Latter-day Saints, which teaches that traditional marriage is an institution ordained by God.

The church said in a statement that it stands by its support for "traditional marriage."

"We continue to believe that voters in Utah did the right thing by providing clear direction in the state constitution that marriage should be between a man and a woman, and we are hopeful that this view will be validated by a higher court," the church said.

Not all Mormons were disappointed. A group called Mormons for Equality applauded the ruling, saying it was particularly sweet coming in "the heartland of our faith."

In the aftermath of the ruling, 1,300 same-sex couples in Utah legally wed. But just weeks after the original decision, the US Supreme Court ruled in January 2014 to temporarily put a hold on the ruling until a federal appeals court could rule on the decision.

The US appeals court that heard the case ruled in June 2014, in a significant first, against the state ban on same-sex marriage in Utah. A panel ruled 2-1 against the prohibition, saying that any couple, regardless of sexual orientation, has the right to marry. Enforcement of the decision, though, was stayed temporarily.

"We hold that the Fourteenth Amendment protects the fundamental right to marry, establish a family, raise children, and enjoy the full protection of a state's marital laws," the majority opinion from the 10th Circuit U.S. Court of Appeals said.

"A state may not deny the issuance of a marriage license to two persons, or refuse to recognize their marriage, based solely upon the sex of the persons in the marriage union," the court said.

When the US Supreme Court declined to hear the case, the lower court's ruling became law, thus legalizing same-sex marriage in October 2014.
