Michigan Municipal League
Municipal Hot Topics

Megan P. Norris

September 17, 2015
“Changed understandings of marriage are characteristic of a Nation where new dimensions of freedom become apparent to new generations.”

- 1965: *Eisenstadt v. Baird*
- 1967: *Loving v. Virginia*
- 1972: *Griswold v. Connecticut*
- 1986: *Bowers v. Hardwick*
- 1987: *Turner v. Safley*
- 1996: *Romer v. Evans*
  
  *Defense of Marriage Act*
- 2003: *Lawrence v. Texas* (overruling *Bowers*)
- 2012: *United States v. Windsor*
Obergefell v. Hodges

U.S. Supreme Court, June 26, 2015

Same-sex couple challenged Michigan Marriage Amendment

Other couples challenged laws in Ohio, Kentucky, Tennessee

Holding:
(1) The right to marry is a fundamental Constitutional right inherent in the liberty of the person, and the 14th Amendment requires a state to license a marriage between two people of the same sex
(2) States must recognize lawful same-sex marriages performed in other states
Impact

- Laws against same-sex marriage
- Laws and practices that fail to recognize same-sex marriage
- Surviving spouse on death certificate
- Adopting children
- Employee benefits (e.g., FMLA, insurance, other spousal benefits)
- ERISA plan benefits (Cozen O’Connor v. Tobits)
- Survivor benefits
- Tax benefits (Windsor)
- EEOC
- Private sector
Megan P. Norris

norris@MillerCanfield.com