Local Roots Global Reach

Michigan Municipal League
Municipal Hot Topics

Megan P. Norris

September 17, 2015

MILLER CANFIELD
millercanfield.com

Background

"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