



## **ISSUE ADVISORY- Upcoming U.S. Supreme Court Decision on Marriage Equality**

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**Update: The Status of Marriage Equality** - By the end of June (Pride month), the U.S. Supreme Court will announce their decision regarding the constitutional status of marriage equality. Currently, there is marriage equality in 37 states and the District of Columbia and 13 states that prohibit marriage equality. In January, the U.S. Supreme Court granted review for cases from four states –Kentucky, Michigan, Ohio, and Tennessee. These cases were in the appeals process after the Sixth Circuit Court of Appeals overturned district court rulings after their marriage bans were struck down.

According to a Public Research Religion Institute (PRRI) released Thursday, two-thirds of Americans (despite their religious backgrounds) believe that the Supreme Court will overturn state bans and legalize same-sex marriage. Married couples, advocacy groups, and the nearly 60 percent of American citizens who support same-sex marriage will be awaiting this crucial decision.

**In It to Win It** - There are three possible outcomes for the Supreme Court's decision at the end of June. The first and most anticipated is a full win. If the Supreme Court rules the Constitution guarantees the freedom to marry to all Americans, over 90 million people will have the freedom to marry. This possible decision will provide more momentum for the LGBTQIA communities to secure additional advances towards equality and nondiscrimination.

The second possible outcome is a partial win. In this scenario, states may be required to recognize marriages performed in other states but will not require states to issue marriage licenses to same-sex couples. In this case, the justices will have failed to uphold the full freedom to marry and leave the promise of full equality unfulfilled.

The third and least likely decision is that of a total loss. In this case, the court may rule that the Constitution does not guarantee the freedom to marry for same-sex couples or recognition of the legal marriages already performed in other states. An unfavorable ruling could leave as few as 18 states with marriage equality. In this unlikely and sad scenario, the United States would, again, be on the wrong side of history.

NOW hopes for a decision that guarantees the freedom to marry for all. It would mark an historic event and set a precedent for further positive actions for the LGBTQIA communities. If the Supreme Court rules in favor of marriage equality, we urge state officials to move swiftly towards implementation.

NOW has been instrumental in getting to this critical point. In 1995, NOW declared marriage as a fundamental right to *all* couples and should not be denied to same-sex couples. In 2004, the NOW PAC made support for marriage equality a criteria for all political candidates seeking an endorsement. In that same year, NOW launched the National Action Campaign to elevate our

work by focusing on education, legislative campaigns, and ballot initiatives. From 2013 to 2015 NOW helped to increase favorable public opinion by hosting workshops and utilizing social media to better community outreach initiatives. As recently as April 28, NOW members participated in rallies outside the U.S. Supreme Court and in locations around the country in an effort to legalize same-sex-marriage in all 50 states.

**Just the Beginning** - The most likely and expected outcome for the Supreme Court's decision is that it will decide in favor of marriage equality. If we get our wish, the next focus for NOW's work for LGBTQIA equality will be comprehensive nondiscrimination protections for LGBTQIA people and their families in employment, housing, credit, education, and public accommodations. We expect bills at both the federal level and in about 28 states that lack such protections.