On June 28, 1969, the Stonewall riots took place when police raided the Stonewall Inn, a gay bar in New York City’s Greenwich Village and those being harassed decided to fight back. This is widely considered as the pivotal event that initiated the social justice movement for gay rights in the United States.

Twenty-seven years later, in 1996, the so-called Defense of Marriage Act (“DOMA”) passed both houses of Congress by large, veto-proof majorities and was signed into law by President Clinton that same year. DOMA defined marriage for federal purposes as the legal union of one man and one woman, and allowed states to refuse to recognize same-sex marriages granted under the laws of other states.

Seventeen years after DOMA became law, the Supreme Court ruled in 2013 in a 5-4 decision in US v. Windsor that Section 3 of DOMA (which prohibited same-sex marriage within the federal government and limited the term “spouse” to a husband and wife) violated the Equal Protection and Due Process clauses of the Constitution. But this decision did not require states to grant or to recognize same-sex marriages.

Litigation ensued in many states, with generally favorable results for advocates of same-sex marriage. In 2014, the Sixth Circuit Court of Appeals ruled against same-sex marriages in states in its jurisdiction. The U.S. Supreme Court heard an appeal against this ruling in a consolidated petition referred to as Obergefell v. Hodges (which had as its focus the naming of a same-sex spouse on a death certificate and raised the
question of whether the 14th Amendment requires a state to recognize a marriage performed out-of-state). In 2015 (2 years to the day after the Windsor decision and 12 years to the day after Lawrence v. Texas, which struck down sodomy laws in 13 states), the Supreme Court ruled 5-4 that states (and territories) must issue marriage licenses to same-sex couples and recognize marriages performed in other states.

The Supreme Court’s ruling (written by Justice Kennedy) included the following:

“No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family. In forming a marital union, two people become something greater than once they were. . . . 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 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.”