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Supreme Court Issues Historic Decision on Same-Sex Marriage

The U.S. Supreme Court has ruled that same-sex couples in the United States have a constitutional right to marry, no matter where they live. This means that same-sex marriage is now legal in all 50 states.

The central questions

On April 28, 2015, the Supreme Court heard oral arguments in the collective case of Obergefell v. Hodges, which bundled together challenges from four states. The Court considered two questions: (1) Does the Fourteenth Amendment require a state to license a marriage between two people of the same sex? and (2) Does the Fourteenth Amendment require a state to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state? On June 26, 2015, the Court ruled 5-4 that "The Fourteenth Amendment requires a State to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-State." This ruling effectively means that the 13 states that currently prohibit same-sex marriage must reverse their bans.

Highlights of the opinion of the Court

The majority opinion was written and delivered by Justice Anthony Kennedy, joined by Justices Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor, and Elena Kagan. In the opinion, Justice Kennedy writes that "The history of marriage is one of both continuity and change. That institution--even as confined to opposite-sex relations--has evolved over time." (p. 6)

He continues, "The limitation of marriage to opposite-sex couples may long have seemed natural and just, but its inconsistency with the central meaning of the fundamental right to marry is now manifest. With that knowledge must come the recognition that laws excluding same-sex couples from the marriage right impose stigma and injury of the kind prohibited by our basic charter." (p. 17-18)

Justice Kennedy ends with, "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. As some of the petitioners in these cases demonstrate, marriage embodies a love that may endure even past death. 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." (p. 28)

Chief Justice John Roberts and Justices Antonin Scalia, Clarence Thomas, and Samuel Alito filed dissenting opinions. Opinions on this case can be read at the Supreme Court's website, www.supremecourt.gov.

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