

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF THE ATTORNEY GENERAL

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Attorney General Racine Encouraged by Supreme Court Oral Arguments on Marriage Equality

Joined Amicus Brief Urging Court to Declare State Bans on Marriage Equality Unconstitutional

WASHINGTON, D. C. – Following today’s Supreme Court oral arguments on marriage equality, Attorney General Karl A. Racine today said he was cautiously optimistic that the justices would rule state bans on same-sex marriage unconstitutional.

“I am hopeful that today marked another milestone in our nation’s long progress toward securing full liberty and equality for all of our citizens,” Attorney General Racine said. **“As we argued in our brief in this case, it is time for the Supreme Court to ensure that same-sex couples legally married in the District enjoy the same rights, under law, as every other legally married couple no matter where in our great country they are. I’m proud that the District is one of the best jurisdictions in the country when it comes to protecting the rights of our LGBT residents – but LGBT Americans deserve to be treated with equal justice and equal dignity everywhere in the United States.”**

Earlier this year, Attorney General Racine joined a coalition of states in a friend-of-the-court brief (release here: <http://oag.dc.gov/release/attorney-general-racine-urges-supreme-court-uphold-right-marry-nationwide>) urging the justices to legalize full marriage equality nationwide. The brief argues that the continued refusal by some states to license or recognize marriages between gay and lesbian couples inflicts widespread harm on these couples and their families, including those living in the District and other states with full marriage equality. Major life decisions made by married same-sex couples – including decisions about education, employment and residency – are affected by the lack of legal recognition of their marriages in some states. Many couples refuse to move to or simply try to avoid non-recognition states whenever possible.

The brief highlights several specific harms inflicted on married same-sex couples by states that refuse to recognize the validity of their marriages. They include:

- Not amending birth certificates to include both spouses;
- Allowing employers to deny access to health-care coverage for spouses;
- Denying a spouse’s right to make decisions for or even visit his or her spouse in the hospital;

- Denying parental rights for one spouse; and
- Not including a spouse's name as a survivor on a death certificate.

Massachusetts Attorney General Maura Healey led the filing of the amicus brief on behalf of Massachusetts and 16 other jurisdictions, including California, Connecticut, Delaware, the District, Illinois, Iowa, Maine, Maryland, New Hampshire, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington.

A total of 12 states still refuse to permit marriages between same-sex couples or to recognize same-sex marriages lawfully licensed by other states. These non-recognition states include Kentucky, Michigan, Ohio, and Tennessee, whose laws are now under review. However, 21 states that currently license same-sex marriages do so only because they are required to by federal court decisions finding their marriage bans unconstitutional. Unless the Supreme Court requires marriage equality nationwide, these states may cease to honor same-sex marriages.

In total, 20 states joined briefs in support of the right to marry, including Hawaii, Minnesota, and Virginia (each of which filed a separate brief). These briefs were submitted in the cases of *Obergefell v. Hodges*, *Tanco v. Haslam*, *DeBoer v. Snyder*, and *Bourke v. Beshear*, all on appeal from the U.S. Court of Appeals for the Sixth Circuit.

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