



To Have and To Hold, From this Day Forward... Equality For All

by Natalie S. Kay

Justice Anthony M. Kennedy delivered the opinion for the Supreme Court of the United States in the landmark case of *Obergefell v. Hodge* on June 26, 2015, holding that the Fourteenth Amendment of the U.S. Constitution requires states to issue marriage licenses to same sex couples, and to recognize same sex marriages when lawfully licensed and performed in another state. Petitioner, James Obergefell met John Arthur over twenty years ago when they began their united life together. In 2011, Arthur was diagnosed with ALS¹. To cement their union, they travelled from Ohio, where same sex marriage was unlawful, to Maryland. The couple married on a medical transport plane on the tarmac in Baltimore. Three months later, Arthur died. Ohio denied James his request to be listed as the surviving spouse. In Petitioners' pursuit of equal dignity in the eyes of the law, this suit followed.

Justice Kennedy's opinion focused on where the dimensions of marriage once existed, and the evolution from the traditional confines of "one man and one woman", into new dimensions of family.

Justice Kennedy profoundly explains that marriage has transformed strangers into relatives, binding families and societies together since the dawn of history; how marriages were once arranged based upon political, religious and financial concerns, until flowing into pairings based upon 'romantic love'².

The Due Process Clause of the 14th Amendment has long protected and secured the fundamental rights guaranteed by the U.S. Constitution, including the right to marry. *Obergefell* now patently extends the Equal Protection Clause of the 14th Amendment to en-

sure that same sex couples are not denied the benefits afforded to opposite sex couples, and are not barred from exercising their fundamental right to marry. **B**

¹ John Arthur suffered from amyotrophic lateral sclerosis (ALS), often referred to as Lou Gehrig's Disease.
² Roberts C. J. dissent



Natalie Kay is an Attorney at Kelley Kronenberg in their Fort Lauderdale office. Natalie focuses her practice on Family and Matrimonial Law, Commercial Litigation and Appellate practice. Natalie earned her Bachelor of Arts in Criminal Justice and Criminology from Florida Atlantic University and went on to earn her Juris Doctor degree from Nova Southeastern University, Shepard Broad Law Center. While attending law school, Natalie received the American Academy of Matrimonial Lawyers Association Scholarship for Excellence in Matrimonial Law.

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