



Windsor v. United States, 186 L.Ed.2d 808 (2013)

Topics Covered: Gay, Lesbian, Bisexual and Transsexual Rights

Outcome: Very Favorable

Issue

The issue in this case was whether the Defense of Marriage Act, 1 USC § 7 (“DOMA”), violated the right of equal protection guaranteed under the Fifth Amendment.

AMA Interest

The AMA believes that, from a medical viewpoint, same-sex marriages are as stable and as suitable for raising children as are opposite-sex marriages.

Case Summary

Section 3 of DOMA defined “marriage,” for purposes of federal law, as “a legal union between one man and one woman as husband and wife,” to the exclusion of same-sex marriages. By virtue of that law, same-sex spouses of federal employees were denied government employment benefits available to spouses of heterosexual marriages. This case challenged the constitutionality of DOMA.

The case was appealed to the United States Supreme Court. The Court found that that Congress had intended to harm a politically unpopular group and had interfered with a function, the definition and regulation of marriage, within the realm of state law. By a split decision, it ruled that §3 of DOMA violated the due process and equal protection principles of the Fifth Amendment.

AMA Involvement

The AMA, along with the California Medical Association and several other health care organizations, filed an *amicus* brief to oppose DOMA. The brief presented scientific information on the nature of sexual orientation, the comparability of committed same-sex and different-sex adult relationships, and the factors affecting child welfare. It argued that there is no scientific basis for finding heterosexual relationships to be meaningfully superior to homosexual relationships.

United States Supreme Court brief