

GROUP 2 The Judicial Branch

DOCUMENT 2 *Unofficial Synopsis prepared by the Reporter of Decisions in Goodridge v. Department of Public Health*

Goodridge v. Department of Public Health

The Supreme Judicial Court held today that “barring an individual from the protections, benefits, and obligations of civil marriage solely because that person would marry a person of the same sex violates the Massachusetts Constitution.” The court stayed the entry of judgment for 180 days “to permit the Legislature to take such action as it may deem appropriate in light of this opinion.”

“Marriage is a vital social institution,” wrote Chief Justice Margaret H. Marshall for the majority of the Justices. “The exclusive commitment of two individuals to each other nurtures love and mutual support; it brings stability to our society. For those who choose to marry, and for their children, marriage provides an abundance of legal, financial, and social benefits. In turn it imposes weighty legal, financial, and social obligations.” The question before the court was “whether, consistent with the Massachusetts Constitution,” the Commonwealth could deny those protections, benefits, and obligations to two individuals of the same sex who wish to marry.

In ruling that the Commonwealth could not do so, the court observed that the Massachusetts Constitution “affirms the dignity and equality of all individuals,” and “forbids the creation of second-class citizens.” It reaches its conclusion, the court said, giving “full deference to the arguments made by the Commonwealth.” The Commonwealth, the court ruled, “has failed to identify any constitutionality adequate reason for denying civil marriage to same-sex couples.”

The court affirmed that it owes “great deference to the Legislature to decide social and policy issues.” Where, as here, the constitutionality of a law is challenged, it is the “traditional and settled role” of courts to decide the constitutional question. The “marriage ban” the court held, “works a deep and scarring hardship” on same-sex families “for no rational reason.” It prevents children of same-sex couples “from enjoying the immeasurable advantages that flow from the assurance of “a stable family structure in which children will be reared, educated, and socialized.” “It cannot be rational under our laws,” the court held, “to penalize children by depriving them of State benefits” because of their parents’ sexual orientation. The court rejected the Commonwealth’s claim that the primary purpose of marriage was procreation. Rather, the history of the marriage laws in the Commonwealth demonstrates that “it is the exclusive and permanent commitment of the marriage partners to one another, not the begetting of children, that is the sine qua non of marriage.”

The court remarked that its decision “does not disturb the fundamental value of marriage in our society.” “That same-sex couples are willing to embrace marriage’s solemn obligations of exclusivity, mutual support, and commitment to one another is a testament to the enduring place of marriage in our laws and in the human spirit,” the court stated.

The opinion reformulates the common-law definition of civil marriage to mean “the voluntary union of two persons as spouses, to the exclusion of all others. Nothing that “civil marriage has long been termed a ‘civil right,’” the court concluded that “the right to marry means little if it does not include the right to marry the person of one’s choice, subject to appropriate government restrictions in the interests of public health, safety, and welfare.”

Justices John M. Greaney, Roderick L. Ireland, and Judith A. Cowin joined in the court’s opinion. Justice Greaney

also filed a separate concurring opinion. Justices Francis X. Spina, Martha B. Sosman, and Robert J. Cordy each filed separate dissenting opinions.

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Questions to guide understanding of synopsis of *Goodridge v. Dept. of Public Health*

1. What did the Massachusetts Supreme Judicial Court rule in the case of *Goodridge v. Department of Public Health*?

2. To what document did the justices refer to explain their decision?

3. What did the justices say about their decision?

4. How is this ruling similar to *Brown v. Board of Education*? How is it different?
