



## **PRESS RELEASE**

Colorado Department of Law  
Attorney General John W. Suthers

### **FOR IMMEDIATE RELEASE**

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## **ATTORNEY GENERAL RESPONDS TO SUPREME COURT SAME SEX MARRIAGE DECISIONS**

**DENVER**—The United States Supreme Court issued opinions today on two cases involving same sex marriage. *U.S. v. Windsor* was a challenge to the constitutionality of the federal Defense of Marriage Act (DOMA) which denied certain federal benefits to same sex couples married under state laws. *Hollingsworth v. Perry* was a challenge to the constitutionality of California's Proposition 8 declaring a marriage was between one man and one woman. Proposition 8 is virtually identical to a Colorado constitutional provision passed by voters in 2006.

In striking down DOMA on a 5-4 vote, the Supreme Court reiterated that Congress is not given the power in the U.S. Constitution to define marriage and that what constitutes marriage remains the exclusive province of the states. The opinion clarifies that the federal government cannot discriminate against same sex couples recognized as married under state laws. The Attorney General's Office did not weigh in on the merits of the DOMA case in the Supreme Court.

In the Proposition 8 case, on a 5-4 vote, the court dismissed the case on procedural grounds because the state officials named as defendants in that case declined to defend the state law or appeal the ruling of the trial court striking it down. The 9<sup>th</sup> Circuit decision invalidating Proposition 8 was therefore vacated, leaving in place the federal trial court decision invalidating Proposition 8. That decision does not invalidate laws of other states, like Colorado, which limit marriage to a man and a woman. As a result, the Supreme Court did not rule on the status of state laws and constitutional amendments that expressly prohibit same sex marriage.

Attorney General John W. Suthers issued the following statement in response to the decisions:

"We joined an amicus brief in the Proposition 8 case seeking clarity about the ability of states to adopt traditional definitions of marriage as Colorado's voters did in 2006. The Supreme Court did not provide such clarity today. We will continue to analyze the opinions and will be prepared to defend Colorado statutes and constitutional provisions in the future."

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