

GREG KATSAS ON LGBTQ RIGHTS

Highlights:

- Greg Katsas opposed same-sex marriage.
 - Katsas defended the Defense of Marriage Act in court.
 - Katsas opposed Obergefell v. Hodges.

Katsas Opposed Same Sex-Marriage

KATSAS DEFENDED THE DEFENSE OF MARRIAGE ACT IN COURT

2012: Katsas Suggested That The Supreme Court Would Not Overturn The Defense Of Marriage Act (DOMA).

According to the New York Times, “The court did not address -- nor was it asked to -- whether states without same-sex marriage could be forced to recognize couples who were married in states where it is legal. The First Circuit covers Maine, Massachusetts, New Hampshire, Rhode Island and Puerto Rico. Supporters of the marriage law also seemed to believe that the Massachusetts case was better for their cause than the one from California, in which the Ninth Circuit earlier this year struck down a ban on same-sex marriage. ‘This is a good development for defenders of the law,’ said Gregory Katsas, a former Justice Department official who has defended the Defense of Marriage Act. For the Supreme Court to overturn it, he said, the justices would have to take the drastic step of striking down ‘a federal statute passed by overwhelming margins and signed by Bill Clinton.’” [New York Times, [6/1/12](#)]

During His Time At The Bush Justice Department, Katsas Defended DOMA In Court. According to the Dutch Caribbean Legal Portal , “Gregory Katsas, a former US Justice Department official who has defended Doma in court, said that with the cases being held one after the other it will be difficult for the supreme court justices not to see a contradiction in the position of those who support gay marriage - on the one hand arguing for states' rights in New York while against them in California. ‘Having both cases together, the challengers of Doma making the states rights' argument I think is going to ring a little bit hollow when one day earlier all of the same people on that side of the issue were making all of the same arguments for why states can not have a more traditional definition of marriage than the federal government,’ he said.” [Dutch Caribbean Legal Portal, accessed [6/25/24](#)]

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Obergefell v. Hodges Legalized Same-Sex Marriage Under The Due Process Clause Of The Fourteenth Amendment

Obergefell v. Hodges Legalized Same-Sex Marriage Under The Due Process Clause Of The Fourteenth Amendment. According to Oyez, “Yes, yes. Justice Anthony M. Kennedy delivered the opinion for the 5-4 majority. The Court held that the Due Process Clause of the Fourteenth Amendment guarantees the right to marry as one of the fundamental liberties it protects, and that analysis applies to same-sex couples in the same manner as it does to opposite-sex couples. Judicial precedent has held that the right to marry is a fundamental liberty because it is inherent to the concept of individual autonomy, it protects the most intimate association between two people, it safeguards children and families by according legal recognition to building a home and raising children, and it has historically been recognized as the keystone of social order.” [Oyez, accessed [6/25/24](#)]