A First-Hand Reflection of the Obergefell v. Hodges Ruling

By Anjali Chavan

My alarm sounded at 4:40 a.m., marking the end of a fitful two hours of sleep. After getting dressed and packing a few snacks, I roused my sleepy friends so we could catch a cab and begin our trip from Washington’s U Street neighborhood to Capitol Hill. It was just before sunrise on Friday, June 26. Many believed the United States Supreme Court would announce its decision on marriage equality that day. June 26 held potentially symbolic relevance: On June 26, 2003, the Court invalidated sodomy laws in Lawrence v. Texas; on June 26, 2013, the Court invalidated Section 3 of the Defense of Marriage Act in United States v. Windsor. We subscribed to the June 26 theory and hoped to be in the courtroom to hear the Court invalidate bans on marriage equality in Obergefell v. Hodges.

We arrived at the Court at 5:30 a.m. and were met by a throng of well-dressed and well-caffeinated people all pulsing with excitement. We found the end of a sprawling line and waited, hoping to be among the few to receive a golden ticket, granting us access to the Court’s hallowed halls. Despite its grand pillars and intimidating corridors, the Supreme Court courtroom is actually quite small, only able to accommodate a few hundred guests. Those wishing to receive an entry ticket must line up outside the building hours before it opens. Due to the gravity of the Obergefell decision, some people slept outside the Supreme Court overnight, arriving as early as 2 a.m. to ensure their entrance. Arriving at 5:30 a.m., we were late. Dozens of people stood between us and a seat in the courtroom.

After two hours of waiting, at 7:15 a.m. the Supreme Court security personnel handed the first 50 people in line their purple passes to go inside. I was the 78th person in line.

Despite some neighboring skeptics that we would never receive an elusive purple pass, we couldn’t bring ourselves to leave the line. We moved ahead directly in front of the Supreme Court steps crowded next to the press. We watched as the crowd of travelers grew bearing rainbow flags, Human Rights Campaign banners and homemade signs. At 9:20 a.m., 40 minutes before the justices would render their opinions for the day, a security guard returned and handed me an entry ticket.

While my bladder was about to burst, I bee lined for the lockers, stowed our purses and waited in line to be seated inside the courtroom. We were seated in the back on a row of wooden chairs. As I looked around, I recognized some familiar faces – HRC President Chad Griffin, Lead Plaintiff Jim Obergefell, Plaintiffs Pamela and Nicole Yorksmith – and I was in awe of the Court and the palpable nervous energy of its inhabitants at that moment. Fifteen minutes before 10 a.m., secret service shushed the growing crowd and motioned to my row and ushered us to the first row of the public gallery in the dead center of the room. The only thing separating me from the justices were the members of Supreme Court bar.

At 10 a.m., the bailiff announced the justices with a customary “Oyez! Oyez! Oyez!” The nine filed in. Kagan was first. Sotomayor second and so on. When the justices sat, we sat. Justice Scalia was directly in front of me with only 20 feet separating us.

Chief Justice Roberts announced that the Obergefell v. Hodges decision would be decided and Justice Kennedy had the majority decision. At that point, I knew. We had won... something...not sure of the extent of our victory, but Justice Kennedy’s prior jurisprudence indicated he would favor us.

Holding hands, Kate Christobek, Jillian Roach and I listened to Justice Kennedy deliver our victory with tears streaming down our faces. While a deep quiet came over the crowd, I could hear the silent sobs of the public and I could see one attorney’s body shaking as Justice Kennedy declared:

“No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family. In forming a marital union, two people become something greater than once they were. As some of the petitioners in these cases demonstrate, marriage embodies a love that may endure even past death. It would misunderstand these men and women to say they disrespect
June 26, 2015 was a good day. We love. We celebrate recognition. We celebrate marriage. We celebrate children. We celebrate the pursuit of happiness. We celebrate human dignity. We celebrate the Constitution. We celebrate equality. We celebrate freedom. We celebrate this victory.

Today, we do as Chief Justice Roberts encourages – we celebrate. We celebrate because of who they love or how they identify. But we do not celebrate the Constitution. It had nothing to do with it. We celebrate the availability of new benefits. But do not celebrate the Constitution. It had nothing to do with it. I respect Chief Justice Roberts' dissent.

Chief Justice Roberts' dissent followed ending as follows, “If you are among the many Americans – of whatever sexual orientation – who favor expanding same-sex marriage, by all means celebrate today’s decision. Celebrate the achievement of a desired goal. Celebrate the opportunity for a new expression of commitment to a partner. Celebrate the availability of new benefits. But do not celebrate the Constitution. It had nothing to do with it. I respectfully dissent.”

He smiled at the crowd periodically while reading. While he disagreed with the majority's decision, I got the sense he was happy with the outcome. His tone and demeanor suggested celebration. He certainly didn’t agree with the manner in which marriage equality was won, but perhaps, he agreed that it was the right thing to do.

The Court decided one other case that day, but I didn’t hear a word. I was still processing. New marriages acted out in other states – like that of dear friends Densil Delayahu Porteous and Matthew Dewit – would be recognized in our home state of Ohio – the heart of it all. Now family members, like Kris Surovjak and Shelly Schwarzwalder Rasmussen, long resigned to being forever partners, could start planning their weddings.

Afterwards when I walked out of the front doors of the United States Supreme Court, hundreds had gathered, sporting rainbows and chanting “Love has won! Love has won!” The sense of community overwhelmed me at that moment. We were all there because we believe that our love is no better or no worse than another's love.

There is still work to be done. We still need to ensure that citizens are not fired from their jobs because of their marriages, and we need to ensure that citizens are not denied housing, public accommodations or immigration papers because of who they love or how they identify. But today, we do as Chief Justice Roberts encourages – we celebrate. We celebrate this victory. We celebrate equality. We celebrate human dignity. We celebrate the pursuit of happiness. We celebrate marriage. We celebrate children. We celebrate recognition. We celebrate love.

To paraphrase the artist Ice Cube, June 26, 2015 was a good day.

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