

Romer v. Evans

Romer v. Evans (1996)

Opinion of the Court: Kennedy

Concurring: Stevens, O'Connor, Ginsburg, Breyer

Dissenting: Rehnquist, Scalia, Thomas

I.Facts: In 1996, Colorado voters amended their State Constitution to prohibit any judicial, legislative, or executive action that would protect "homosexual, lesbian, or bisexuals" from discrimination. Homosexuals in Colorado and some gay members of political office filed a grievance against the enforcement of the amendment.

II*. Issues:* 1.) Does Amendment 2 of Colorado's State Constitution, forbidding the extension of official protections to those who suffer discrimination due to their sexual orientation, violate the Fourteenth Amendment's Equal Protection Clause?

III. Opinion of Justice Burger for the Court

A.) Resolution of Legal Issues: 1.) Yes

B.) Reasoning: The law had no relationship to a legitimate state interest. The disadvantage imposed is born of animosity toward the class of persons affected. "[I]f the constitutional conception of 'equal protection of the laws' means anything, it must at the very least mean that a bare . . . desire to harm a politically unpopular group cannot constitute a legitimate governmental interest." *Department of Agriculture v. Moreno* (1973).

IV. Opinion of Justices Scalia and Thomas, dissenting: The constitutional amendment before us here is not the manifestation of a "bare . . . desire to harm" homosexuals, but is rather a modest attempt by seemingly tolerant Coloradans to preserve traditional sexual mores against the efforts of a politically powerful minority to revise those mores through use of the laws. The amendment only denies gays and homosexuals "special rights."

V. Significance: The Court would consider this law to be aimed only at oppressing gays and homosexuals.