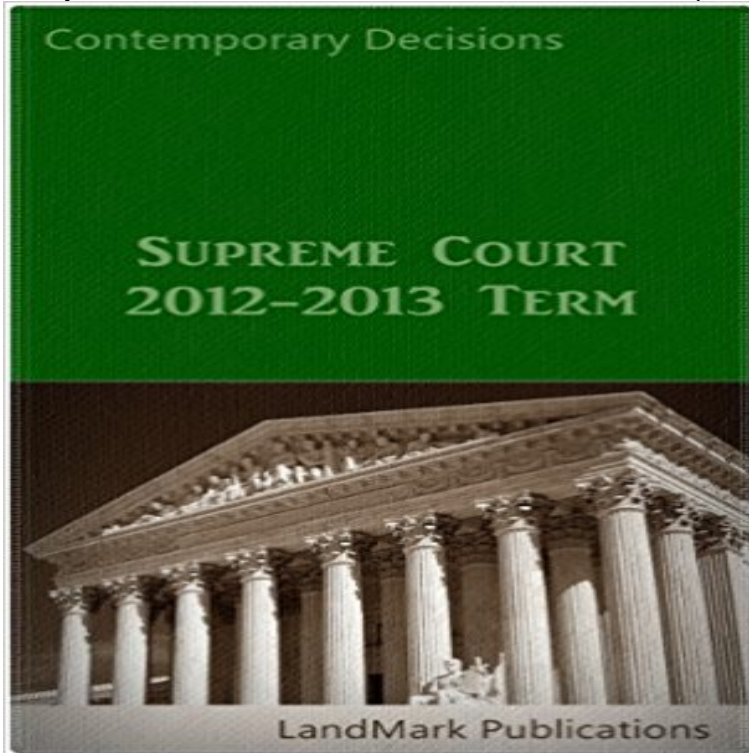


Supreme Court: 2012 - 2013 Term (Litigator Series)



THIS CASEBOOK contains a selection of 53 U. S. Supreme Court decisions from the courts term ended June 2013. Two opinions stand out. In *US v. Windsor*, 133 S. Ct. 2675 (2013), the court struck down a provision of the Defense of Marriage Act (DOMA), which defined marriage as the legal union between one man and one woman. In *Hollingsworth v. Perry*, the court let stand an injunction that bars the state of California from enforcing Proposition 8. It is a California law that amended the state constitution to define marriage as a union between a man and a woman.

* * * The public is currently engaged in an active political debate over whether same-sex couples should be allowed to marry. That question has also given rise to litigation. In this case, petitioners, who oppose same-sex marriage, ask us to decide whether the Equal Protection Clause prohibits the State of California from defining marriage as the union of a man and a woman. Pet. for Cert. i. Respondents, [] ask whether California having previously recognized the right of same-sex couples to marry may reverse that decision through a referendum. *Hollingsworth v. Perry*, 133 S. Ct. 2652 (2013). Federal courts have authority under the Constitution to answer such questions only if necessary to do so in the course of deciding an actual case or controversy. As used in the Constitution, those words do not include every sort of dispute, but only those historically viewed as capable of resolution through the judicial process. *Flast v. Cohen*, 392 U.S. 83, 95, 88 S.Ct. 1942, 20 L.Ed.2d 947 (1968). This is an essential limit on our power: It ensures that we act as judges, and do not engage in policymaking properly left to elected representatives. *Hollingsworth v. Perry*, *ibid.* Article III standing is not to be placed in the hands of concerned bystanders, who will use it

simply as a vehicle for the vindication of value interests. *Diamond*, 476 U.S., at 62, 106 S.Ct. 1697. *Hollingsworth v. Perry*, *ibid.* Without a judicially cognizable interest of their own, petitioners attempt to invoke that of someone else. They assert that even if they have no cognizable interest in appealing the District Courts judgment, the State of California does, and they may assert that interest on the States behalf. It is, however, a fundamental restriction on our authority that [i]n the ordinary course, a litigant must assert his or her own legal rights and interests, and cannot rest a claim to relief on the legal rights or interests of third parties. *Powers v. Ohio*, 499 U.S. 400, 410, 111 S.Ct. 1364, 113 L.Ed.2d 411 (1991). *Hollingsworth v. Perry*, *ibid.*

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