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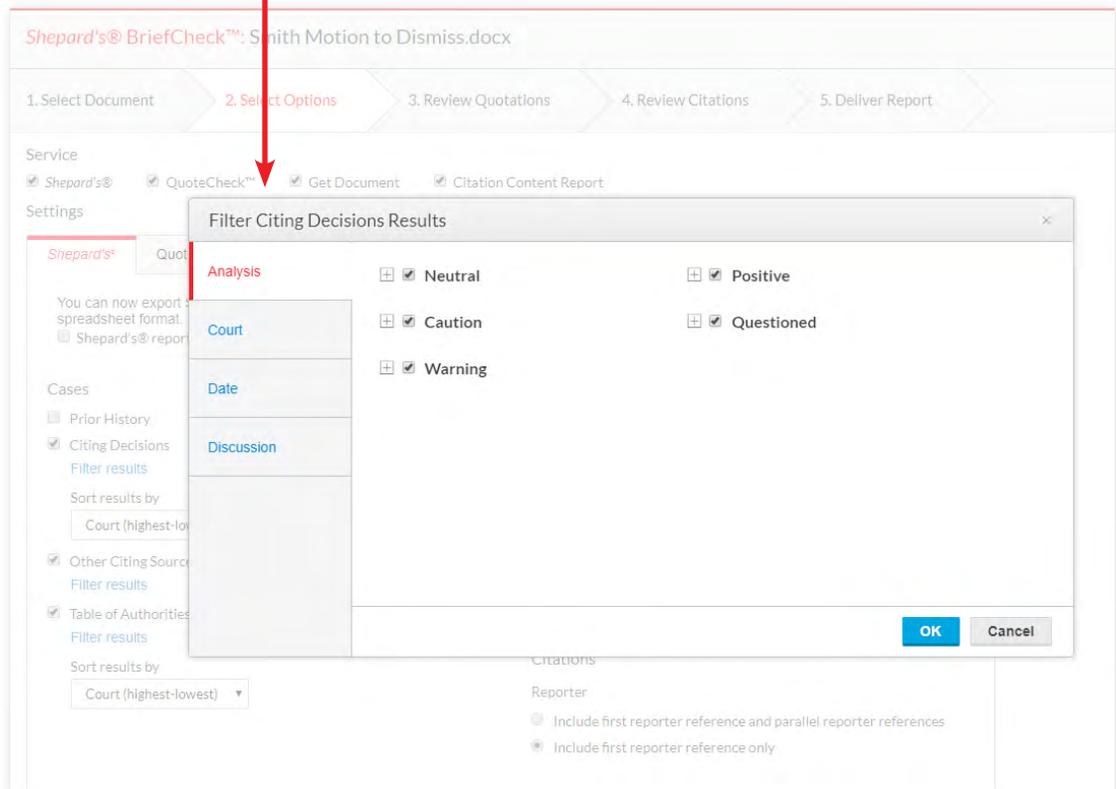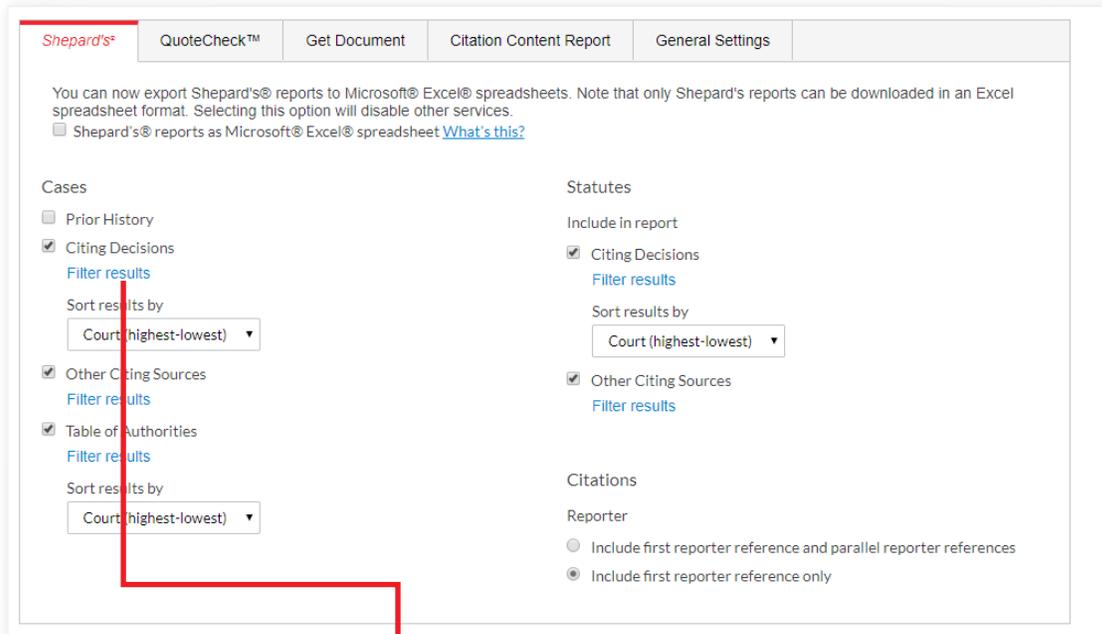Please note: You can request up to 600 reports within the BriefCheck report

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Smith Motion to Dismiss

HN2 LEdHN[2] [2] Under the Due Process Clause of the Fourteenth Amendment, no State shall "**deprive any person of life, liberty, or property, without due process of law.**" The fundamental liberties protected by this Clause include most of the rights enumerated in the Bill of Rights. See Duncan v. Louisiana, 391 U.S. 145, 147-149 ▾ , 88 S. Ct. 1444, 20 L. Ed. 2d 491 (1968). In addition these liberties extend to certain personal choices central to [intimate choices that define personal identity and beliefs. See, e.g., | Attach selected quote to this citation |, 453 ▾ , 92 S. Ct. 1029, 31 L. Ed. 2d 349 (1972); Griswold v. Connecticut, 381 U.S. 479, 484-486 ▾ , 85 S. Ct. 1678, 14 L. Ed. 2d 510 (1965).
HN3 LEdHN[3] [3] The identification and protection of fundamental rights is an enduring part of the judicial duty to interpret the Constitution. That responsibility, however, "has not been reduced to any formula." Poe v. Ullman, 367 U.S. 497, 542 ▾ , 81 S. Ct. 1752, 6 L. Ed. 2d 989 (1961) (Harlan, J., dissenting). Rather, it requires courts to exercise [**624] reasoned judgment in identifying interests of the person so fundamental that the State must accord them its respect. See [***25] ibid. That process is guided by many of the same considerations relevant to analysis of other constitutional provisions that set forth broad principles rather than specific requirements. History and tradition guide and discipline this inquiry but do not set its outer boundaries. See Lawrence, supra, at 572, 123 S. Ct. 2472 ▾ , 156 L. Ed. 2d 508. That method respects our history and learns from it without allowing the past alone to rule the present.
HN4 LEdHN[4] [4] The nature of injustice is that we may not always see it in our own times. The generations that wrote and ratified the Bill of Rights and the Fourteenth Amendment did not presume to know the extent of freedom in all of its dimensions, and so they entrusted to future generations a charter protecting the right of all persons to enjoy liberty as we learn its meaning. When new insight reveals discord between the Constitution's central protections and a received legal stricture, a claim to liberty must be addressed.
Applying these established tenets, the Court has long held HN5LEdHN[5] [5] the right to marry is protected by the Constitution. In Loving v. Virginia, 388 U.S. 1, 12 ▾ , 87 S. Ct. 1817, 18 L. Ed. 2d 1010 (1967), which invalidated bans on interracial unions, a unanimous Court held marriage is "one of the vital personal rights essential to the orderly pursuit of happiness by free men." The Court reaffirmed [***26] that holding in Zablocki v. Redhail, 434 U.S. 374,

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📄	85 S. Ct. 1678		1	Cases	▲	☑	0 quotes	☑	☐
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