

Mississippi & Same Sex Marriage; The End or the Beginning?

Think about this question posed by Federal Court Judge, Carlton Reeves, yesterday:

“What is the state’s rational basis that same-sex couples can’t marry ... and its prohibition of same-sex couples from adopting children when all a child wants is to be loved, and they don’t care by whom?”

At least two instances of persons challenging Mississippi’s ban on same-sex marriage and adoption are now pending before the Federal District Court. A number of Federal Circuit Courts have struck down similar state bans and the trend is growing.

The response to the Judge’s inquiry was “responsible procreation.” However the days of “having” to be married to procreate have gone out the window. Additionally, it has no bearing on infertile couples, elderly couples or even prisoners, all of whom still have the legal right to marry so long as it is a person of the opposite gender.

Mississippi’s ban, I predict, is the next to be struck down. There’s not a rational basis for gender discrimination when it comes to marriage. There are arguments on a *religious basis* and *tradition*, but neither of these arguments will carry the day, nor will *responsible procreation*. These cases and the Mississippi law really turn on same-gender arguments and whether there is a rational basis, the legal standard required, to place limitations on the rights of same-gender couples as opposed to purely sexual orientation arguments. Stay tuned.



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to practice before the U.S. Supreme Court (pictured above) and predicting a change in Mississippi law very soon.

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