The amicus brief that Professor Davis and the NYU Law School Experiential Learning Lab submitted in the Obergefell case drew on the convergent histories of marriage, race, slavery and emancipation. The brief argued that a broadening of state definitions of marriage and family was understood to be a necessary consequence of the ratification of the Fourteenth Amendment's Citizenship, Privileges or Immunities and Due Process Clauses.

The amicus brief, cited in Obergefell v. Hodges, recounts a powerful body of equal protection jurisprudence that prohibits punishing children to reflect moral disapproval of parental conduct or to incentivize adult behavior.