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Posted Fri, March 14th, 2014 8:59 pm

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Tennessee ruling on married same-sex couples

Citing “a rising tide” of federal court rulings in favor of marriage rights for same-sex couples, and anticipating that state bans on such marriages may soon “become a footnote in the annals of American history,” a federal judge in Nashville [ordered Tennessee officials](#) on Friday to begin recognizing the out-of-state marriages of one lesbian couple and two gay couples.

U.S. District Judge Aleta A. Trauger emphasized that she was only ruling temporarily, and only for those three couples, while their case continues in her court. While she noted that a string of federal court rulings has now gone uniformly in favor of marriage equality, she said her final decision on recognition of such marriages may be influenced if that trend does not continue.

Tennessee not only bans same-sex marriages, especially under a 2006 state constitutional amendment that got an eighty-percent majority of voters, but it also refuses to recognize any such marriages performed elsewhere. In the case before Judge Trauger, two of the couples had been married in New York and one in California — two states among the seventeen that now permit such marriages. All three couples now live in Tennessee, and are seeking equal access to benefits that go with being married.

The judge stressed that she was only ruling, at this point, on whether to block temporarily the refusal to recognize non-Tennessee marriages already performed. She said her ruling should not be interpreted as saying anything about the ban on couples who want to get married in Tennessee.

And yet, in spite of the narrowness that she stressed, the judge’s decision relied heavily upon the reasoning used by other judges in same-sex marriage cases.

She commented: “At some point in the future, likely with the benefit of additional precedent from circuit courts and, perhaps, the Supreme Court, the court will be asked to make a final ruling on the [three couples’] claims.”

She added that, “at this point, all signs indicate that, in the eyes of the United States Constitution, the [three couples] marriages will be placed on an equal footing with those of heterosexual couples.”

Judge Trauger was the third judge in a southern or border state to find at least some right to marriage equality for same-sex couples. The others were in Kentucky and Virginia. State bans on same-sex marriage got some of the strongest support from voters in that part of the U.S.

So far, no federal court of appeals has issued a final ruling on the issue since the Supreme Court’s decision last June, in [United States v. Windsor](#), striking down the federal Defense of Marriage Act’s ban on marital benefits for already married same-sex couples. Hearings are scheduled in the courts of appeals in April and May in cases involving the state bans in Oklahoma, Utah, and Virginia, and a hearing is likely to be scheduled before long in circuits that have been or will be asked to rule on bans in Nevada and Texas.

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Recommended Citation: Lyle Denniston, *Tennessee ruling on married same-sex couples*, SCOTUSBLOG (Mar. 14, 2014, 8:59 PM), <http://www.scotusblog.com/2014/03/tennessee-ruling-on-married-same-sex-couples/>