

“It is so

ORDERED.”

## 5-4 ruling legalizes same-sex marriage across U.S.

Hannah Marley  
Production Artist

On June 26, 2015 at 10 a.m., the Supreme Court of the United States released their opinion on *Obergefell v. Hodges*, legalizing same-sex marriage in all 50 states in a 5-4 decision.

The decision, passed to interns who sprinted down the marble steps of the Supreme Court building, sparked celebrations throughout D.C. and the rest of the country as millions of American same-sex couples learned that they, along with their heterosexual peers,

received the right to marry under the United States Constitution.

Thomas Carpenter, senior in classics, witnessed the historic moment on the courthouse steps after briefly leaving his summer internship with Rep. Steven Cohen (D-Tenn.).

“It was about 95 percent LGBTQ+ people, and the other 5 percent were religious,” Carpenter said. “You could feel in the air that something historic was about to happen, and when it did, I had never been in a crowd that was that excited before.”

“I felt like I was at a UT football game.”

The same excitement ignited celebrations in Knoxville, where plaintiffs Sophy Jesty and Val Tanco, lawyer Regina Lambert and

Knoxville’s first married same-sex couple congregated to express their elation, pride and gratitude to the highest court in the nation.

“This is a win for so many families in so many states across the country,” Jesty said. “Thank you SCOTUS for taking away all of that worry and concern and replacing it with legitimization of our love for our families and our children. Thank you.”

The unifying factor connecting the hundreds of diverse people gathered in front of the courthouse and across the country, Carpenter said, was evident in the bond between couples and within a minority freshly validated under federal law.

“There was a lot of love in that crowd,”

Carpenter said. “Love was the defining characteristic of that crowd.”

For Maureen Holland, a member of the Memphis legal team and a civil rights employment lawyer, the scene inside the courtroom itself was equally emotional upon hearing Kennedy’s majority opinion and realizing her own marriage will be recognized in Tennessee and nationwide.

Holland recalled her nerves and uncertainty when Justice Anthony Kennedy, the majority opinion author, opened his announcement acknowledging the historic definition of marriage between a man and a woman.

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"We just were not sure how this was going to go, because this could be a very narrow decision," Holland said. "He transitioned, there was a deep relief and people began to sob and cry. Lawyers aren't known for being emotional, but there wasn't a dry eye in the room."

What Kennedy described was a fundamental right to marriage inherent in the equal protections clause of the fourteenth amendment, requiring all states to not only recognize, but also perform marriages within their borders.

By clarifying marriage as a fundamental right, the court applied a standard level of strict scrutiny that government must meet to challenge that standard, serving as recognition of an individual's right to marry and as a safeguard against potential legal disputes.

"It was wonderful, it was a relief, because it clears up a great deal of legal wrangling and uncertainty that Justice Kennedy speaks to in his majority opinion," Holland said. "Uncertainty in the law leads to a great deal of litigation, which means that people are being harmed."

Kennedy's opinion also commented on such legal uncertainty: "Especially against a long history of disapproval of their relationships, this denial to same-sex couples of the right to

marry works a grave and continuing harm. The imposition of this disability on gays and lesbians serves to disrespect and subordinate them."

While the law reflects equal right to fair treatment under the law, Kaedee White, a member of OUTreach at UT, said she wants people to remember that discrimination against the LGBTQ+ community is still an ongoing battle.

"This is huge, but this is step one," White said. "(Marriage) is a big deal in both a physical and emotional sense for many people. But we are not done fighting."

White also explained that the fight for legal protection must propel beyond the Supreme Court's decision into equal rights for transgender individuals and LGBTQ+ youth, a group placed at higher risk of suicide and depression.

Results from a 2001-2009 Youth Risk Behavior Surveillance conducted by the Center for Disease Control & Prevention revealed that LGBTQ+ students who did not attend school within the last 30 days due to safety concerns ranged from 11 to 30 percent.

Holland agreed with White's analysis of LGBTQ+ issues, saying the Supreme Court's decision must coincide with cultural changes statewide as pushback emerges from the June 26 ruling.

"To this day, I still have cases dealing with race discrimination, with sex discrimination, with AIDS discrimination," Holland said. "I don't think our work here is done, but I do think this is a big step in the right direction."

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