



June 26, 2015

Dear County Clerk:

Marriage is about love and commitment. Same-sex couples have long made lifelong promises to take care of and be responsible for each other, in good times and bad. And today the United States Supreme Court ruled in *Obergefell v. Hodges* that loving and committed same-sex couples will now enjoy the protections and respect that come with marriage, just like everyone else.

The Supreme Court's ruling in *Obergefell* makes clear that the freedom to marry is a fundamental right protected by the United States Constitution. Today the Court has ensured that same-sex couples who choose to marry have equal access to the unique security and personal dignity offered by marriage. The Court's decision clarifies that the U.S. Constitution protects same-sex couples' ability to marry and strikes down state bans against same-sex marriage, including Tennessee's.

In *Obergefell*, the Court wrote, "The right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived of that right and that liberty... The Court now holds that same-sex couples may exercise the fundamental right to marry."

As a county clerk who has sworn an oath to uphold the U.S. Constitution, you play a crucial role in implementation of this ruling. Now that the Supreme Court has ruled that the U.S. Constitution protects the right to marry, ACLU's position is that you can and should immediately begin issuing marriage licenses to same-sex couples to remain in compliance with the Constitution. It is not necessary to wait for any further court order. We anticipate that your office will immediately begin issuing marriage licenses to same-sex couples upon request.

Thank you for the crucial role you will play in ensuring that everyone in Tennessee is treated equally and with dignity and respect, regardless of their sexual orientation, when they apply for a marriage license. Please feel free to call me at (615) 320-7142 if you have any questions or concerns.

With best wishes,

Hedy Weinberg
Executive Director

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