

The Virgin Islands Consortium

COURT HEARING GAY MARRIAGE ARGUMENTS FROM 4 STATES

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CINCINNATI (AP) -- A federal appeals court is set to hear arguments in six gay marriage fights from four states - Kentucky, Michigan, Ohio and Tennessee - in the biggest such session on the issue so far.

Three judges of the 6th U.S. Circuit Court of Appeals in Cincinnati will consider arguments Wednesday that pit states' rights and traditional, conservative values against what plaintiffs' attorneys say is a fundamental right to marry under the U.S. Constitution. Large demonstrations are expected outside the courthouse by both opponents and supporters.

Michigan's and Kentucky's cases stem from rulings striking down each state's gay marriage bans. Ohio's case deals only with the state's recognition of out-of-state gay marriages, while Tennessee's is narrowly focused on the rights of three same-sex couples.

Attorneys on both sides in the Michigan and Ohio cases will go first and get a half-hour each to make their cases. Kentucky and Tennessee will follow, with 15 minutes for each side from both states.

Hundreds of gay marriage supporters rallied Tuesday at a park near Cincinnati's riverfront on the eve of the court arguments.

The Rev. Mary Moore of Dayton, interim minister at the Miami Valley Unitarian Universalist Fellowship church, says she has performed many services of "holy union" for same-sex couples, but they are not recognized by the state.

"It's not fair that all of the marriages I perform aren't allowed to be on an equal basis," she said.

Mason Gersh, 19, of Louisville, Kentucky, said he hoped to be inside the courthouse to hear the legal arguments. "Equality for all is a civil right, and we all need to fight for that," said Gersh, who is gay.

Since the U.S. Supreme Court struck down part of the federal Defense of Marriage Act last year, gay marriage advocates have won more than 20 victories in federal courts. No decision has gone the other way in that time.

Constitutional law professors and court observers say the 6th Circuit could deliver the first victory to gay marriage opponents.

The three judges hearing the case are Jeffrey S. Sutton and Deborah L. Cook, both nominees of President George W. Bush, and Martha Craig Daughtrey, a pick of President Bill Clinton.

Sutton is considered the least predictable, shocking Republicans in 2011 when he became the deciding vote in a 6th Circuit ruling that upheld President Barack Obama's landmark health care overhaul.

If the 6th Circuit decides against gay marriage, that would create a divide among federal appeals courts and put pressure on the U.S. Supreme Court to settle the issue for good in its 2015 session.

Two federal appeals courts already have ruled in favor of gay marriage, one in Denver in June and another in Richmond, Virginia, last week. On Tuesday, Utah appealed the ruling from the Denver-based court, asking the U.S. Supreme Court to take up the case and uphold the state's ban.

The 6th Circuit is the first of three federal appeals courts to hear arguments from multiple states in August and September.

The 7th Circuit in Chicago has similar arguments set for Aug. 26 for bans in Wisconsin and Indiana. The 9th Circuit in San Francisco is set to take up bans in Idaho and Nevada on Sept. 8.

Gay marriage is legal in 19 states and the District of Columbia.

Associated Press writer Lisa Cornwell contributed to this report.

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