

## Why Supreme Court is still weighing in on same-sex marriage

by [Beatrice Gitau](#) and [Patrik Jonsson](#)

September 1, 2015

([The Christian Science Monitor](#)) Kim Davis, the Rowan County clerk in Kentucky who has repeatedly refused to issue marriage licenses to gay couples, must begin issuing marriage licenses to all qualified couples, the Supreme Court ruled Monday.

This comes after Justice Elena Kagan, who oversees the sixth district, denied her application for a stay on a federal order calling on her to issue marriage licenses to same-sex couples.

Davis has refused to issue any marriage licenses since the U.S. Supreme Court legalized same-sex marriages across the nation in June, on the grounds that the Supreme Court's ruling violates her religious freedom. Davis has argued that even allowing willing deputies to file same-sex marriage licenses would compromise her religious beliefs.

This morning, she did it again—denying two couples licences. Law enforcement authorities then cleared out the hundreds of people packed inside the clerk's office to support both sides of the issue. The sheriff's office told Davis's supporters and gay rights activists to leave, the Associated Press reported.

The two groups lined up on either side of the courthouse entrance to chant at each other. David Ermold has been rejected by Davis' office four times. He said: "I feel like I've been humiliated on such a national level."

He hugged David Moore, his partner of 17 years. They cried as Davis's supporters marched by shouting, "Stand firm."

Davis's attorney said she would pray overnight and understands the consequences if she continues to refuse to issue gay couples a marriage license.

Two straight couples and two gay couples have sued Davis, arguing that she must fulfill her duties as an elected official despite her personal religious faith.

A U.S. district judge ordered Davis to issue the marriage licenses, but later delayed his order while Davis appealed to the Sixth Circuit. Her lawyers with the Liberty Counsel, later filed an appeal to the Supreme Court, asking that they grant her "asylum for her conscience."

Davis's case illustrates how some government officials continue to wrestle with legal obligations that clash with personal beliefs.

After the Supreme Court ruling in June, Texas Attorney General Ken Paxton told county clerks in Texas that they don't have to sign marriage licenses if they have religious objections. But he added that to do so without providing an immediate accommodation could land them in legal trouble. "We find that although it fabricated a new constitutional right in 2015, the Supreme Court did not diminish, overrule, or call into question the First Amendment rights to free exercise of religion that formed the first freedom in the Bill of Rights," Paxton said in a statement.

If Davis defies the federal judge's ruling, she faces contempt of court, which can carry heavy fines or jail time.

According to the Associated Press, Dan Canon, an attorney representing the couples, said he hopes Davis will simply hand his clients licenses, and the controversy will end with that. Davis behind bars is not an outcome they are hoping for, he said. "But if she continues to defy the court's order, we cannot let that continue unaddressed," he said Monday night.

*Harry Bruinius contributed material to this report.*