

Six Republican presidential candidates back defiance of gay marriage ruling

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Six of the candidates for the Republican presidential nomination have come out publicly in support of Kim Davis, the clerk of Rowan County, Kentucky, who has been jailed for refusing a court order to begin issuing licenses for gay marriages.

The open defense of anti-gay bigotry is an indication of the drastic shift to the right in American capitalist politics, in which arguments based on religious doctrine are increasingly accepted by both parties as legitimate in making policy decisions.

Former Arkansas Governor Mike Huckabee and Texas Senator Ted Cruz have taken the most strident public positions, joined by Louisiana Governor Bobby Jindal, Kentucky Senator Rand Paul, Wisconsin Governor Scott Walker and former Pennsylvania Senator Rick Santorum.

Several more Republican hopefuls, like former Florida Governor Jeb Bush, New Jersey Governor Chris Christie and Florida Senator Marco Rubio, have expressed sympathy for Davis's actions and urged the Kentucky state legislature to find a way to accommodate anti-gay bigotry and the Supreme Court's decision striking down legal barriers to marriage equality.

Davis remains in jail for defying the order of US District Judge David Bunning to begin issuing marriage licenses to gay couples. Five of her six deputies—the exception was Davis's own son Nathan—began issuing licenses Friday in her absence.

The Rowan County clerk has drawn national attention and support from Christian fundamentalist groups. She is one of three Kentucky county clerks to refuse marriage licenses to gay couples, along with a dozen or more from Alabama and a scattered few in other states.

A Democrat elected in 2014, Davis is a member of an Apostolic Church that adheres to a literal interpretation of the Bible. While presenting her actions as an assertion of her religious freedom, Davis is really trampling on the freedom of others, using her position as the issuer of

marriage licenses in Rowan County to prevent gay couples from gaining the legal sanction for their relationships that they are entitled to receive under the Supreme Court decision in *Obergefell v. Hodges*.

Walker discussed the case on a right-wing talk show Thursday, claiming that Davis was only exercising her freedom of religion. "I read that the Constitution is very clear that people have freedom of religion," he said. "You have the freedom to practice religious beliefs out there, it's a fundamental right."

Santorum told CNN's "New Day" program Friday, "What Kim Davis did, in my opinion, was heroic." He claimed that the Supreme Court "acted unconstitutionally" when it ruled that gay couples have a constitutional right to marry.

Jindal declared, "I don't think anybody should have to choose between following their conscience — their religious beliefs — and giving up their job or facing financial sanction," adding, "You should be able to keep your job and follow your conscience."

Rand Paul, speaking on CNN, said, "It's absurd to put someone in jail for exercising their religious liberty." While Paul has in the past presented himself as "socially tolerant," supposedly because of his libertarian views, he has pandered to the Christian fundamentalists in Kentucky, his home state, where he will be a candidate for re-election to the Senate next year.

The most strident defenses of Davis came from Cruz and Huckabee. Cruz issued a vitriolic attack on Judge David Bunning, a conservative Republican appointed by George W. Bush, for ordering Davis to comply with the Supreme Court decision, declaring, "Today, judicial lawlessness crossed into judicial tyranny. Today, for the first time ever, the government arrested a Christian woman for living according to her faith. This is wrong. This is not America."

This assertion is preposterous. Davis is jailed not for

“living according to her faith,” but for refusing, as an elected public official, to carry out her duties under the law. When Christian pacifists attempt to disrupt the functioning of US nuclear weapons facilities, they are invariably arrested, and reactionaries like Cruz do not shed any tears, let alone howl about the persecution of nuns.

“Those who are persecuting Kim Davis believe that Christians should not serve in public office,” Cruz said in a statement this week. “That is the consequence of their position. Or, if Christians do serve in public office, they must disregard their religious faith — or be sent to jail.”

Here theocracy raises its ugly head. Cruz & Co. seek to impose the religious views of a specific Christian sect on the entire population of a vast and diverse country, in defiance of the constitutional separation of church and state laid down in the First Amendment.

Cruz cited the dissenting opinions in *Obergefell v. Hodges*, particularly that of Justice Antonin Scalia, who predicted that local and state officials might choose to defy it—demonstrating that the ultra-right faction on the Supreme Court was deliberately appealing to the most backward and reactionary forces in American society.

Even more vocal was Mike Huckabee, the former preacher who is basing his campaign on the mobilization of evangelicals, home schoolers and the like. He devoted his entire appearance on the ABC Sunday interview program “This Week” to the Davis case, and announcing a rally in Kentucky Tuesday against what he called “the criminalization of Christianity,” and plans to visit her in her prison cell.

Huckabee absurdly compared the Supreme Court decision on gay marriage to the Dred Scott decision before the American Civil War, grossly distorting both the historical context and consequences of that decision. His interviewer, the abysmally superficial George Stephanopoulos, entirely ignored this issue, if he even recognized it.

Stephanopoulos did press Huckabee on the separation of church and state, playing a recording of the famous declaration by John F. Kennedy reassuring an audience of Baptist ministers that his Roman Catholic faith would not determine government policy. Would a President Huckabee carry out the terms of the Supreme Court decision on recognition of gay couples, for example, on health benefits for spouses of gay federal employees? Huckabee simply avoided responding.

Only a handful of the Republican candidates have adhered to a traditional constitutional position, that the

Supreme Court interpretation of the law was binding, and that Davis, as a public official, had to carry out the law and not her personal religious beliefs.

Others sought to square the circle, giving lip service to the separation of church and state while seeking to appease the Christian fundamentalist right.

Jeb Bush said, “It seems to me there ought to be common ground, there ought to be big enough space for her to act on her conscience and for, now that the law is the law of the land, for a gay couple to be married in whatever jurisdiction that is.”

Chris Christie said, “We have to protect religious liberty and people’s ability to be able to practice their religion freely and openly, and of course we have to enforce the law too.”

Marco Rubio issued a statement: “While the clerk’s office has a governmental duty to carry out the law, there should be a way to protect the religious freedom and conscience rights of individuals working in the office.”

Billionaire Donald Trump, who leads in polls of Republican voters, said that Davis “can take a pass and let somebody else in the office do it.”

These statements ignore the fact that Davis has ordered her deputies to enforce the prohibition of gay marriage. In effect, she has made her own religious views the basis of official action by everyone in the clerk’s office, regardless of their individual beliefs.

What is involved here is an effort to legitimize government-imposed bigotry and overturn constitutional principles established more than 200 years ago in the Bill of Rights, which barred the government establishment of any particular religion, or of religion in general.



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