



Written by [Alex Newman](#) on January 24, 2018

## Alabama May End Licensing to Avoid Endorsing Same-sex “Marriage”

Faced with an illegitimate U.S. Supreme Court [ruling purporting to create a “right” to a so-called homosexual “marriage,”](#) lawmakers in Alabama are working to protect state officials and the government from complicity in what has been widely described as the desecration or even destruction of marriage. Under the bill, which is moving quickly through the legislature, Alabama would no longer issue marriage “licenses” to anyone, nor would it require a “ceremony.” Instead, couples would simply enter into a binding contract that would be recorded by officials — no signature or endorsement needed. Basically, in Alabama, the government would significantly reduce its involvement in marriage.



But among both marriage supporters and homosexual activists, the measure is controversial to say the least. For supporters of marriage — in the sense that God defined it in the Bible, a holy life-long union between a man and a woman — the proposal amounts to surrendering on what they see as a crucial issue in the culture war. On the other side, proponents of redefining the institution of marriage to include sodomy-based relationships incapable of producing children are angry, too. They say the bill is an effort to ensure that the state does not have to endorse what Christians and others view as the perversion of marriage that five lawyers on the Supreme Court unleashed in the 2015 *Obergefell v. Hodges* ruling.

The legislation, which passed 19 to one in the Alabama Senate this week, has been introduced several times since the widely ridiculed decision purporting to overturn state laws and constitutions across America. In particular, there are concerns that a number of Alabama probate judges — complying with state law and the state constitution — have refused to issue marriage licenses to anyone in order to avoid being forced to endorse homosexual “marriages” by issuing licenses to same-sex couples. Fearing a showdown such as the famous persecution of Kentucky clerk Kim Davis, who went to jail rather than endorse a faux marriage, Alabama lawmakers are seeking solutions.

“When you invite the state into those matters of personal or religious import, it creates difficulties,” explained State Senator Greg Albritton, the Republican sponsor, about his effort. “Early twentieth century, if you go back and look and try to find marriage licenses for your grandparents or great grandparents, you won’t find it. What you will find instead is where people have come in and recorded when a marriage has occurred.” He also argued that the bill ending marriage licenses “truly separates the church and the state.”



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Even before the Supreme Court's ruling, which sparked nationwide calls for nullification, some libertarians and others advocated for an end to state licensing of marriage. Sensing potential victories by the establishment-backed homosexual juggernaut, even some Christians rallied around the idea as a way to neutralize the move toward a government redefinition of marriage. The thinking was that churches would continue to celebrate and officiate true weddings, while homosexuals would be allowed to call their relationships whatever they wanted without forcing anyone else to recognize or endorse something that virtually all cultures and religions throughout history have viewed as sinful or unnatural.

However, while it is widely believed that the bill is aimed at protecting marriage and the conscience rights of state officials, the author of the legislation appears to endorse certain falsehoods about the constitutional role of the U.S. Supreme Court in America. "We have to bring a bill because of this decision," Albritton said, referring to the 2015 ruling purporting to create homosexual marriages. "I can't change the decision. That decision is the law of the land. The only thing I can do is try to make it easier and try to find some kind of middle ground that we in Alabama can live under the law."

Of course, in reality, the Supreme Court has no authority to create any law — much less the "law of the land." The supreme law of the land, according to the Constitution, is the Constitution itself, as well as laws and treaties made "in pursuance thereof." All legislative powers, meanwhile, are delegated to Congress, leaving none for the courts. But either way, if a law is unconstitutional, all of the Founders recognized that it was no law at all. And because the Constitution delegates no power over marriage to the federal government — much less the Supreme Court — any federal "law" or court opinion purporting to redefine or undefine marriage is null and void. The proper remedy for such usurpations, according to both Thomas Jefferson and James Madison, is nullification of the fraud, not compliance.

At least one senior Alabama official understood that clearly: then-Alabama Chief Justice Roy Moore. After the Supreme Court's ruling, Moore responded by pointing out that the high court had no constitutional authority to issue such a ruling. He also pointed out that it was in defiance of God's laws, which he said trump all human laws anyway. "Effective immediately, no probate judge of the state of Alabama nor any agent or employee of any Alabama probate judge shall issue or recognize a marriage license that is inconsistent with Article 1, Section 36.03, of the Alabama Constitution or [Paragraph] 30-1-19, Ala. Code 1975," Moore [ordered](#) after rogue federal judges purported to strike down the will of Alabama voters.

Speaking out against the measure to abolish marriage licenses, Moore again called for state officials to defend God's law and the Constitution. "I disagree with the proposed legislation to replace state marriage licenses with private contracts," Moore, who was attacked by every tentacle of establishment power in a recent Senate election, was quoted as saying by Fox News. "We need to take a stand for holy matrimony and defend our laws as defined by God and the Constitution of Alabama." The lone state senator to vote against the bill, Senator Phil Williams, also warned that the proposed measure would water down the meaning of marriage.

In Alabama, the issue of marriage and the *Obergefell* ruling has caused even more of an uproar than in most states. Consider, for example, that more than eight in 10 Alabama voters voted to enshrine marriage in the state's Constitution. Even liberal California voted in favor of protecting marriage from destruction by the homosexual movement. But in conservative Alabama, just a tiny fringe got behind the idea of redefining — or even undefining — the institution of marriage in defiance of biblical morality, millennia of tradition, and more.



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Ironically, advocates of the “Lesbian, Gay, Bisexual, Transgender” (LGBT) agenda were outraged by the proposal to abolish marriage licenses. The “New Civil Rights Movement,” which touts itself as “a community of progressives to help advance civil rights for LGBT people,” lambasted what it described as “a series of public temper tantrums” by Alabama officials who reject the idea that homosexuals can be “married.” “No one doubts that is what Senate Bill 143 is all about: homophobia,” the outfit wrote on its website. “Alabama does not want to participate in the marriages (sic) of gay and lesbian couples.”

Of course, even if the bill passes, there will still be some restrictions on who can enter into a “marriage.” For example, only humans will be allowed to be married — no pets allowed. Minimum age requirements will be kept, as well. Immediate family members will not be allowed to marry each other. And so far — at least until the rogue Supreme Court pretends to discover something new in the “penumbras” of the Constitution — only two people can be married at the same time, thereby “discriminating” against polygamists, bigamists, and others. How long those restrictions will survive in the face of activist judges and cowardly officials who refuse to challenge them remains to be seen.

Whether the bill passes or not, proponents of marriage say Americans must never surrender the fight to preserve and protect the institution of marriage. The nuclear family, which is the basic unit of civilization and a crucial institution in the protection of liberty, must be defended, too, in the face of growing assaults on it that threaten to further devastate American society.

A vote in the Alabama House of Representatives is expected soon. It was not immediately clear whether the governor would sign it.

*Alex Newman is a correspondent for The New American, covering economics, education, politics, and more. He can be reached at [anewman@thenewamerican.com](mailto:anewman@thenewamerican.com). Follow him on Twitter [@ALEXNEWMAN\\_JOU](#) or on [Facebook](#).*

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