



Written by [Dave Bohon](#) on October 12, 2013

Washington State Judge Reprimanded for Refusing to Perform Gay Marriage

A judge in Washington State has been reprimanded by the state's Judicial Conduct Commission for publicly stating that he would not officiate at a same-sex wedding. Washington residents legalized homosexual marriage via a state referendum late last year. Shortly before the vote Thurston County Superior Court Judge Gary Tabor told colleagues that he was uncomfortable with the idea of officiating at same-sex partnering ceremonies and asked if other judges would perform them in his place, according to [SeattlePI.com](#). "His comments were leaked to the press," the news site reported, "and Tabor reiterated his position in interviews, saying it was a personal religious objection and not an official stance of the court."



While judges in the state aren't required to officiate at weddings, the State Judicial Commission admonished Tabor that, because he had a record of officiating at traditional weddings, Washington's anti-discrimination laws forbade him from refusing to officiate at homosexual pairings. The admonishment, which was issued October 4, was meant as a warning to Tabor that if he continued to perform only traditional weddings, he could be charged with discriminating on the basis of sexual orientation.

[World](#) magazine reported that after realizing that he did not have the personal freedom to decide whom he would marry, Tabor said he would stop performing marriages altogether, to avoid the accusation of bias. But the Judicial Conduct Commission got the jump on him and filed an anti-discrimination complaint against him, forcing the judge to sign a formal admonishment in which he conceded that his actions "appeared to express a discriminatory intent against a statutorily protected class of people, thereby undermining public confidence in his impartiality."

In its ruling the commission found that while Tabor "initially concluded, in good faith, that he could ethically decline to perform same-sex weddings based upon his personal religious views so long as same-sex couples were accommodated by having access to another judge without delay ... his analysis did not adequately take into account the unique and integral role judicial officers play in our constitutional scheme of justice, and how a judge must not only be impartial, but must also be perceived as impartial, in order to properly fulfill that role."

By signing the commission's admonishment, Tabor also agreed that his views "could well have created the impression he might be less than fair to a lesbian or gay person" in any subsequent same-sex divorce or custody cases over which he might preside in the future.



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While Judge Tabor declined to comment publicly on the admonishment meted out by the commission, the Thurston County Superior Court, over which he presides, released a statement saying that he had “accepted the Judicial Conduct Commission decision,” and assuring that “no same-sex couples will be denied the right to be married in Thurston County.”

Joseph Backholm of Washington’s Family Policy Institute responded to the incident, calling it “just another example of how the Left on the marriage issue is completely intolerant of people who don’t think like they do.” He noted that while the “marketplace in the world” is big enough to accommodate those on both sides of the marriage issue, for their part homosexual activists and their supporters “have no intention of making room in the public square for people who don’t agree with them.”

Backholm charged that there appears to be a push in Washington to create a “state religion” where those who embrace liberal notions like same-sex marriage are welcome, while those who hold conservative religious convictions are not. “People who are concerned about that because of their religious faith are not welcome to practice their faith in the public square,” he said.

Backholm added that fairness will not reign in Washington State “until the public decides that they’ve had enough of this and demand tolerance in the true sense of the term.”



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