



Written by [James Murphy](#) on May 28, 2019

Alabama Moves to Get State Government Out of the Marriage Business

On May 23, the Alabama House of Representatives passed [Senate Bill 69 \(SB69\)](#), legislation that would effectively nullify the state's involvement in most aspects of marriage. The State Senate previously passed the bill by a 26-0 margin, with seven Democrats joining 19 Republicans in the unanimous vote. The bill is now on Governor Kay Ivey's desk for consideration.



The bill would replace marriage licenses, which are issued by county probate judges with a marriage certificate that couples will fill out and submit to a judge, who will document the marriage for public record. Neither civil nor religious ceremonies would have any bearing on the validity of a marriage in the state. Only the legal contract signed and submitted to the judges would have any legal standing in the state.

In other words, Alabamans — straight or gay — would no longer need permission from the state in order to get married.

The proposed legislation does maintain a few government restrictions on who can sign a legal marriage contract. Minors aged 16 and 17 would need their parents' approval prior to signing a contract. Polygamy would still be outlawed as no one already listed as married would be allowed to marry someone else. And parties related by either blood or adoption would not be allowed to enter into a marriage contract.

Alabama, and several other states, have been looking to get out of the marriage business since 2015 when the U.S. Supreme Court decided in [Obergefell v. Hodges](#) that homosexual couples had the same fundamental right to marry as traditional couples. Various incarnations of the current bill have been introduced in every legislative session over the past several years. Currently, similar legislation is under consideration in Oklahoma, Indiana, Kentucky, Missouri, and Montana.

In February of 2015, a federal judge struck down Alabama's ban on homosexual marriage, prompting the state's then Chief Justice Roy Moore to declare that Alabama's judges were not bound by the federal court's decision. That's when Pike County judge Wes Allen stopped giving out marriage licenses all together, going so far as to close the county's marriage license division. "We have not issued any marriage licenses since Feb. 9, 2015," Allen said.

"I believe marriage is between a man and a woman and firmly believe that Biblical world view," Allen asserted. "And I couldn't put my signature on a marriage license that I knew not to be a marriage."

After the U.S. Supreme Court essentially legalized homosexual marriage with the *Obergefell* decision, a dozen county judges followed Roy Moore's advice and stopped issuing marriage licenses. Some, like Allen, closed their marriage license divisions entirely, while some opted to still sign the licenses but stop performing marriages.



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The LGBTQ community is up in arms over the legislation. Representative Neil Rafferty, the only openly gay member of the Alabama House, claims the legislation is “born out of prejudice.” “It (SB69) accommodates a handful of judges that couldn’t check their personal feelings at the door and couldn’t do their jobs,” Rafferty said.

Senator Greg Allbritton, the author of the bill, disagrees. “It allows everybody in the state now to go to their local courthouse, or wherever, to accomplish this without travelling somewhere else, which is the intent of the law.”

The new law essentially allows probate judges to document the marriages of homosexuals (and everyone else for that matter) without having to condone those unions by issuing a marriage license. Both gay and straight couples are, thus, treated equally under the law.

Why wouldn’t everyone be happy about that?

Because the agenda of the homosexual community is not about fairness or “equality” as they claim. It’s about making the abnormal seem normal — by government fiat if need be.

But Alabama may indeed be the buckle of the so-called Bible Belt. Consider that last week, Alabama Public Television chose not to air an episode of the [PBS children’s show *Arthur*](#) because the season premier of the program featured a same-sex wedding. Further consider Alabama’s [sweeping new abortion law](#), which declares that a fetus has all of the inherent rights of any human being.

Alabamans don’t like it when federal courts dictate their lifestyle to them. And unlike most states, they’ve refused to just bow to the federal government’s mandates. Traditionally, state governments had nothing to do with marriages. In fact, in the eugenics craze of the early 20th century, many states got into the marriage business [solely to prevent mixed-race marriages from happening](#).

Thus, it could be argued that Alabama’s decision to remove itself from licensing marriages is not bigotry, but the exact opposite of it.

If there is a liberty movement afoot in America, the State of Alabama may well be its epicenter.

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