



Written by [Alex Newman](#) on March 28, 2019

To Avoid LGBT Onslaught, Alabama Seeks to End Marriage Licenses

Alabama has a novel solution to protect itself and its officials from having to endorse homosexual “marriages:” Get the state out of marriage altogether. More than eight out of 10 voters in the conservative state decided to enshrine marriage in their state’s Constitution. But despite the lack of federal authority over marriage and despite the 10th Amendment’s specific reservation of powers, the U.S. Supreme Court lawlessly ruled that none of it mattered — all would be forced to accept the federally mandated perversion of marriage.



But now, Alabama lawmakers have a plan to protect religious liberty and freedom of conscience from the escalating LGBT onslaught. Last week, the Alabama Senate voted unanimously for [SB69](#) to abolish marriage licenses. Predictably, the LGBT movement and its fervent supporters in the establishment press began hurling vitriolic and bigoted accusations of “homophobia” against the Christian people of Alabama. And even some supporters of real marriage have concerns about the measure. But proponents of the legislation say it may be the best solution in light of the circumstances.

Alabama has been at the center of the effort to resist the Supreme Court’s lawless *Obergefell* “opinion” purporting to create a “right” to something known as a homosexual “marriage.” The chief justice of the Alabama Supreme Court at the time [pointed out, correctly, that the U.S. Supreme Court has no power over marriage](#), and so, the ruling is entirely illegitimate. And across the state, judges have refused to issue “marriage” licenses to homosexuals, noting that doing so would be a violation of the state’s Constitution, God’s law, and the will of the overwhelming majority of Alabamians.

Many judges in the state still refuse to participate in issuing marriage licenses to homosexual couples. Last year, for example, Alabama Probate Judge Nick Williams told the *American Bar Association Journal* that he had not issued a marriage license or performed a marriage ceremony in over three years. The legislation in question “gets us out of the position of having to participate in something we totally disagree with,” Williams was quoted as saying by the *ABA Journal*.

Before that, Clarke County Probate Judge Valerie Davis issued a press release explaining that her office would no longer be issuing any marriage licenses at all to avoid compromising her conscience and endorsing a so-called marriage by homosexuals. “I do not think I am required to compromise my religious beliefs to be Probate Judge,” Davis explained in her news release. “Alabama law does not mandate me to issue marriage licenses to anyone of any gender.”

Under the new legislation, Alabama judges would no longer be involved in issuing “marriage” licenses to anyone. Instead, the state would merely record civil contracts between two people based on signed affidavits. Then, homosexuals could still call their relationship a “marriage” if they wanted to. But nobody else would be compelled to participate in what many people of faith consider to be an



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“abomination,” as the Bible describes homosexual acts. The bill also eliminates the existing requirement that a marriage or “marriage” be solemnized to be considered legally valid. “Marriages” involving pedophilia, incest, or polygamy would still not be recorded.

“When you invite the state into those matters of personal or religious import, it creates difficulties,” explained State Senator Greg Albritton, the Republican sponsor of the bill, when he introduced the measure last year. “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.” Senator Albritton also argued that the bill ending marriage licenses “truly separates the church and the state.”

Despite a concern about it, a conservative Alabama attorney praised the legislation and its author. “I have the highest regard for Senator Albritton, and I like the idea of getting the State out of the marriage business, because God ordained the family before He ordained civil government,” said the attorney.

However, in a statement to *The New American* magazine, the attorney, who asked not to be identified, expressed one key concern about the legislation that he hopes can be addressed. “I am concerned that the bill requires clerks to record and thereby recognize same-sex marriages,” he explained. “If the legislature added a provision to the effect that recording a marriage does not establish any legal presumption as to the marriage’s validity, I would support it without reservation.”

The [legislation has been introduced repeatedly since the Obergefell opinion](#), and it has passed the Senate before going on to die in the State House without a vote. This year, however, Senator Albritton said he was optimistic about its chances for success. One of the key issues at stake is that some judges across the state have stopped issuing marriage licenses entirely to avoid having to issue “marriage” licenses to homosexuals. Indeed, after the Obergefell ruling, even then-Alabama Chief Justice Roy Moore told judges not to recognize any “marriage” in violation of Alabama’s Constitution, which defines marriage as a “sacred covenant” between a husband and a wife.

The last time this legislation was introduced, Moore spoke out against it, too, calling on state officials to defend God’s law and the Constitution instead of surrendering to the LGBT movement and the rogue Supreme Court decision. “I disagree with the proposed legislation to replace state marriage licenses with private contracts,” said Moore, who was viciously libeled and smeared by the entire establishment in the recent U.S. Senate election. “We need to take a stand for holy matrimony and defend our laws as defined by God and the Constitution of Alabama.”

Still, some supporters of the U.S. Constitution described the legislation as a way to “nullify” the Supreme Court’s unconstitutional ruling. “Removing state meddling in marriage would render void the edicts of federal judges that have overturned state laws defining the institution,” [argued](#) TJ Martinell with the non-profit Tenth Amendment Center, an organization that advocates state nullification of unconstitutional federal statutes, rulings, and edicts. “The founding generation never envisioned unelected judges issuing ex-cathedra pronouncements regarding the definition of social institutions, and the Constitution delegates the federal judiciary no authority to do so.”

“Constitutionally, marriage is an issue left to the state and the people,” Martinell added.

Homosexual activists, meanwhile, have expressed outrage that Americans and Alabamians continue to resist the idea of a “marriage” involving homosexual partners. “Alabama’s been one of the toughest states when it comes to access to marriage equality because of its marriage code and because the way



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it's written for judges to choose to issue licenses or not," Press Secretary Nick Morrow with the homosexual activist group "Human Rights Campaign" told a notoriously dishonest far-left anti-Christian website known as ThinkProgress. "In many counties, Alabamians did not have equal access to marriage. That's wrong. Lawmakers in Alabama should be making it easier for all Alabamians to access the benefits of marriage, not more difficult."

When County Clerk Kim Davis was thrown in jail in Kentucky for refusing to solemnize a homosexual "marriage," it was a wake-up call to the naive "live-and-let-live" Americans who believed that pretending homosexuals could be "married" would be the end of the story. Now, with the "Equality Act" making its way through Congress, [the LGBT movement and its Big Business allies are coming for churches, religious institutions, free speech, religious freedom, and even the conscience rights of those who uphold the traditional understanding of marriage](#). In parts of Europe, [Christians are being jailed for stating publicly what the Bible says about homosexuality and marriage](#).

After passing 26 to 0, the bill to end marriage licensing in Alabama was referred to the House Committee on Judiciary. If it obtains majority support there, it would go to the entire Alabama House for a vote before potentially making its way to the governor's desk to become law. Similar measures are being considered by lawmakers in other states.



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Alex Newman, a foreign correspondent for The New American, regularly attends UN climate summits, including the COP21 in Paris. He can be reached at anewman@thenewamerican.com or through [Liberty Sentinel Media](#). Follow him on Twitter [@ALEXNEWMAN_JOU](#) or on [Facebook](#).

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