

Alabama Federal Judge Fails to Lift Same-Sex Marriage Order

The battle over gay marriage in Alabama heightened on Monday when a federal judge refused to stay her order to a county judge that he start issuing marriage licenses to gay couples.

U.S. District Judge Callie Granade said in a five-page order that Mobile County Probate Court Judge Don Davis must comply with her previous ruling, which found the state's gay marriage ban to be unconstitutional.

Alabama's all-Republican Supreme Court had contravened that ruling earlier this month. It ordered probate judges to stop issuing marriage licenses to same-sex couples, arguing that the ban was constitutional.

The clashing court orders underscore the depth of opposition to gay marriage in socially conservative Alabama. The gay-marriage ban was passed in 2006 by 81 percent of voters.

But the administration of President Barack Obama, along with big business, have come out in support of gay marriage, and oral arguments are scheduled before the U.S. Supreme Court next month on the constitutionality of bans in Ohio, Michigan, Kentucky and Tennessee. That hearing comes two years after the Supreme Court invalidated a federal law that restricted benefits to heterosexual couples. Since then, momentum has been building for gay marriages: They are now allowed in 36 states and the District of Columbia, up from 12 before the ruling.

Davis, in the face of the contradictory directives by a federal judge and the state Supreme Court, had halted issuing

all marriage licenses, to same-sex and opposite-sex couples, and asked Granade to stay her ruling. She declined.

“Although the court would agree that the developments in these same-sex marriage cases has at times seemed dizzying, the court finds that Judge Davis has not shown that a stay is warranted,” Granade wrote in the order.

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