

Alabama High Court Orders Halt to Gay Marriage Licenses

The Alabama Supreme Court ordered probate judges on Tuesday to stop issuing marriage licenses to same-sex couples in apparent defiance of the U.S. Supreme Court, underscoring the depth of opposition to gay matrimony in the socially conservative state.

The 7-1 ruling comes roughly three weeks after U.S. District Judge Callie Granade's decision overturning Alabama's ban on gay marriage went into effect after the U.S. Supreme Court declined to put it on hold.

"As it has done for approximately two centuries, Alabama law allows for 'marriage' between only one man and one woman," Tuesday's state supreme court ruling said. "Alabama probate judges have a ministerial duty not to issue any marriage license contrary to this law.

"Nothing in the United States Constitution alters or overrides this duty."

The U.S. Supreme Court agreed this year to take up the issue of whether states can ban gay marriage. Its expected ruling in June likely will provide clarity on the issue in Alabama, as well as the 13 states where gay marriage remains illegal.

The Alabama high court ruling, which granted an emergency petition by two Alabama groups opposed to gay marriage, will likely not affect those same-sex couples in Alabama who have already received marriage licenses, said Ronald Krotoszynski, a constitutional law expert at the University of Alabama School of Law.

Abstaining from the ruling was the court's conservative chief justice, Roy Moore, a political lightning rod who last month

ordered the state's probate judges not to issue marriage licenses to same-sex couples, a directive initially followed by most local judges.

Before Tuesday's ruling, only a handful of probate judges in the state's 67 counties were still refusing licenses to gay couples, many of them swayed by an order by Granade directing Mobile County's probate judge Don Davis to begin issuing the licenses.

Davis was ordered in Tuesday's ruling to report to Alabama's high court whether he considers himself bound by Granade's order.

Gay rights advocates were critical of the ruling.

A spokeswoman for Alabama Governor Robert Bentley, a Republican opposed to gay marriage, did not immediately respond to messages seeking comment. A spokeswoman for Attorney General Luther Strange, also a Republican gay marriage foe, said his office had no comment.

© 2015 Thomson Reuters. All rights reserved.