

Gays Can't Force Christian Clerks to Issue Same-Sex Licenses

Alliance Defending Freedom is advising officials responsible for issuing marriage licenses in Maine, Maryland and Washington that they do not have to violate their faith or conscience by personally issuing licenses to applicants who are of the same sex.

Three new legal memos advise municipal clerks in Maine, county clerks in Maryland and county auditors in Washington that provisions in state law allow them to delegate responsibility for issuing the licenses to deputies or assistants who don't have conscience-based objections to issuing the licenses to same-sex applicants.

"No American should be forced to give up a constitutionally protected freedom, nor should any American be forced to give up his or her job to maintain that freedom," said ADF Senior Counsel Austin R. Nimocks. "Religious freedom is paramount to every American, including those issuing marriage licenses. They can perform their job without violating their conscience."

Nimocks explained that society can respect the faith and conscience of the clerks while providing no impediment to carrying out the law.

The memos state that, in light of the three states' "recent **redefinition of marriage** to include same-sex couples," some clerks and auditors "might believe that they face a serious dilemma: either resign their positions or violate their sincerely held religious beliefs by issuing marriage licenses to same-sex couples." The memos explain, however, that those officials "can readily resolve this potential religious

conflict” by acting on the authority they have to appoint their responsibilities to deputies or assistants.

The memos also explain that if the clerks or auditors encounter resistance in their efforts to resolve the religious conflict, they can contact Alliance Defending Freedom for assistance in light of the First Amendment’s protections for the free exercise of religion.