

Judicial Tyranny: Why Kim Davis May Not Be the Last

Pastor Rick Warren once told me the fight for religious liberty would become the civil rights issue of our generation.

On Thursday, Pastor Warren's prophetic words were fulfilled at the hands of the United States Government.

It happened in the Commonwealth of Kentucky, where Judge David Bunning ordered U.S. Marshalls to arrest Kim Davis, the clerk of Rowan County, Kentucky.

Mrs. Davis is a devout Christian who refused to issue gay marriage licenses. She claimed that doing so would violate her religious beliefs.

Davis is represented by the public interest law firm Liberty Counsel. The firm's attorneys asked the court to accommodate her beliefs by simply removing her name from the licenses.

But Judge Bunning refused to do so. He refused to accommodate her religious beliefs—and ordered U.S. Marshals to take her into custody.

I truly believe Judge Bunning wanted to intimidate Christians and send a very clear message—that resistance to same-sex marriage will not be tolerated—doing with the gavel what Bull Connor tried to do with dogs and fire hoses.

Christian leaders, among them Tony Perkins, the president of the Family Research Council, urged Kentucky Governor Steve Beshear to call a special session of the legislature to enact emergency protections for religious liberty.

“Religious liberty in America is in grave danger,” Perkins warned. “This will, in effect, establish a reverse religious test barring those who hold biblical views of marriage from

positions of public service. Such a religious test by proclamation or practice is wrong.”

But Gov. Beshear refused to do so—blocking the door to the statehouse much like Alabama Gov. George Wallace blocked the door to the schoolhouse in defiance of racial integration.

“The United States Supreme Court has spoken and same-sex marriage is now legal in Kentucky and the rest of the United States,” Beshear wrote in a statement.

Critics of Mrs. Davis, on both the right and the left, argue that public officials cannot pick and choose which laws to uphold.

But what law—what specific law—did Mrs. Davis violate? Where is the law that mandates Mrs. Davis issue a marriage license?

That’s a question Republican presidential candidate former Arkansas Gov. Mike Huckabee raised to his supporters in a recent letter.

“That simple question is giving many in Congress a civics lesson that they never got in grade school,” Huckabee wrote.

“The Supreme Court cannot and did not make a law,” he continued. “They only made a ruling on a law. Congress makes the laws. Because Congress has made no law allowing for same-sex marriage, Kim does not have the Constitutional authority to issue a marriage license to homosexual couples.”

However, there used to be a federal law on the books called the Defense of Marriage Act. And President Obama directed his administration to ignore the law. I don’t seem to recall a federal judge throwing the president in the slammer.

Judge Bunning’s act of judicial tyranny troubles me because it sets a standard for what could become an all-out assault on people of faith.

The great German theologian Dietrich Bonhoeffer wrote: "Silence in the face of evil is itself evil: God will not hold us guiltless. Not to speak is to speak. Not to act is to act."

Gov. Huckabee has decided to not only speak—but to act.

The governor, himself a Baptist preacher, issued a clarion call to the nation—much like those great preachers of the civil rights era. He urged Christians of all colors and all faiths to join him in Kentucky on Tuesday to send a message to our government that we will not be silenced, no matter the cost.

But history has taught us that sometimes words are not enough. Sometimes to right a wrong, we must take action. We must be willing to consider the cost. We must be willing to stand up to judicial tyranny.

Is it possible that a new generation of preachers and politicians could find their voice on Tuesday?

Perhaps one day, students of history will read not only letters from a Birmingham jail, but letters from a Kentucky jail.

Perhaps.

But no matter what happens we must hold firm to a central truth that one day Kim Davis will overcome. And one day we shall overcome.

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