

Supreme Court Refuses to Reopen Same-Sex Marriage Ruling

The Supreme Court rejected a challenge to its ruling legalizing same-sex marriage. In a brief order, the Court declined to revisit the ruling for the Davis v. Ermold case, where former Rowan County, Kentucky clerk, Kim Davis, was held in contempt after refusing to issue marriage licenses to same-sex couples.

"The motion of Foundation for Moral Law for leave to file a brief as amicus curiae out of time is denied," the order states. "The petition for a writ of certiorari is denied."

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"If ever a case deserved review, the first individual who was thrown in jail post-Obergefell for seeking accommodation for her religious beliefs should be it," the petition, filed by Liberty Counsel, read.

"If ever there was a case of exceptional importance, the first individual in the Republic's history who was jailed for following her religious convictions regarding the historic definition of marriage, this should be it," it added. "Nevertheless, the lower court held that the First Amendment provides no shield for Davis as an individual because she was originally sued as a state actor and allegedly remained a state actor—even to this day, long after she left office, and

even though she was stripped of all government immunity.”

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Mat Staver, founder and chairman of Liberty Counsel and Davis’s attorney, said in a statement on the Supreme Court’s decision, “Davis was jailed, hauled before a jury, and now faces crippling monetary damages based on nothing more than purported hurt feelings. By denying this petition, the High Court has let stand a decision to strip a government defendant of their immunity and any personal First Amendment defense for their religious expression.”

“This cannot be right because government officials do not shed their constitutional rights upon election,” Staver said. “Like the abortion decision in Roe v. Wade, Obergefell was egregiously wrong from the start. This opinion has no basis in the Constitution. We will continue to work to overturn Obergefell. It is not a matter of if, but when the Supreme Court will overturn Obergefell.”

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Several lawmakers previously urged the Supreme Court to revisit same-sex marriage, arguing that the issue should be given to the states.

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