

Texas County Denies Same-Sex Wedding Permits, Claiming Religious Rights

A Texas county clerk said on Tuesday it will not issue marriage licenses to same-sex couples because of religious objections, after the state's Republican attorney general said his office supported such moves.

Some counties in other socially conservative states such as Kentucky have also taken a similar position since the U.S. Supreme Court said on Friday the U.S. Constitution provides same-sex couples the right to marry, and the controversy could result in another round of lawsuits over gay marriage.

Katie Lang, the clerk of Hood County, southwest of Fort Worth, said issuing the licenses would violate her Christian beliefs, arguing her religious liberties are protected under the U.S. Constitution.

"This newly invented federal constitutional right to same-sex marriage should peaceably coexist alongside longstanding constitutional and statutory rights, including the rights to free exercise of religion and speech," Lang said. The clerk's office in Texas counties typically manages forms and licenses, including marriage licenses.

Legal experts said same-sex couples could seek injunctions compelling the clerks to issue the licenses and the plaintiffs should easily win based on the Supreme Court decision. The plaintiffs could also file civil suits seeking damages from the counties that are largely rural and short on funds for a prolonged legal fight.

But clerks could try to request pre-emptively an injunction or judgment that says they do not have to issue the licenses

because of religious liberty, said Texas A&M University law professor Meg Penrose.

Counties in the most populous areas of Texas began issuing marriage licenses to same-sex couples shortly after the Supreme Court ruling.

Following the ruling, Texas Attorney General Paxton said county clerks who object to gay marriage can refuse to issue marriage licenses to same-sex couples.

Paxton said officials who refuse to issue marriage licenses to gay couples could expect to be sued, but they would have ample legal support.

“Several groups have publicly expressed their willingness to help government employees who feel their religious rights have been violated,” a spokeswoman for the attorney general’s office said on Tuesday.

Out of 254 counties in Texas, 114 are ready and willing to issue same-sex marriage licenses, according to the Dallas Morning News. Nearly 100 other counties said they were waiting for software upgrades and gender-neutral application forms.

Some clerks who reportedly had refused to issue marriage licenses to gay couples backtracked and said on Tuesday they are still weighing their options.

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