

Will the Supreme Court Revisit Its Landmark Same-Sex Marriage Decision?

Ten years after the U.S. Supreme Court redefined marriage to include same-sex couples nationwide, former Kentucky county clerk Kim Davis is asking the justices to reverse the 2015 ruling in *Obergefell v. Hodges*, calling it “egregiously wrong.”

Davis, who spent six days in jail in 2015 for refusing to issue marriage licenses to a gay couple on religious grounds, is appealing a \$100,000 jury verdict for emotional damages and an additional \$260,000 in attorney’s fees. Her legal team argues that the First Amendment’s guarantee of free exercise of religion protects her from personal liability.

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In a petition for review, Davis’ attorney Mathew Staver wrote, “The mistake must be corrected,” calling Justice Anthony Kennedy’s majority opinion in *Obergefell* “legal fiction.” He stressed the significance of the case, stating, “If there ever 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.”

The appeal is seen as the first direct request to overturn *Obergefell* since it was decided. At that time, 35 states had constitutional or statutory bans on same-sex marriage, while only eight had laws explicitly permitting it. Since the ruling, many Christians and conservative legal advocates have warned that the decision undermines both the biblical definition of marriage, one man and one woman, and the right

to live out faith in the public square.



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A Renewed Legal and Cultural Push

Davis' petition comes amid a broader movement in several states to challenge Obergefell. ABC News reports that "at least nine states have either introduced legislation aimed at blocking new marriage licenses for LGBTQ people or passed resolutions urging the Supreme Court to reverse Obergefell at the earliest opportunity." In June, the Southern Baptist Convention, the nation's largest Protestant denomination, voted to make "overturning of laws and court rulings, including Obergefell v. Hodges, that defy God's design for marriage and family" a top priority.

Her case also draws parallels to the court's 2022 decision in *Dobbs v. Jackson Women's Health Organization*, which overturned *Roe v. Wade*. Davis' petition cites Justice Clarence Thomas' concurrence in *Dobbs*, in which he wrote that the court "should reconsider all of this Court's substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*."

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What Happens Next

The Supreme Court is expected to consider Davis' petition in a private conference this fall, deciding whether to take the case. If accepted, oral arguments would likely take place in spring 2026, with a decision by June. If the justices decline, the lower court ruling against Davis would stand, and the challenge to Obergefell would end for now.

While most legal experts view her chances as slim, Davis' appeal is being closely watched by Christians who believe marriage is defined by God as a covenant between a man and a woman. Chief Justice John Roberts, who dissented in Obergefell, criticized the ruling as "an act of will, not legal judgment" with "no basis in the Constitution" and warned that it "creates serious questions about religious liberty," words Davis invoked in her petition.

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For many Christians, the case is about more than legal precedent; it is about defending the freedom to live according to biblical convictions without fear of punishment. As Davis' attorney argues, her stand was not motivated by hate, but by "following her religious convictions regarding the historic definition of marriage."

Prepared by Charisma Media Staff