

Commission on Human Rights

Kentucky Commission on Human Rights executive director statement on Rowan County clerk refusal to grant marriage licenses and on comparisons of the clerk to civil rights leaders

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By John J. Johnson, executive director of the Kentucky Commission on Human Rights

The Kentucky Commission on Human Rights strongly opposes the continued refusal by the Rowan County Clerk to issue marriage licenses to same-sex couples in direct violation of the law. Further, the commission is dismayed and discouraged by recent comments of a few who have publicly compared the clerk's actions to those of some of our most distinguished civil rights

leaders.

It is the duty of elected officials and government civil service employees to carry out their jobs and responsibilities in accordance with the law of the land. It is not within a county clerk's power or prerogative to decide what the law is, nor which laws he or she will choose to obey.

The U.S. Supreme Court does possess the power and authority to say what the law is, and the Court has unequivocally decided that same-sex couples have the right to marry. At this point, Ms. Davis's duty is clear. She must comply with the law and issue marriage licenses to same sex- couples.

In spite of the law, Ms. Davis claims that her religious beliefs prohibit her from issuing marriage licenses to same-sex couples. Of course, the same U.S. Constitution that protects the right of same-sex couples to marry also protects Ms. Davis's freedom of religion. But, as an elected public official, Ms. Davis has a responsibility, a sacred trust, to carry out the duties and obligations of her office. This responsibility is not contingent upon Ms. Davis's religion. If Ms. Davis can no longer fulfill the lawful obligations of her office, regardless of the reason, she should resign.

It was a mistake for politicians and others to recently compare Ms. Davis's refusal to allow people to marry to the accomplishments of Rosa Parks, Nelson Mandela, and the Rev. Dr. Martin Luther King Jr.

These civil rights leaders fought for equality, inclusivity and mutual respect among people regardless of differences. The actions of Ms. Davis do not further the cause of civil rights and equality under the law. Rather, her actions promote division, inequality and discrimination.

Rosa Parks was an African American citizen who in 1955 refused to move to the back of a Montgomery, Ala., city bus simply because of her skin color. She was fighting against, not for, exclusion and discrimination. I knew Mrs. Parks, and with her will and her choices, she encouraged the nation to live up to its ideals of freedom and equality for all, and for love, humanity and unity.

South African President Nelson Mandela endured long, hard years of prison to liberate his nation from apartheid, the separation and withholding of equal rights to the black people of his nation because of their race. He fought to unite the races in his country, not to separate or discriminate.

Rev. Martin Luther King Jr. changed his nation to the good with his quest for equality, mutual respect, tolerance and fraternity. He stood for civil rights and inclusion along with many others until civil rights by law became a reality in 1964 with the passage of the U.S. Civil Rights Act.

Citizens seeking marriage licenses do not need the counsel of an elected official or civil service employee on marriage; they simply require the license to marry to which they have the right. In the interest of fairness and equality, Ms. Davis should follow the law or resign from office.