

The reactionary campaign around Kentucky county clerk Kim Davis

By Tom Carter
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Kim Davis, the clerk of Rowan County, Kentucky was released Tuesday after five days in jail for defying a federal court order to perform her official duties and issue marriage licenses to same-sex couples. Her official misconduct has become the focal point for a reactionary campaign that seeks to pollute public consciousness, promote anti-gay bigotry, and mobilized religious prejudice behind attacks on democratic rights.

The county clerk post held by Davis, a Democrat, is a minor elective office responsible for issuing and maintaining official records. Davis succeeded her mother in the post, after working for many years as her deputy.

Following the Supreme Court's decision in June in *Obergefell v. Hodges*, which upheld marriage equality, Davis refused to abide by the Supreme Court's decision and the orders of the Kentucky governor. In order to avoid issuing licenses to gay couples, Davis ordered her subordinates not to issue any marriage licenses at all, effectively shutting down one of the key functions of local government in a county of 23,000 people.

On her release from prison, Davis appeared on a stage with Republican presidential candidate Mike Huckabee, a former Southern Baptist preacher, who praised her "courage."

"I want to give God the glory. His People have rallied, and you are a strong people," Davis said, sobbing and shouting as though she was addressing a tent revival. "We serve a living God who knows where each and every one of us is at. Just keep on pressing. Don't let down. Because He is here. He is worthy, He is worthy."

Notwithstanding her bombast, Davis is defending bigotry in a county that is one of the least religious in the state, if measured by church attendance, ranking 113th out of 120 Kentucky counties.

Davis was released from custody on the condition that she does not further interfere with her subordinates, who began issuing marriage licenses while she was imprisoned. "Defendant Davis shall not interfere in any way, directly or indirectly, with the efforts of her deputy clerks to issue marriage licenses to all legally eligible couples," the court order states. "If Defendant Davis should interfere in any way with their issuance, that will be considered a violation of this

Order and appropriate sanctions will be considered."

Davis converted to an ultra-conservative form of Christianity in 2011. Now she does not cut her hair or wear jewelry, attends three church services a week, and wears long skirts.

In a video that has been viewed millions of times online, a gay couple confronts Davis when she refuses to issue them a marriage license even after she lost her appeals in the courts. When they demand to know on what authority she is refusing to issue the license, she angrily declares, "Under God's authority!"

In seeking to use her official public post to impose "God's authority" on others, Davis's conduct was clearly unlawful and in violation of the fundamental democratic principle that the government may not establish any religion, which is the very first clause in the First Amendment to the US Constitution.

This democratic principle, now considerably eroded and undermined, was considered by the American revolutionaries to be essential for free thought and individual freedom. Thomas Jefferson famously wrote that there must be a "wall of separation" between religion and the state. James Madison, one of the authors of the Bill of Rights, denounced the idea that "three pence" of public funds would be spent on religion.

There are no religious criteria whatsoever in the law of Kentucky or any other state when it comes to issuing marriage licenses. In general, the applicants must be unmarried adults, they must present proper identification, and they must pay a nominal fee. If they meet these legal criteria for eligibility, then the state is required to issue a license. Davis and her supporters are attempting to introduce religious criteria into the law, and to use those criteria to attack the rights of other citizens who do not share their religious views.

Federal District judge David Bunning, a devout Catholic and George W. Bush appointee, ruled last month that Davis must respect the rights of others even if she disagrees with them. Davis continued to defy this order even after her appeals failed.

The campaign around Davis and other "holdout" county clerks—totaling less than two dozen in three states, out of the more than 3,200 in the US—enjoys support at high levels of the political establishment and media, including at least six of the Republican candidates in the upcoming presidential election. This campaign represents an effort to turn back the clock on a

century of civil rights struggle, to degrade and confuse democratic consciousness, and to whip up reactionary forces that can be used to attack basic rights.

In particular, the forces mobilized by the campaign around Davis have been emboldened by the 2014 Supreme Court decision in the *Hobby Lobby* case. The court held that the Affordable Care Act (Obamacare) violated the “religious liberty” of Hobby Lobby, a “Christian corporation,” because the law would allow female employees to receive insurance coverage for some forms of contraception.

The *Hobby Lobby* decision was a frontal assault on the separation of church and state, unleashing a wave of litigation by individuals and business owners who sought to “opt out” of various laws, or to refuse to provide services to gay couples, on the grounds of “religious liberty.” Likewise, Kim Davis has sought to cast her own misconduct as an exercise of “freedom of religion,” since respecting the rights of others supposedly violates her “religious liberty.”

The most preposterous facet of the ongoing media campaign is the portrayal of Davis as a martyr and representative of an oppressed Christian minority. Mike Huckabee quoted Martin Luther King’s famous “Letter from a Birmingham Jail,” suggesting that Davis’ misconduct constituted similar “civil disobedience,” a theme that has echoed through numerous media reports.

The comparison to Martin Luther King is nothing short of obscene. If any historical comparison can be found, Davis far more closely resembles the reactionary antagonists of the civil rights struggles than she resembles the civil rights leader.

One recalls the example of Virginia Senator Harry F. Byrd Sr., who organized resistance to the Supreme Court’s landmark decision in *Brown v. Board of Education*, which required desegregation. Like Davis, who refused to issue marriage licenses at all rather than issue licenses to same-sex couples, Byrd preferred closing public schools entirely rather than complying with court orders to desegregate them. In subsequent cases, the Supreme Court held that these policies were unconstitutional. In objective political terms, southern resistance to desegregation represents Davis’ true ancestry.

Davis’s legal “theory” would justify discrimination of all kinds and overturn a century of democratic struggles. Davis claims that it would “violate her conscience” to issue marriage licenses to homosexual couples. What if it would “violate her conscience” to provide marriage licenses to Jews or Muslims? What if it would “violate her conscience” to issue licenses to interracial couples? What if a public official declared that it would violate his conscience to recognize divorce?

This is a formula for the abrogation of all democratic rights and the de facto establishment of a kind of theocracy. By Davis’ logic, a public official can ignore any democratic right by claiming that it is not consistent with his or her personal religious beliefs.

In light of the utterly anti-democratic character of the

campaign around Davis, the coverage by the establishment media within the US has been abysmal, combining ignorance of the historical foundations of the US Constitution with prostration before the enraged reactionaries of the religious right.

Today, endless airtime is given to well-funded religious fundamentalist organizations, think tanks, talking heads, and in particular the Republican presidential candidates, who compete to make the most blood-curdling and outrageous statements in support of Davis.

“Yes, Davis has emerged as a hero to Christian conservatives for defying the Supreme Court and refusing to issue marriage licenses to same-sex couples,” reported USA Today. The Fox News television coverage of the Kim Davis affair featured a prominent “Fighting for Faith” icon.

“Having Kim Davis in federal custody removes all doubt of the criminalization of Christianity in our country,” read a statement by Huckabee denouncing Davis’ imprisonment. Republican candidate Ted Cruz called the imprisonment of Davis “judicial lawlessness turned into judicial tyranny,” and declared, “Those who are persecuting Kim Davis believe that Christians should not serve in public office.”

The whole debased spectacle was summed up by an episode caught on camera Tuesday, not far from the stage where Mike Huckabee was posing with the recently released Kim Davis in front of a throng of people holding up crosses and bibles. A staffer for Huckabee physically blocked the path of Cruz, so that Huckabee could have the media spotlight all to himself.

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