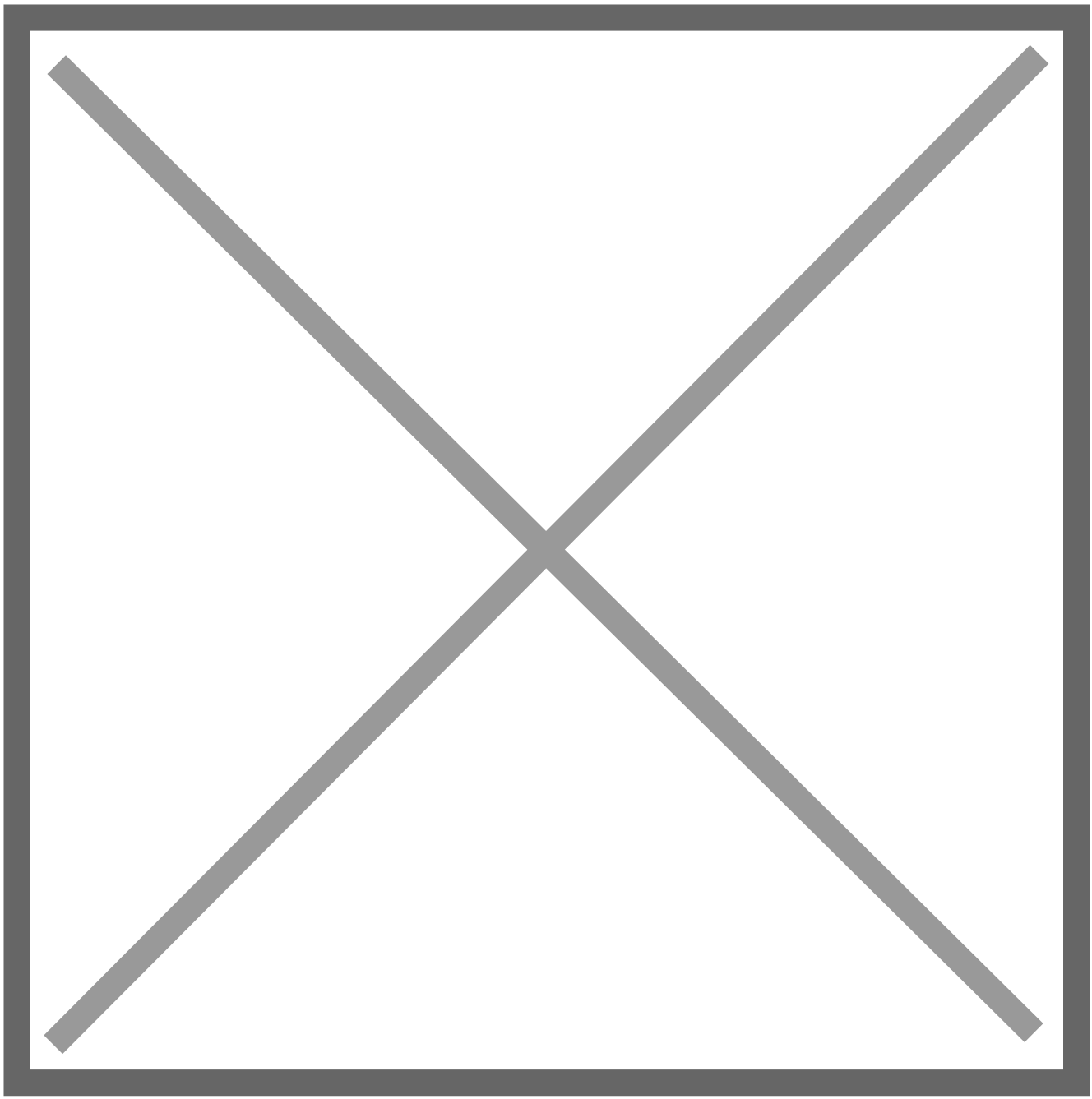
News



Kim Davis, a Rowan County, Ky., clerk, celebrates her release in 2015 from the Carter County Detention center in Grayson, Ky. The Supreme Court declined Nov. 10, 2025, a case that involved Kim Davis, a former Kentucky county clerk, and which asked the high court to revisit its 2015 landmark ruling in Obergefell v. Hodges legalizing same-sex marriage nationwide. (OSV News/Reuters/Chris Tilley)

Kate Scanlon

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The U.S. Supreme Court declined Nov. 10 a case that asked it to revisit its landmark ruling in *Obergefell v. Hodges* that legalized same-sex marriage nationwide. The 2015 ruling overturned state laws defining marriage as the union of a man and a woman, a decision the head of the U.S. Catholic bishops at the time called a "tragic error."

The court rejected an appeal from Kim Davis, the former Kentucky county clerk who sparked a national controversy in the wake of Obergefell in 2015 when she declined to issue a marriage license to a same-sex couple on religious grounds. Davis sought to appeal a federal jury's decision that she should pay $100,000 in damages — and $260,000 for attorneys fees — to the couple.

Her appeal marked the first major request to the justices to overturn the 2015 ruling. At the time Obergefell was decided, Archbishop Joseph Kurtz of Louisville, Kentucky, then-president of the U.S. Conference of Catholic Bishops, said the court's 5-4 decision was as wrong as the high court's decision in 1973 to legalize abortion nationwide with Roe v. Wade. He called it "profoundly immoral and unjust for the government to declare that two people of the same sex can constitute a marriage," emphasizing that "Jesus Christ, with great love, taught unambiguously that from the beginning marriage is the lifelong union of one man and one woman."

Many legal scholars questioned the merits of the Kim Davis case itself, so the high court's move to decline the case Nov. 10 was expected. However, in the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, which overturned Roe's longstanding abortion precedent, Justice Clarence Thomas filed a concurrence arguing the justices should "reconsider all of this Court's substantive due process precedents," including Obergefell, an argument Davis' petition cited.

Robert George, a Catholic legal scholar and McCormick Professor of Jurisprudence at Princeton University, told OSV News that many think that "most of the current Supreme Court justices believe" the Obergefell case "was wrongly decided," as does he.

"One question undoubtedly in the minds of some justices is whether, despite its being wrongly decided — and a usurpation by the judiciary of democratic legislative authority — the doctrine of 'stare decisis' counsels leaving the decision in place," George said.

"Stare decisis" is the legal doctrine that courts must follow precedent.

"I suspect that this will be the central question when the court decides it has been presented with the right case to use as a vehicle for reconsidering Obergefell," George argued. "Evidently, none of the justices thought that the Kim Davis case was the right case to use for that purpose."

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William Powell, senior counsel for Georgetown Law's Institute for Constitutional Advocacy and Protection, which has represented David Ermold and David Moore, the Kentucky couple to whom Davis denied a license, told OSV News, "The Supreme Court's denial of review confirms what we already knew: Same-sex couples have a constitutional right to marry, and Kim Davis's denial of marriage licenses in defiance of Obergefell plainly violated that right."

"This is a win for same-sex couples everywhere who have built their families and lives around the right to marry," he said.

The Catholic Church teaches the sacrament of matrimony can only take place between one woman and one man as "a permanent union of persons capable of

knowing and loving each other and God" ordered to "the good of the spouses" and the gift of children. At the same time, the church stresses that those experiencing same-sex attraction, like Christians in every state of life, are called to live chastely through prayer and sacramental grace, drawing on "the virtues of self-mastery that teach them inner freedom" as they pursue holiness.

The USCCB had no involvement in the Davis case. However, in his June 26, 2015, USCCB response to Obergefell, Kurtz stated the Catholic Church's concerns about redefining marriage in civil law to include same-sex couples.

"The unique meaning of marriage as the union of one man and one woman is inscribed in our bodies as male and female. The protection of this meaning is a critical dimension of the 'integral ecology' that Pope Francis has called us to promote," he said. "Mandating marriage redefinition across the country is a tragic error that harms the common good and most vulnerable among us, especially children. The law has a duty to support every child’s basic right to be raised, where possible, by his or her married mother and father in a stable home."

Mathew Staver, founder and chairman of Liberty Counsel, the firm representing Davis, argued in a statement his client "was jailed, hauled before a jury, and now faces crippling monetary damages based on nothing more than purported hurt feelings."

"We will continue to work to overturn Obergefell," he added. "It is not a matter of if, but when the Supreme Court will overturn Obergefell."

Rick Garnett, a professor of law at the University of Notre Dame in Indiana, told OSV News, "Although various commentators and activists have spent weeks claiming that a vehicle for overturning Obergefell was being considered by the justices, no informed court observers ever thought that the court would grant review in this case."

"The case does not actually present, in a square and clean way, the question the coverage has suggested it does," he said. "The attention focused on this minor, fact-bound petition tells us more about the ongoing campaign to stir up public feeling regarding the court than it does about live constitutional questions."

If the Obergefell ruling were to be overturned in the future, it would not render void existing marriage licenses under the 2022 Respect for Marriage Act. That law requires the federal government to guarantee recognition of existing same-sex and

interracial marriages regardless of any changes in law.