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Pinedale judge will not marry same-sex couples

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 BY: Ned Donovan

PINEDALE - Since Oct. 21, following a judicial ruling in Laramie that brought equal marriage to the "Equality State," same-sex couples in Wyoming have been able to get married. As a result, marriage licenses were issued around the state, and this weekend Sublette County will have its first wedding under the new rules. Municipal Judge Ruth Neely, Pinedale town judge for more than 20 years, however, has indicated she will be unable to perform same-sex marriages if asked.



"I will not be able to do them," Neely told the Examiner. "We have at least one magistrate who will do same-sex marriages but I will not be able to."

All judges are required to marry those who meet the legal requirements, unless there is a scheduling conflict or other problem. In those cases, prospective couples will be referred to other magistrates.

But Neely's inability to perform the marriages has nothing to do with her schedule but, rather, her religious beliefs.

"When law and religion conflict, choices have to be made. I have not yet been asked to perform a same-sex marriage," Neely said.

Neely's role as a magistrate who can perform marriages is separate from her position as the Pinedale municipal judge, according to Pinedale Mayor Bob Jones.

"As the town judge, she does not perform marriages, that is not part of the description of the work of a town judge ... [Performing marriages] is something she took on herself years ago to try and ... provide more services to the town," Jones told the Examiner. "In terms of whether she will do that as the town judge, which is what

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before the council but not before that.

"Until we have a problem I don't see any point in creating a problem," Jones said.

So far, according to Neely and Jones, no requests have been made, but a citizen may bring up the issue in a Pinedale Town Council public meeting.

"If there's one person that I know would swallow hard and do what the law said, it would be Ruth Neely," Jones said. "I want to be very clear I have all the faith in the world that if a case unrelated to this ... came before her, [and] ... she did not think she could be morally fair, I have every, every expectation, as well as I know her, that she would recuse herself before taking that case and enforcing her morals."

According to the National Center for Lesbian Rights (NCLR), who represented plaintiffs in the Wyoming equal marriage case, a judge refusing to marry a same-sex couple could become a constitutional problem.

"Public officials should serve all members of the public, and they shouldn't discriminate against couples based on their personal beliefs," NCLR senior staff attorney Chris Stoll told the Examiner. "If a public official selectively chooses not to marry a particular group of people, that potentially raises constitutional concerns under the equal protection clause."

Neely, however, was clear that this does not stop any same-sex couple in Pinedale from getting married in the town.

"All magistrates are required to perform weddings," Neely said. "And any couple, regardless of gender, can call any magistrate and any judge and see if that judge can fit them into their personal schedule."

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