

Wyoming judge punished for marriage beliefs takes her case to US Supreme Court

State high court publicly censured Judge Ruth Neely, forced her to stop solemnizing marriages, drove her from magistrate judge position

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WASHINGTON – A Wyoming judge whom the Wyoming Supreme Court punished for her religious beliefs about marriage asked the U.S. Supreme Court Friday to take up her case. In Wyoming, magistrates may decline wedding requests for nearly any secular reason, but the court punished Judge Ruth Neely for saying that she would need to refer some marriage requests for a religious reason.

In March, the Wyoming Supreme Court publicly censured Neely, forced her to stop solemnizing marriages, and drove her from her magistrate judge position for stating, in response to a reporter’s questions, that her religious beliefs about marriage do not permit her to officiate same-sex weddings. Alliance Defending Freedom attorneys representing Neely are asking the U.S. Supreme Court to reverse the Wyoming Supreme Court’s decision and declare that a judge cannot be punished for expressing her beliefs about marriage.

“No one should be punished simply for expressing a belief about marriage that is ‘based on decent and honorable religious...premises’ and is held ‘in good faith by reasonable and sincere people,’” said ADF Senior Counsel David Cortman, quoting the U.S. Supreme Court’s decision in *Obergefell v. Hodges*. “The state allows magistrates to decline wedding requests for countless secular reasons—because they refuse to perform weddings for strangers, because they simply don’t feel like marrying the couple, or because they prefer to watch a football game. But the state forbids Judge Neely from saying that she would need to decline some wedding requests for a religious reason. This unconstitutionally targets religion for disfavored treatment, and that’s why we’re asking the U.S. Supreme Court to hear this case.”

Neely has served as the municipal judge in Pinedale, Wyoming, for more than 22 years. In that capacity, she has no authority to solemnize marriages. She also served as a part-time circuit court magistrate in Sublette County for approximately 15 years. In that role, she was authorized to solemnize marriages but had discretion to decline wedding requests for nearly any reason.

In March 2015, the Wyoming Commission on Judicial Conduct and Ethics filed a complaint against Neely, alleging judicial misconduct and seeking her removal from both judicial positions simply because she voiced her religious conflict with performing same-sex weddings. The commission’s position threatens to punish not just Neely, but also any other judge who expresses conscience-based conflicts involving any issue.

“This case presents an important free-exercise question,” the [petition](#) ADF attorneys filed with the Supreme Court in *Neely v. Wyoming Commission on Judicial Conduct and Ethics* explains. “Although the state has a system of individualized exemptions that permits magistrates to decline marriages for nearly any secular reason, the Wyoming Supreme Court held that Judge Neely

could not refer same-sex-marriage requests (if she ever received any) to other magistrates for the religious reason she expressed.”

“The Wyoming Supreme Court demanded that Judge Neely either commit to performing same-sex weddings or stop performing all weddings—an ultimatum that drove her from her magistrate position,” said ADF Senior Counsel Jim Campbell, who argued before the Wyoming high court. “The court didn’t need to do that. If Judge Neely were ever asked to officiate a same-sex wedding, which has never happened and the court acknowledged was ‘not likely’ to occur, she would’ve quickly connected that couple to judges able to perform their wedding. That is exactly what other judges do when they face secular conflicts, and there’s no reason why Judge Neely’s religious conflict should be treated worse.”

The petition adds that Neely’s case “also raises a significant free-speech issue. Judges who have authority to solemnize marriages should not be punished simply for expressing a religious conflict with officiating same-sex weddings. Such religious beliefs, this Court recently said, are ‘based on decent and honorable’ premises.... They manifest no hostility or prejudice toward any person or class of persons. Punishing people of faith for merely expressing those beliefs conflicts with our nation’s constitutional commitment to free speech.”

- [One-page summary](#): *Neely v. Wyoming Commission on Judicial Conduct and Ethics*

Alliance Defending Freedom is an alliance-building, non-profit legal organization that advocates for the right of people to freely live out their faith.

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