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On gay-nuptials ruling, state said waiting on federal court

by [Jordan Gass-Pooré](#) | June 12, 2015 at 2:35 a.m.

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Arkansas officials are waiting on a ruling from the U.S. Supreme Court to determine how to proceed with a Pulaski County circuit judge's order to recognize the more than 500 same-sex couples who received marriage licenses in the state last year, a spokesman with Gov. Asa Hutchinson's office said Thursday.



SPECIAL SECTION: Gay marriage in Arkansas
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Pulaski County Circuit Judge Wendell Griffen's ruling Tuesday means that Arkansas couples with existing same-sex marriage licenses can file joint taxes and state health insurance applications, appear jointly on a child's birth certificate and file for divorce.

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His ruling comes at a time when the U.S. Supreme Court is likely to decide this month whether the U.S. Constitution requires states to issue marriage licenses to same-sex couples and whether states must recognize such unions performed in other states. The court, which heard oral arguments in April, recesses at the end of June.

Arkansas doesn't recognize same-sex marriages, whether performed in the state or elsewhere.

J.R. Davis, the governor's spokesman, said the state's next steps regarding Griffen's ruling are contingent on the high court's decision.

Judd Deere, spokesman for the state attorney general's office, said Attorney General Leslie Rutledge, a Republican, has yet to decide if she will appeal the judge's order. She has 30 days from Tuesday's ruling to file an appeal.

In the meantime, the attorney general's office is advising the Arkansas Department of Finance and Administration on how to implement Griffen's order. The attorney general is the chief lawyer for a state.

"The attorney general is committed to upholding the rule of law and making sure that state agencies adhere to orders of the courts," Deere said in an email.

Larry Walther, director of the Finance and Administration Department, and Tim Leathers, department deputy director, didn't respond to phone calls or emails sent this week by the Arkansas Democrat-Gazette seeking comment on how the agency would execute Griffen's order.

Walther's secretary directed inquiries to the attorney general's office.

For six days in May 2014, county clerks in Carroll, Pulaski and Washington counties issued marriage licenses to same-sex applicants after a ruling by Pulaski County Circuit Judge Chris Piazza that Arkansas' constitutional and statutory bans on the unions were illegal. The state Supreme Court then suspended his decision and has yet to rule on that case.

Two same-sex couples that married during that time — Angelia Frazier-Henson and Katherine Henson, and Markett Humphries and Dianna Christy — sued the Finance and Administration Department to force the agency to recognize their Arkansas marriage licenses for the purposes of filing income tax forms jointly and adding a spouse to state health insurance benefits.

State attorneys argued the licenses are invalid because the clerks didn't have the authority to issue them in the first place, citing an omission in Piazza's order that didn't specifically address the statute barring clerks from issuing licenses to same-sex couples or order the state to stop enforcing its same-sex marriage ban.

Information for this article was contributed by John Lynch of the Arkansas Democrat-Gazette.

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