

The Virgin Islands Consortium

Open Letter To Sen. Neville James: Fall In Line With U.S. Supreme Court's Same-Sex Ruling

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Senator and Senate President of the 31st Legislature, Neville James, has openly made known his stance on the U.S. Supreme Court's same-sex ruling. 'It's my right to disagree with same-sex marriage,' James has been quoted as saying.

Resident Adrian Carl Rey Gillem, however, disagrees. She noted in an open letter submitted to The Consortium on Wednesday, that it was not James' right, and it's certainly not prudent, she said, to disagree with the Supreme Court's June 26 ruling.

You are a public servant bound by the laws enforced by courts past and present, here or elsewhere, federal or local. That does not just include the courts that lay near the harbors in Frederiksted or in Charlotte Amalie, but also the court that overlooks the Capitol Rotunda.

While it is within your right to disagree with the supposed moral turpitude of same-sex marriage, it is neither your right nor prudent to disagree with the Supreme Court of the United States.

Judgements handed down by the Supreme Court are to be recognized, respected, and enforced by lower courts from the West Coast to the East Coast; that also includes U.S. protectorates. You are well within your purview in exercising the Constitution's 1st Amendment in dissenting against the Supreme Court's ruling of two weeks ago. But be that as it may, you, and the countless other dissenting local bureaucrats/legislators in states from Louisiana to Texas, have no authority or standing to use your elected office to supersede the highest court of the land.

Let us be clear: the only thing standing in the way of adhering to the ruling set forth by our 9 member Supreme Court is you, Senator James.

The Superior Court of the Virgin Islands has made it clear that they intend to issue marriage licenses to same-sex couples, and the Governor has so directed his executive agencies to comply with the Supreme Court's ruling. If you choose to use your position to stay a bill amending the legal code to allow for civil same-sex unions, you will be in conflict not just with the Supreme Court of the United States, but with locally elected leaders and members of the judiciary who seek only to comply with the ruling.

While Gov. Mapp has not made clear if the ruling sullied his morals, it is clear that he is a man who recognizes that, while in elected office, law trumps moral or religious sentiment. While the local judiciary may have their own prejudice against issuing same-sex marriage licenses, make no mistake that such prejudice has not deterred prudent plans to enforce the ruling in our Territory.

It may be true that the ruling, as Justice Antonin Scalia put it, partially uprooted the foundation of democratic choice in this country. It may be true that U.S. citizens are now "forced" to wrestle with their religious convictions in assessing the ramifications of this ruling. But make no mistake, those are merely tangential in the face of concrete legally binding results. The highest court of the land voted 5-4, the ruling has been handed down, and as such, lower courts in municipalities, cities, states, and yes, protectorates, are expected to follow it.

Senator, your religious conviction might steer you clear of accepting same-sex marriage as a right vested by God. But, it cannot, nor should it, steer you clear of recognizing same-sex marriage as a right vested by the Constitution and its sovereign protector, the Supreme Court of the United States of America.

Submitted by: Adrian Carl Rey Gillem

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