Kentucky Clerk Not Issuing Marriage Licenses Jailed



By Emily Luxen. CREATED Sep 3, 2015

ASHLAND, Ky. – A Kentucky County Clerk was jailed after refusing to issue marriage licenses to same sex couples.

Kim Davis of Rowan County cited her religious beliefs for the reason for her actions ever since the Supreme Court ruling last month. She refused a compromise that would allow her deputies to grant marriage licenses to same sex couples. The judge said he has no alternative but to keep her behind bars as long as she refuses to follow the law.

During her testimony she said, "God's moral law conflicts with my job duties."

David Raybin, Nashville attorney and constitutional law expert, said regardless of her personal beliefs, Davis needs to comply with the law.

"This is political grandstanding at its worst," said Raybin. "People take an oath to comply with the law. Whether they like it or not, they have to comply with it."

In Chattanooga, Hamilton County Chancellor Jeffrey Atherton denied a divorce petition to a couple and said the U.S. Supreme Court decision on same-sex marriage has denied his ability to determine what constitutes divorce.

Raybin said the judge could be sanctioned or impeached for his actions.

"Judges have a vast amount of discretion, and rightfully so," said Raybin. "In this case, the judge is putting his personal opinion above the law, which you aren't allowed to do."

Raybin added most clerks and judges have complied with the Supreme Court ruling, and when the Supreme Court makes a decision everyone needs to comply. He said it isn't surprising to see some react as Davis and Atherton did when there is a controversial ruling.

"We are a nation of laws," said Raybin. "We need to comply whether it is popular or unpopular. Otherwise you have anarchy."

Davis also asked the judge to change the law so her name doesn't appear on marriage licenses, but he says that's up to the State Legislature. Five of the six deputy clerks in the office say they will issue marriage licenses to same sex couples.