



“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.