

Good faith & the county clerk



Photo Sanctity of Marriage Alabama on Facebook

Constitutional government vs. gay activism

- Saying 'no' to Jim-Joe unions
- How public officials can stand their ground for the people
- Perjury statute as your friend
- Good faith vs. bad faith
- Christian courage in trying times
- Sample press release

**David
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*County clerks across the country face the prospect of being told that they must issue homosexual activists licenses to marry. Many will refuse for personal religious reasons. But are personal reasons alone strong enough to withstand their claims against marriage? County clerks must have **legal reasoning** — reasoning from within the law itself — to justify their refusal to unite two men in matrimony. I call these arguments a good faith defense premised on bedrock truths. I propose they are sufficiently durable to withstand even an “order” from the federal high court should it rule against marriage.*

County clerk facing gay activists can act in good faith, say ‘Sorry, boys’

Shall the throne of iniquity, which devises evil by law, have fellowship with You?

Pslam 94:20

Constitutional government exists for the protection and benefit of a free people, such as those envisioned by that term in the Tennessee constitution. It is government that lives and breathes because its people deserve it, and its people insist on being under its protection.

Constitutional government, keeping the state at bay and in its place, is highly personal.

It’s nearly physical.

Office holders take a personal oath, come what may, to uphold their constitutions and the liberties implied therein. They put their persons on the line, and keep their promise even to their own hurt.

An office holder’s oath makes the constitution a personal thing. An oath doesn’t come home to a man when the sea is calm. When dark clouds and buffetings come, however, when a storm breaks overhead — the oath becomes one of two things — an insufferable burden or a means of comfort.

In Alabama, county clerks (called probate judges) stood their ground on the constitutional forms of government, defended by chief justice Roy Moore and the rest of the state supreme court. Tennessee clerks almost faced similar trials. Right now they are getting a breather from the threat of having to perform homosexual unions. They expect any day an opinion from the federal supreme court in Washington, D.C., on whether marriage law belongs to the states and their people or to the national government.

Good faith defense for naysaying clerk

It would appear that the final say on their duties vis a vis marriage belongs to the supreme court. Or does it?

A Tennessee county clerk is a constitutional officer, which means that as a player in local culture and local economy he doesn’t see everything as abstract and impersonal legal realities, but in terms of his own person and his own duty, carried out in the flesh of his person in the form of his office.

The number of probate judges in Alabama who “defied” a series of missives from a U.S. district court was initially 51 of 67 judges, but that shrank to 15 before a ruling from Montgomery rallied to their defense.

Because he cares for the voters who elected him and the people of his county he represents, a county clerk with ordinary moral scruples can stand his ground and reject a judge’s orders for five reasons.

— His oath of office. He dare not disregard the oath to uphold the constitution, a vow made publicly before God.

— Care about democratic government. Obeying an order or a pretended order from a Yankee court violates his care for the people, who in Alabama and Tennessee overwhelming defined marriage in their constitutions.

— Fear of perjury. The state perjury statute makes clear that stating as a fact something one knows subjectively is not true is perjury. Even if one is wrong legally, one cannot affirm as a fact something he knows is not.

— Concern for oppression and misconduct statute. The oppression statute forbids an officeholder to do anything to injure a person’s constitutional right under color of law (TCA 39-16-403) and misconduct where he “commits an act under color of office or employment that exceeds the public servant’s official power” (TCA 39-16-402)

— Good faith vs. bad faith. Rejecting a claim by a U.S. district judge or a U.S. supreme court is done in good faith, in light of the provisions above.

What is good faith?

Good faith describes a relationship between two parties. In contract, the “implied covenant of good faith and fair dealing” is a general presumption in the mind of each party that the other will act honestly and fairly so as not to destroy the interests of the other party in the arrangement. Good faith could be described as mutuality, amiability and “care for the other,” and is implied in the biblical admonitions of loving one another and putting the other person first. “Be kindly affectionate to one another with brotherly love, in honor giving preference to one another” (Romans 12:10). Good faith encompasses the idea of a sincere belief in the malice-free nature of the relationship. Good faith covers a multitude of sins and errors. Good faith is often heard in reference to state actors who violate the law — who make illegal searches without a warrant or probable cause — but whom are innocent of fault or offense because they act in “good faith.” *Bona fide*, in Latin.

Probate judges in Alabama, seeing their constitutional duty affirmed by Judge Roy Moore, act honorably and at high personal price to maintain a covenant among themselves, the people and God on His throne, the guarantor of their promise to keep faith with the state’s law.

Good faith is better understood by considering its enemy and opposite — bad faith.

Bad faith is fraudulent deception of another person, a tort on someone that is intentional or malicious. Bad faith is an “intentional dishonest act by not fulfilling legal or contractual obligations, misleading another, entering into an agreement without the intention or means to fulfill it, or violating basic standards of honesty in dealing with others,” by one online definition. Synonyms include lack of fidelity, lack of principle, lack of probity, mala fides, malversation, mendaciousness, mendacity, misfeasance, misrepresentation, obliquity, perfidiousness, perfidy, pettifoggery, pretense, pretext, recantation, recreancy, reprobacy, sedition, spuriousness, subterfuge, subversion, subversive activity, suppression of truth, surreptitiousness, traitorousness, treacherousness, treachery, turpitude, unauthenticity and unconscientiousness.

Moral high ground

Acting in good faith is acting in accordance with the “clean hands” doctrine. For a

clerk to throw aside his oath of office and obey a malicious diktat is not acting in good faith. It is possible that it could be shown as acting in bad faith. Clean hands implies that one acts without covering up anything, and acts without guilt or sharing in any guilt. A clerk dubbed “defiant” in his local newspaper is better described as obedient and faithful, without shame. He holds up clean hands.

Good faith is a high ground upon which the obeyer of constitutional government stands. To self-consciously act in good faith defeats claims by critics and by judges that the clerk is acting in bigotry, spite or with class hatred. The clerk denies the presumption of good faith claimed by federal officials ranging from the U.S. district court all the way up to Scotus, the supreme court of the United States.

The clerk who opposes LGBTQ demands guarantees the rights of the people exercised in marriage and in family. He is defending, indirectly, the common law right of marriage which inheres to every man, regardless of the state of law around him. I say indirectly because he is defending the authority of his state to define marriage as solely between one man and one woman, parallel to the common law and ancient human tradition starting with Adam. This authority is wrongly seized by all the states that voided (or pretended to) common law marriage and replaced that with statutory marriage. Still, people exercise their rights according to record-keeping forms provided by the state. The national government, in our system of federalism in which a covenant is implied, has no authority to define marriage, as the supreme court admitted in the Windsor case.

Clerks and probate judges have a duty to God, through their oaths to God, even if they are not practicing Christians. They have a duty to record true things, to state only facts in the public record, and should not grow weary doing good, even if authorities high and remote demand otherwise.

David Tulis and ‘Good Faith & the County Clerk’

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THE DOCTRINE OF THE LESSER MAGISTRATES



A Proper Resistance to Tyranny
and a Repudiation of
Unlimited Obedience to Civil Government

MATTHEW J. TREWHELLA

The book *The Doctrine of the Lesser Magistrate* by Matt Trewhella explains the doctrine that requires lesser authorities to resist and repel evil and lawless edicts by those who are supposedly superior.

Oath to uphold marriage is personal; clerk swears it on part of no one else

Tennesseans fearing a negative opinion on marriage from the federal high court are looking for the protection of lesser magistrates such as county clerks.

The authority of lesser authorities in our constitutional system rests in part on the lawful oath sworn by that intervening individual.

Oathtaking today is much watered down, and “affirmations” are accepted. An affirmation is hardly an oath, because the guarantor for upholding it is the officiant himself. The office taker swears, effectively, on his own name.

But often people taking office swear on the holy Bible they will uphold the law, the federal constitution and their state constitution – so help them God.

An oath signifies the speaker is aware of an obligation to tell the truth, whether in a courtroom trial or taking public office. Oaths are “calculated to awaken the witness’s conscience and impress the witness’s mind with the duty to do so,” says one authority (D.T. McCall & Sons v. Seagraves, 796 S.W.2d 457 [Tenn. Ct. App. 1990]).

If taken falsely, the party is guilty of perjury. Oaths are condemned by Christians in the Anabaptist tradition. Their lawfulness in Christendom is upheld by such summaries of religion as the Westminster Confession of Faith. The form of taking an oath is not essential, and in Tennessee the law requiring an uplifted hand was seen merely as directory (advisory), allowing the oath-taker to put his hand directly on the scriptures, instead. Variation of form does not affect “its obligatory character,” says a legal authority for Tennessee.

In the flesh

An oath of office cannot be made by anybody else on behalf of the clerk or probate judge. He makes the oath himself, for it is personal.

Hundreds of court clerks around the country have yielded to helping federal courts redefine marriage, despite their state constitutions that declare marriage is between one man and one woman.

It is a disturbing prospect for county clerks in Tennessee to be pressed into service of a judicial revolution against the people and against the law.

If a county clerk believes his oath is true, if he intends to not be separated from his promise by a form of judicial fiction out of Washington, if he intends to stand for God’s truth and the foundation of human capital that is marriage – he will take comfort in the claim his oath makes upon his person while he holds office.

Sources: The Westminster Confession of Faith, in chapter 22, says of the oath: A lawful oath is part of religious worship, wherein, upon just occasion, the person swearing solemnly calls God to witness what he asserts, or promises, and to judge him according to the truth or falsehood of what he swears. II. The name of God only is that by which men ought to swear, and therein it is to be used with all holy fear and reverence. Therefore, to swear vainly, or rashly, by that glorious and dreadful Name; or, to swear at all by any other thing, is sinful, and to be abhorred. Yet, as in matters of weight and moment, an oath is warranted by the Word of God, under the New Testament as well as under the old; so a lawful oath, being imposed by lawful authority, in such matters, ought to be taken. III. Whosoever takes an oath ought duly to consider the weightiness of so solemn an act, and therein to avouch nothing but what he is fully persuaded is the truth: neither may any man bind himself by oath to any thing but what is good and just, and what he believes so to be, and what he is able and resolved to perform. Yet it is a sin to refuse an oath touching any thing that is good and just, being imposed by lawful authority. (http://www.reformed.org/documents/wcf_with_proofs/)

Oath, Tennessee Jurisprudence, Vol. 20

County clerk owes duty to public to uphold marriage despite hostile claims

County court clerks facing the gay mudslide have a duty to consider their high office, and whether they will stand by the state constitution and their oaths, come what may in June from the high court in Washington.

That court may pretend to issue an opinion about marriage, a provenance which from the founding has resided among the states and their peoples. Most states have replaced common law marriage with statutory regimes. But no matter: They recognize still that marriage is between one man and one woman, especially in the South, which fought a war of independence in 1861 over whose rules direct people's lives within the states.

A county clerk is no slight scrivener, scribe or scribbler. A clerk has by virtue of election a "right, and correspondent duty, to exercise a public trust and to take the emoluments belonging to it," says a Tennessee legal encyclopedia.

A clerk is a public officer as his "duties are those to which a portion of the sovereignty of the state attaches" during his time in office.

Bill Knowles in Hamilton County, Dwight Minter in Marion County and Charlotte Cagle in Sequatchie hold the office of clerk as a "species of property," an authority says. It attaches to their bodies: "It is an incorporeal right, and consists in the right to execute a public trust." An injury to that right of office is an injury "to a private right for which there ought to be a remedy." An officer has a right to speak, and to refrain from speaking.

The people yield to the clerk

It's not the formal induction into office that makes Mr. Knowles' our clerk. It's not that he has a property right in the clerkship (he does). Rather, it is election by the people that is the power to elevate him into public service. The law is said to abhor vacancies in office, and that Mr. Knowles is re-elected to public acclaim avoids having to consider the precautions taken to guard against vacancies.

Bound by law

A public official may have learned by public activism, attending meetings, reading and by a clerk duty class in Nashville about how to perform his job. But his duties are defined by law. In a controversy, his appeal is always to the law and his obedience to it. Public officials "cannot invoke any provision of the constitution to enable them to suppress facts connected with public business under their control," notes TennJur. Neither, might I suggest, can they CREATE FACTS CONNECTED TO PUBLIC BUSINESS under their control. Declaring a Jim-Joe union a marriage is doing just that, creating facts and attesting to a union as fact that he knows, pursuant to Tennessee law, is not a marriage.

The power of 'ministerial' duty

We come now to the question of Mr. Knowles, my clerk in Hamilton County, and what is referred to as his ministerial duty. It is ministerial because his duty arises not from within him, but from outside. It emanates from the people and the laws imposed upon them by their elected legislatures and governors.

Is Mr. Knowles doing his ministerial duty to "obey" a federal opinion declaring Jim-Joe marriages legal, and the state's definition of marriage illegal? If the federal supreme court says that any law holding marriage between man and woman is illegal and unconstitutional, is Mr. Knowles keeping with his duty to reject it? Or does that court's

opinion bind him to alter his practice?

If he declares Jim and Joe married by extending them a marriage license and recording their union as marriage, is that an act of obedience, or is it an act of discretion? Is it ministerial and obedient, or does it constitute a violation of his oath?

In what direction does the clerk's duty lie? Does the clerk "obey" a court opinion? Does he obey Tennessee law and the constitution until such records are altered by a vote of the people, or by the general assembly?

My argument in favor of constitutional government suggests that his ministerial duty, the route of his nondiscretionary steps, is to obey the law. It's a position, suitable to a man of democratic spirit, a man familiar with the people who keep re-electing him who holds that legislatures make laws, and courts give opinions.

In support of his enlightened intransigence in face of the noisome gay lobby and its black-robed supporters are four reasons. I suggest they are wonderful. • One's living out of one's oath • A fear of perjury in declaring as fact a statement or record in which one disbelieves • One's unwillingness to touch even the shadow of the oppression statute • One's confidence in the voting public • One's fear of God who requires all those who swear before Him to uphold their swearing, even to their own hurt. OK, five reasons.

Question not just for lawyers

But to get back to the public officer definition. If the high court pretends to redefine marriage, and the risk-averse county attorney says fighting is a lost cause, can a county clerk stand on principle, come what may? Might he be right, even though the legal guild clamors for federal supremacy as explained in many U.S. opinions?

The answer isn't simply legal. It's moral, it's personal, it's religious. Mr. Knowles is no usurper, no cad, no stranger pretending to the duty of scribe and recorder. He's the genuine article. He keeps the record, he keeps the law, he maintains the constitution despite what everyone may say against him. Its provisions are mandatory, and no provision shall be construed otherwise. *Gouge v. Burrow*, 119 Tenn. 376, 104 S.W. 526 (1907). The constitution's construction of marriage, until changed by the people, are his building blocks.

The object of the constitution *"is to give effect to the intent of the people ***. It must be enforced according to such manifest intent. This intent is to be found in the instrument itself; it is to be presumed unless an examination of the instrument demonstrates otherwise ***. The ascertained intent must be enforced."*

County clerks in Tennessee have reason to defy ANY outside authority if that outside authority (even if within a whitened judicial sepulchre in Washington, D.C.) pretends to order them to ignore marriage and join in marriage's deconstruction.

Source: Public officers, Tennessee Jurisprudence, Vol. 21

An overlooked defense: Perjury statute as basis for resistance

Shall the throne of iniquity, which devises evil by law, have fellowship with You?

— Psalm 94:20

Gay marriage strikes at the heart of Christendom and capital; it also constitutes a lie.

But on what grounds can county clerks stand, as in Alabama dozens of probate judges refused to cooperate with an implied directive from a federal trial-level judge saying Alabama's marriage law cannot be enforced because it is illegal?

The law of perjury is a defense useable by a county clerk who refuses to cave in to gay theory. The teeth of this law should not be seen as harsh and unreasoning, but as a sure defense against the entry into the public record of pretended mischiefs of LGBTQs.

The law of perjury in Tennessee doesn't brook falsity in recordkeeping. For a constitutional officer such as county clerk to record a homosexual union is effectively to commit a crime.

A flood of words from federal courts, however, seeks to obliterate this problem that will be faced by Bill Knowles in Hamilton County, Dwight Minter in Marion, Charlotte Cagle in Sequatchie and others. In Montgomery, Ala., U.S. district court judge Callie Granade contends her opinion about gay marriage is "the law of the land," according to ACLU attorney David Kennedy.

But is it?

A crime between your ears

The locus of the crime of perjury is subjective. It takes place in the seat of the clerk's heart and mind when he enters into the record that two men are united in holy matrimony and he knows that such is not a fact, is not possible, is not true. Judges in Alabama have quit rather than file such miscreant records.

It is a crime when the clerk knows in his mind that two men cannot be united in marriage under Tennessee's constitutional marriage amendment and the relevant downstream statute. It is a crime because if the subjective state of that man or woman in the office knows as a fact gays cannot marry, it is a crime to record that Jim and Joe are, pursuant to their application, man and wife, or legal spouses.

Essential elements of perjury

— Perjury takes place when the statement or record is material, when it "could have affected the course or outcome of the official proceeding." Here, trials are in view.

— In public recordkeeping there is an implied oath, and an oath is "a solemn and formal undertaking to tell the truth." The equivalent is an affirmation.

— "'Official proceeding' means any type of administrative, executive, judicial, or legislative proceeding that is conducted before a public servant authorized by law to take statements under oath in that proceeding." Again, the definition implies a courtroom setting. But the rule applies to any recording or testimony about a matter of fact.

— A clerk's record of marriages is a "statement" that is a "representation of fact" and not merely a legal opinion.

Flapdoodle on 'official document'

The law forbids any deception before the state, before an officer of the state or by a state actor who has authority over the people's record.

39-16-702. Perjury.

(a) A person commits an offense who, with intent to deceive:

(1) Makes a false statement, under oath;

(2) Makes a statement, under oath, that confirms the truth of a false statement previously made and the statement is required or authorized by law to be made under oath;

(3) Makes a false statement, not under oath, but on an official document required or authorized by law to be made under oath and stating on its face that a false statement is subject to the penalties of perjury; or

(4) Makes a false statement, not under oath, but in a declaration stating on its face that it is made under penalty of perjury.

The law says some forms of perjury are worthy of less than a year in prison. But

lying on a handgun carry permit or on sexual offender or violent sexual offender TBI registration are felonies, worthy of a year or more.

‘Aggravated’

Especially noxious forms of perjury are “aggravated.”

A county clerk commits aggravated perjury when he intends to deceive and his false statement “is made during or in connection with an official proceeding” with the false statement being material. It’s no defense for Madam Clerk to presume that the statement is immaterial.

The only way out of a perjury charge is for the clerk to retract the false statement “before completion of the testimony at the official proceeding during which the aggravated perjury was committed.” That’s a pretty small window, given the humdrum operations of a clerk’s office, with its car tag registration and other swamp of administrative tasks.

If the official proceeding of recording a gay marital union is in progress, the clerk’s deception can be undone if he changes his mind in a matter of seconds.

But once it enters the stream of recordkeeping, it is too late. At that point, the recordkeeper’s engaging his office staff to facilitate entry of the false record into the system multiplies his offense.

The poison now changes its name from perjury to “*subornation of perjury*,” having others join you in your dissimulation. “A person commits an offense [of subornation] who, with the intent to deceive, induces another to make a false statement constituting perjury or aggravated perjury,” the law explains.

‘Knowledge of falsity’

Generally, “under both federal and state law, knowledge of the falsity of the statement at the time it is made is an essential element of the crime of perjury.”

American Jurisprudence 2d, the legal encyclopedia, goes on:

Thus, a person who testifies falsely, but in good faith with the honest belief that he is telling the truth, is not guilty of perjury. Similarly, a false answer given because of inadvertence, confusion, an honest mistake or faulty memory does not constitute perjury.

The subjective state of mind of a county clerk is a key element in a defense for “defying” a federal court order over marriage licenses. A county clerk who knows the truth about marriage is held to a higher standard than one who does not know or does not care. A clerk who cares not for marriage may harmlessly unite Jim and Joe as marrieds because his confusion or inadvertence are not perjurious.

But a high bar stands before the man or woman in office who knows the truth about marriage pursuant to God’s law and its claims reflected in his state’s marriage law. It’s a matter of character that he stand on conscience and execute his office according to his oath.

A man of Christian bearing who perceives the high stakes in the cultural war against marriage and law will shrink from perjury, with its razor teeth. He will act, though, not in fear of perjury, but in love of his oath of office, and his love of his duty to the people to uphold his state’s honorable law.

Bad faith & bitter fruit; constitutional obedience is ‘good faith’

Local officials in the states remaining that haven’t gone gay are considering how they can stand on principle in what appears an overwhelming onslaught. For those who haven’t caved or who haven’t faced their crisis of conscience, an important concept offers itself to upgird the loins of their thinking.

They should be belligerent claimants in person in holding their offices and maintaining a defense of marriage through their constitutions. Yes, the next opinion apparently will be from the federal supreme court, and the question they have to answer is: Does that court have authority of marriage, or does my state have authority over marriage?

My light reading into the subject suggests that federalism and the rights of the people will perhaps not be defended by the federal court. So their rights have to be defended by common low-level officers and clerks in cities and counties. If federalism and the constitution are to live, it will have to be among miracle workers who hold public office and who say, “enough is enough.”

These state actors are, indeed, friends of liberty even though often in their official duties they manage an oppressive regulatory, licensing and tax-collecting authority. In this matter they are potential defenders of ancient rights, namely that of marriage, its common law form and its statutory variety.

Good faith should be their primary motive and all-absorbing thought as they defy ACLU attorneys and jubilant gay activists at their counters trying to tie knots reserved by creation for one man and one woman.

Bad faith and its bitter fruit

Bad faith could be understood as a state of mind involved when one is not being faithful to one’s duty or obligation. It implies a tainted or fraudulent motive and it is palpable when it is perceived. A government employee acts in bad faith for purposes of official immunity only when he could not have reasonably reached the decision in question.

It is the *antithesis of good faith*, and carries a suggestion of dishonesty, which state of mind in some instances is a question of fact for the jury. It may contain elements that are unreasonable, frivolous, untenable, unfaithfulness to one’s obligation or duty. It bears the badge of malice. Generally, it is a tort, a breach of duty imposed as a consequence established by an agreement, contract or oath. Bad faith contains the idea of intention; it’s worse than a mistake in judgment or an error made in ignorance. It’s worse than negligence.

An official who intends to establish his good faith in a controversy has firmer ground on which to stand if he can show his reasoning based on law, tradition or precedence.

Black’s Law Dictionary defines good faith to suggest the proper spirit.

A state of mind consisting in (1) honesty in belief or purpose, (2) faithfulness to one’s duty and obligation, (3) observance of reasonable commercial standards of fair dealing in a given trade or business, or, (4) absence of intent to defraud or to seek unconscionable advantage.

A public official, a person of simplicity of heart and conscientiousness, who stands for marriage stands on the firm ground of good faith, refrains from entering the way of of what he suspects is an evil or a legal enabling of evil.

I refuse to marry so-called gay couples because that would be licensing and recording a blatant lie. That would jeopardize not only the people involved, who want official affirmation of intended sinful acts, but would also jeopardize me, the clerk, who enables them to receive this recognition as being married. Of course, I refuse to suborn perjury from my staff.

I serve as clerk with a clear conscience, even though sometimes my range of duties include tasks that make me uncomfortable. For example, I think liquor is a ruin of many families and an evil temptation. But I license liquor stores as part of my job, realizing that alcohol is a legal substance and my office is greater than my person or personal beliefs.

But I refuse to marry gay couples because I don't want to get out ahead of the people. If Tennesseans think a federal appeals court opinion is law, let them amend the constitution and eliminate the Tennessee Code Annotated statute that so offends our gay friends. I decline, out of respect to members of the public, to leap out ahead of them and change a state law all by myself. I refuse, out of love for the people who take the trouble to vote, to delete by fiat these honorable provisions of state law. I think they'd be wrong to undo our marriage laws. But it is their prerogative, and I await their verdict at the ballot box. My action today intends no unkindness to anyone; my impulse is wholly democratic.

As your county clerk, I stand here, free in my conscience, but starkly alone in this office. You, as I, find these times bewildering. I have agonized over our country's moral decay and its acceptance of perversion and idolatry.

Today I ask the support of the people of our county, and the protection of Sheriff John Doe, of my office against any who would attempt to interfere with me and my dedicated staff. Yes, peril is all about, and the days sure look dark.

Perhaps the people of this county want me to ignore my oath and ignore my duty – and to help redefine marriage. But unless I am convinced by a change in our law and by the clearest reasoning, unless I am persuaded that my conscience is no longer bound by my vows of office to our constitution, unless I can be convinced that it is safe for a Christian to act against his conscience, here I stand – if alone, so be it. I can do nothing else; may God help me.

‘For immediate release’ — sample statement

My defense of office in upholding state law

My oath of office forbids me to license two men to marry, or two women to marry each other, or to record any such union, for such would be perjury. My fear of God in my oath forbids me to offend Him or the people of the county whom I represent.

I swear as your clerk to uphold our Tennessee constitution and all state laws, our covenant documents. These declare marriage as between one man and one woman. In having amended our constitution in 2006, the people and their government declare as true, fitting and good that provision for mankind God has given us in His revealed will – namely that of marriage.

You ask how I dare today contradict the federal supreme court in Washington. I have a duty to interpret the constitution and to abide by it – as do those judges. My oath is more compelling to me than their opinion and the opinions of gay activists who have taken paperwork from the high court, presented it to me and demanded that I violate my public trust and redefine marriage in our county. It is said supreme court rulings become law. Maybe. In the republic in which I grew up, law comes from congresses and general assemblies. Judges opine; assemblies legislate.

My oath to uphold our constitution binds my hands as well as my conscience; it binds my office and all the wonderful people who work under me in the clerk’s office. My duty is clear, despite what important people say about gay rights and the redefinition of marriage. I joyfully affirm that marriage is as God declares it. I earnestly refuse to doublecross my oath.

Perjury is a crime. Perjury is the declaring as true something that I know to be false. I am confident that if I record anything as true that I know to be false, I am a perjurer and have violated our law. I refuse to put myself in that position, having been elected by members of the public. You place your confidence in me to uphold the law and record only true facts, whether car certificates of title or marriages.

Please turn to Page 10