



# The Senate of The State of Texas

SENATOR RODNEY ELLIS  
District 13

PRESIDENT PRO TEMPORE  
1999 - 2000

COMMITTEES:

Vice-Chair, State Affairs  
Business & Commerce  
Transportation

June 29, 2015

The Honorable Loretta Lynch  
United States Attorney General  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Lynch:

Yesterday, the Attorney General of Texas issued legal guidance to the state's county clerks, justices of the peace, and judges advising them that they can refuse to follow the recent U.S. Supreme Court decision in *Obergefell v. Hodge*. Although the Attorney General's opinion is nonbinding, it significantly increases the likelihood of civil rights violations should local officials follow the legal advice and refuse to allow gay and lesbian couples to get married.

I therefore write to urge the Department of Justice to monitor the implementation of *Obergefell* and intervene, if necessary, to ensure that Texas officials do not flout the Supreme Court's ruling and blatantly discriminate against same sex couples attempting to secure the rights granted to them under the U.S. Constitution. Officials who take an oath to uphold the Constitution should not be able to deny Texans' constitutional rights with the backing of state legal guidance.

The Attorney General of Texas' opinion argues that religious freedoms may allow accommodation of governmental officials' religious objections to issuing same-sex marriage licenses. I have serious concerns about the far-reaching implications of this blanket protection for officials who may choose to ignore the law based on their personal religious beliefs. Will judges be able to argue that they should not have to recognize or authorize divorces if it offends their religious sensibilities? Could a judge refuse to sentence a defendant to the death penalty under his or her belief that "thou shalt not kill" means just that? Where does this end?

Again, I request the DOJ to monitor the implementation of the decision to prevent civil rights violations and ensure that loving, committed couples are able to formally celebrate their union. Religion must not be relied upon as an excuse to discriminate and refuse to fulfill the duties of government officials' taxpayer-funded jobs. As the majority opinion stated, the Constitution grants gay and lesbian couples "equal dignity in the eyes of the law." I ask that the full weight of the DOJ be placed behind securing those rights for all Texans.

Sincerely,

A handwritten signature in black ink that reads "Rodney Ellis".  
Rodney Ellis

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