



RICK WOMICK
STATE REPRESENTATIVE
34TH LEGISLATIVE DISTRICT

TELEPHONE: (615) 741-2804
FAX: (615) 253-0322

House of Representatives

State of Tennessee

Nashville

LEGISLATIVE OFFICE:
G29 WAR MEMORIAL BUILDING
NASHVILLE, TENNESSEE 37243-0134

COMMITTEES:
EDUCATION ADMINISTRATION
EDUCATION ADMINISTRATION - SUB
CONSUMER AND HUMAN RESOURCES

Dear Tennessee County Clerk:

I write to you today regarding the recent Supreme Court of the United States (SCOTUS) opinion on the definition of marriage. It has come to my attention that most, if not all of you, have been contacted by AG Herbert Slatery and the Haslam Administration, and have been told to uphold the SCOTUS opinion or face a discrimination lawsuit. Such intimidation from this administration is unconstitutional and should not be tolerated. Each of you are publicly elected servants of your county, held accountable only to the people that elect you. You swore an oath of office to uphold the Tennessee State Constitution and to enforce the Tennessee Code Annotated. You did not take an oath to uphold an "opinion" from five justices of the SCOTUS. Therefore, I am asking that each of you ignore the recent SCOTUS opinion redefining marriage, uphold our State Constitution, and issue marriage certificates to one man and one woman only.

Please allow me just a few moments of your time to explain the power you possess as County Clerks in the Great State of Tennessee. First, the power of your office as it relates to the issuing of marriage certificates comes from the Tennessee State Constitution, not the Governor or his AG. As it pertains to marriage, our Constitution states, "*The historical institution and legal contract solemnizing the relationship of one man and one woman shall be the only legally recognized marital contract in this state. Any policy or law or judicial interpretation, purporting to define marriage as anything other than the historical institution and legal contract between one man and one woman is contrary to the public policy of this state and shall be void and unenforceable in Tennessee. If another state or foreign jurisdiction issues a license for persons to marry and if such marriage is prohibited by this state by the provisions of this section, than the marriage shall be void and unenforceable in this state.*"

Additionally, the *four dissenting justices of the Supreme Court have empowered each of you*, making it absolutely clear the unconstitutional actions of the SCOTUS. They have stated that not only did the SCOTUS not have the authority to even hear the *Obergefell v. Hodges case*, but the court did not possess the power to issue an opinion as to the constitutionality of the law. Since the U.S. Constitution does not reference or provide guidance on the definition of marriage, then the 9th and 10th Amendments are to be followed. *That is, any right not listed in the U.S. Constitution is to be decided and legislated by the states and the people thereof.* The SCOTUS has no authority to adjudicate on law or issues not contained in the U.S. Constitution. Furthermore, the SCOTUS is not a "*coequal*" branch of government. Any opinion they issue does not become the "*law of the land.*" Only the Congress or state legislatures can create the "*law of the land!*" The SCOTUS justices are appointed by the President of the U.S. and confirmed by the Senate, and likewise they can be impeached and removed from the office by Congress.

The *majority five justices, however, have decided to usurp the U.S. Constitution and our state sovereignty*, overstepping their Constitutional power by hearing and issuing an opinion in the *Obergefell v. Hodges case*. Even in their opinion they failed to determine or decide if Tennessee law, written as marriage between one man and one woman, was constitutional. Instead, they took it upon themselves to legislate from the bench and to rewrite the very law before them, redefining marriage and creating an

rep.rick.womick@capitol.tn.gov

entirely new and different law that allows anyone and anything to be married. ***The SCOTUS does not have such power!*** Only the legislative branch of the federal government or state governments can rewrite, add to, alter, or change the wording or the meaning of a law. The SCOTUS can only determine if the written law before them, is ***constitutional or unconstitutional; nothing more!*** Any additional wording or defining of the law is strictly an “***opinion***” and ***is not enforceable!***

There is another important aspect of this SCOTUS opinion that I ask each of you to consider. There is ***no federal law*** that requires you or the State of Tennessee to issue marriage licenses to anyone other than one man and one woman. Unlike dozens of U.S. cities and municipalities that are in direct violation of federal immigration laws by declaring that their cities are a “sanctuary city” for illegal aliens, should you choose to uphold our State Constitution as it pertains to marriage, you are ***not in violation of any federal law!*** Again, I reiterate, the SCOTUS cannot change or redefine a law that is before them, nor can they create or write law! ***What they opine does not become law!*** Their opinion only provides the reason as to why they determine a law is constitutional or unconstitutional. By refusing to recognize the “***opinion***” of the five Supreme Court justices, you will have rendered them impotent. Additionally, ***two*** of the five justices, Justices Ginsburg and Kagan, were ***required by federal statute to recuse themselves from the Obergefell v. Hodges case,*** because of their violation of federal judicial ethics and their biased conduct in having performed same sex marriage ceremonies. However, both Ginsburg and Kagan declared themselves to be above the law and refused to recuse themselves. Their votes should be nullified and declared void, leaving the final decision a 4-3 opinion in favor of upholding Tennessee law and the Tennessee Constitution’s definition of marriage as one man and one woman.

In closing, I would like to emphasize that Governor Haslam is the chief executive of this state. He has absolute authority and power, under the State Constitution and U.S. Constitution, to ignore this “opinion” from the SCOTUS. However, he has decided to shirk his duty to the citizens of Tennessee and has failed to uphold his oath to our State Constitution. He refuses to be a leader and defender of our state, and call a special session of the Tennessee General Assembly, in order to come to a consensus on how to proceed in upholding our State Constitution. Ladies and gentlemen, as a sovereign state and as a republic, we are at a crossroad, and our choice of direction is crystal clear. We can give into the unconstitutional edict of five rogue justices who have ordained themselves as gods and who have ignored the literal wording of the U.S. Constitution. We can allow these five justices to decree upon 310 million Americans, all matters of public policy, all values they consider discriminatory and all morals they deem as relevant. Or we can endeavor to ignore this SCOTUS opinion and uphold the 9th and 10th Amendments to the Constitution. We can strive to uphold our State Constitution, our state sovereignty, and our state’s definition of marriage, even without the support of our Governor or Attorney General. However, should we fail in this effort as publically elected officials in Tennessee, and allow the SCOTUS opinion to be enforced, than we will ***cease to be a constitutional republic!*** We will have fulfilled the words of Thomas Jefferson, as it relates to the ***Supreme Court,*** in his letter to William Jarvis on September 28, 1820; a decision ***“which would place us under the despotism of an oligarchy.”*** An authoritarian oligarchy of five self serving individuals in black robes, imposing their will upon all citizens of the United States. I have made my choice; I will stand for our Republic and I will rebel and fight against all who support this oligarchy of judicial tyranny! I hope you will do the same in each of your counties.

Respectfully



Rick Womick
State Representative
34th Legislative District

RW:scs