

July 4, 2015

## Declaration of Obedience to Law and Defense of Natural Marriage

**Whereas**, the County Clerks of Texas are tasked with upholding the Constitution and Laws of the State of Texas and the written United States Constitution; and

**Whereas**, on June 26, 2015, in *Obergefell v. Hodges*, five justices of the United States Supreme Court issued an opinion with no basis in the Constitution, the Fourteenth Amendment, American law, or Western history, purporting to overturn Natural Marriage and inventing a false "right" to same-sex "marriage;" and

**Whereas**, two justices essential to the majority, Elena Kagan and Ruth Bader-Ginsburg, failed to recuse themselves from *Obergefell* after publicly showing personal bias, in violation of federal law mandating that "Any justice...shall disqualify h[er]self...[where her] impartiality might reasonably be questioned." (28 U.S.C.A. § 455); and

**Whereas**, in contrast, the Declaration of Independence explicitly recognizes that the Creator has endowed mankind with inalienable rights to life, liberty and the pursuit of happiness, under the Rule of Law, consistent with the created order; and

**Whereas**, Natural Marriage consistent with the created order, higher law, and the Law of Nature and Nature's God has always consisted of one man and one woman; and

**Whereas**, Natural Marriage has been recognized in the Constitution and Laws of Texas, consistent with the **written** United States Constitution, and higher Natural Law; and

**Whereas**, the United States Constitution defines the powers of the federal government, and no branch of the federal government has power to redefine marriage; and

**Whereas**, the Fourteenth Amendment never withdrew from the various states the authority to maintain Natural Marriage as an exclusively monogamous heterosexual institution; and

**Whereas**, the *Obergefell* opinion is "an opinion lacking even a thin veneer of law," and "is a naked judicial claim" to...*super*-legislative power; "**a claim fundamentally at odds with our system of government**;" *Id.* at \*43 (Scalia, J., dissenting); and

**Whereas**, the [Virginia](#) and [Kentucky Resolutions](#) of 1798, authored by Thomas Jefferson and James Madison, held that when the federal government "assumes undelegated powers, **its acts are unauthoritative, void, and of no force;**" and that the States "**have the right, and are in duty bound, to interpose for arresting the progress of the evil;**" and

**Whereas**, in the spirit of Jefferson and Madison, lawless decisions of the U.S. Supreme court have been successfully resisted by the States, in *Dred Scott v. Sandford*, and in the series of cases [In Re: Booth](#), 3 Wis. 1 (1854); and

**Whereas**, the Wisconsin Supreme Court rejected the U.S. Supreme Court opinion in *Booth* which claimed the federal Fugitive Slave Act was "constitutional;" as did the legislature of Wisconsin, which called the opinion "**an arbitrary act of power ... without authority, void and of no force,**" and urged "positive defiance" by the states as the "rightful remedy," and likewise, Wisconsin state officials refused to obey the U.S. Supreme Court; and

**Whereas**, after the U.S. Supreme Court issued its opinion, the Wisconsin Supreme Court refused to file the U.S. Supreme Court's mandate upholding the fugitive slave law; and after more than 155 years, [that mandate has never been filed](#), and no Wisconsin officials ever obeyed the mandate; and

**Whereas**, in addition to Wisconsin, the legislatures of Maine, Massachusetts, Connecticut, Rhode Island, and Michigan actively nullified the Fugitive Slave Act and the repugnant *Dred Scott* decision of the U.S. Supreme Court, by passing "personal liberty" laws, making it nearly impossible to enforce the Fugitive Slave Act in those states; and

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**Whereas**, Dr. Martin Luther King, Jr., stated that "a just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law;" and

**Whereas**, the Governor, Attorney General, Legislators and County Clerks of Texas have sworn an oath consistent with the moral Law of God ("So Help Me God") to uphold the Constitution of Texas and the Constitution of the United States; and

**Whereas**, the fulfillment of this oath, in the American tradition, may not be read to contradict the written Constitution, Justice, Reason and higher Natural Law; and

**Whereas**, not all orders claiming authority under color of law are lawful; and

**Whereas**, unlawful orders, no matter their source - whether from a military commander, a federal judge, or the United States Supreme Court - are and remain **unlawful**, and should be resisted; and

**Whereas**, the American system of federalism envisions a political stance of resistance by States and their office holders against lawless federal court orders; and

**Whereas**, modernly, federal judges have once again usurped powers undelegated to them, and have violated Reason, the Rule of Law and Natural Law by purporting to strike down State laws and acts of the People recognizing and protecting Natural Marriage; and

**Whereas**, the United States Supreme Court is **not** the sole and final arbiter of the powers of the States under the Ninth and Tenth Amendments, **when it acts in an area outside of its jurisdiction**; and

**Whereas**, the federal Judiciary was created by the Founders to have "neither Force nor Will, but merely **judgment**"; and must ultimately depend upon the aid of the executive arm" and the States, for the carrying out of its judgments, and it is high time that the Court be so reminded; and

**Whereas**, the United States Supreme Court is certainly not infallible, and has issued lawless decisions which are repulsive to the Constitution and Natural Law; including *Scott v. Sandford*; *Buck v. Bell*; *Korematsu v. United States*; *Roe v. Wade*; and most recently, *Obergefell v. Hodges*.

**Therefore, as County Clerk, I declare as follows:**

1. I will continue to defend Natural Marriage as recognized by the People of Texas, in the Constitution and Laws of the State of Texas, consistent with the Declaration of Independence; the **written** United States Constitution; the Ninth, Tenth, and Fourteenth Amendments; and higher Natural Law.
2. Natural Marriage between one man and one woman remains the law in Texas, regardless of **any** court decision to the contrary. Any court decision purporting to strike down Natural Marriage, including *Obergefell v. Hodges*, is "**unauthoritative, void, and of no force.**"
3. I, as County Clerk, in faithful execution of the laws of Texas, shall resist unlawful federal or state court encroachments upon the prerogative of the People of Texas to protect Natural Marriage, and shall only issue marriage licenses consistent with Texas law, so help me God.
4. With a firm reliance upon the providence of Almighty God and the support of my fellow citizens, I call upon all of the Officers of the State of Texas, the Governor, the Attorney General, and the members of the Texas Legislature, to join with me, and utilize all authority within their power to protect Natural Marriage from lawless court opinions, wherever the source.