

# United States Senate

WASHINGTON, DC 20510

November 17, 2022

Dear Colleague,

As you are aware, we are one step closer to passing into law the Respect for Marriage Act. In the *Obergefell* oral arguments, there was a now infamous exchange between Justice Alito and then-Solicitor General Donald Verrilli. In response to Justice Alito asking whether, should states be required to recognize same-sex marriages, religious universities opposed to same-sex marriage would lose their tax-exempt status, General Verrilli replied, “. . . it’s certainly going to be an issue. I don’t deny that. I don’t deny that, Justice Alito, --it is going to be an issue.”

And it is an issue. *Obergefell* did not make a private right of action for aggrieved individuals to sue those who oppose same-sex marriage. It did not create a mandate for the Department of Justice to sue where it perceived an institution opposed same-sex marriage, but the Respect for Marriage Act will. What we can expect should this bill become law is more litigation against those institutions and individuals trying to live according to their sincerely held religious beliefs and moral convictions.

Should Congress decide to codify *Obergefell* and protect same-sex marriages, we must do so in a way that also resolves the question posed by Justice Alito. Instead of subjecting churches, religious non-profits, and persons of conscience to undue scrutiny or punishment by the federal government because of their views on marriage, we should make explicitly clear that this legislation does not constitute a national policy endorsing a particular view of marriage that threatens the tax exempt status of faith-based non-profits. As we move forward, let us be sure to keep churches, religious charities, and religious universities out of litigation in the first instance. No American should face legal harassment or retaliation from the federal government for holding sincerely held religious beliefs or moral convictions.

My amendment would ensure that federal bureaucrats do not take discriminatory actions against individuals, organizations, nonprofits, and other entities based on

their sincerely held religious beliefs or moral convictions about marriage by prohibiting the denial or revocation of tax exempt status, licenses, contracts, benefits, etc. It would affirm that individuals still have the right to act according to their faith and deepest convictions even outside of their church or home.

The undersigned ask that you oppose cloture on the Respect for Marriage Act unless the Lee amendment is added to the bill. The free exercise of religion is absolutely essential to the health of our Republic. We must have the courage to protect it.

Sincerely,



Michael S. Lee  
United States Senator



Mike Braun  
United States Senator



Cindy Hyde-Smith  
United States Senator



John Cornyn  
United States Senator



Rand Paul  
United States Senator



Marco Rubio  
United States Senator



John Thune  
United States Senator



Ron Johnson  
United States Senator



Marsha Blackburn  
United States Senator



Tommy Tuberville  
United States Senator



Kevin Cramer  
United States Senator



Rick Scott  
United States Senator



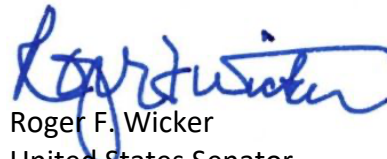
John Boozman  
United States Senator



Roger W. Marshall  
United States Senator



Lindsey O. Graham  
United States Senator



Roger F. Wicker  
United States Senator



Tim Scott  
United States Senator



James E. Risch  
United States Senator



Ted Cruz  
United States Senator



Tom Cotton  
United States Senator



Josh Hawley  
United States Senator