

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

1285 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019-6064

TELEPHONE (212) 373-3000

LLOYD K GARRISON (1946-1991)
RANDOLPH E PAUL (1946-1956)
SIMON H RIFKIND (1950-1995)
LOUIS S WEISS (1927-1950)
JOHN F WHARTON (1927-1977)

UNIT 3601 OFFICE TOWER A BEIJING FORTUNE PLAZA
NO 7 DONGSANHUAN ZHONGLU
CHAoyANG DISTRICT
BEIJING 100020
PEOPLE'S REPUBLIC OF CHINA
TELEPHONE (86-10) 5828-6300

12TH FLOOR HONG KONG CLUB BUILDING
3A CHATER ROAD CENTRAL
HONG KONG
TELEPHONE (852) 2846-0300

ALDER CASTLE
10 NOBLE STREET
LONDON EC2V 7JU U K
TELEPHONE (44 20) 7367 1600

WRITER'S DIRECT DIAL NUMBER

(212) 373-3086

WRITER'S DIRECT FACSIMILE

(212) 373-2037

WRITER'S DIRECT E-MAIL ADDRESS

rkaplan@paulweiss.com

FUKOKU SEIMEI BUILDING
2-2 UCHISAIWAICHO 2 CHOME
CHIYODA-KU TOKYO 100-0011 JAPAN
TELEPHONE (81-3) 3597-8101

TORONTO-DOMINION CENTRE
77 KING STREET WEST SUITE 3100
PO BOX 226
TORONTO ONTARIO M5K 1J3
TELEPHONE (416) 504-0520

2001 K STREET NW
WASHINGTON DC 20006-1047
TELEPHONE (202) 223 7300

500 DELAWARE AVENUE SUITE 200
POST OFFICE BOX 32
WILMINGTON DE 19899 0032
TELEPHONE (302) 655-1410

MATTHEW W ABBOTT
EDWARD T ACKERMAN
JACOB A ADLERSTEIN
ALAN J ARFFA
ROBERT A ATKINS
DAVID J BALL
SCOTT A BARGHAY
JOHN F BAUGHMAN
LYNN B BAYARD
DANIEL J BELLER
CRAIG A BENSON
MITCHELL L BERG
MARK S BERGMAN
BRUCE BIRENBOIM
CHRISTOPHER BOEHNING
ANGELO BONVINO
JAMES J BROCHIN
RICHARD J BRONSTEIN
DAVID W BROWN
SUSANNA M BUERGEL
PATRICK S CAMPBELL
JESSICA S CAREY
JEANETTE K CHAN
YVONNE Y F CHAN
GEOFFREY R CHEPIGA
ELLEN N CHING
WILLIAM A CLAREMAN
LEWIS R CLAYTON
JAY COHEN
KELLEY A CORNISH
CHRISTOPHER J CUMMINGS
CHARLES E DAVIDOW
THOMAS V DE LA BASTIDE III
ARIEL J DECKELBAUM
ALICE BELISLE EATON
ANDREW J EHRLICH
GREGORY A EZRING
LESLIE GORDON FAGEN
MARC FALCONE
ROSS A FIELDSTON
ANDREW C FINCH
BRAD J FINKELSTEIN
BRIAN P FINNEGAN
ROBERTO FINZI
PETER E FISCH
ROBERT C FLEDER
MARTIN FLUMENBAUM
ANDREW J FOLEY
HARRIS B FREIDUS
MANUEL S FREY
ANDREW L GAINES
KENNETH A GALLO
MICHAEL E GERTZMAN
ADAM M GIVERTZ
SALVATORE GOGLIORMELLA
ROBERT D GOLDBAUM
NEIL GOLDMAN
ROBERTO J GONZALEZ
CATHERINE L GOODALL
ERIC GOODISON
CHARLES H GOOGE JR
ANDREW G GORDON
UDI GROFMAN
NICHOLAS GROOMBRIDGE
BRUCE A GUTENPLAN
GAINES GWATHMEY III
ALAN S HALPERIN
JUSTIN G HANILL
CLAUDIA HAMMERMAN
BRIAN S HERMANN
MICHELLE HIRSHMAN
MICHAEL S HONG
DAVID S HUNTINGTON
AMRAN HUSSEIN
LORETTA A IPPOLITO

BRIAN M JANSON
JAREN JANGHORBANI
MEREDITH J KANE
ROBERTA A KAPLAN
BRAD S KARP
PATRICK N KARSNITZ
JOHN C KENNEDY
BRIAN KIM
ALAN W KORNBURG
DANIEL J KRAMER
DAVID K LAKHDHIR
STEPHEN F LAMB
JOHN E LANGE
GREGORY F LAUFER
DANIEL J LEFFELL
XIAOYU GREG LIU
JEFFREY D MARELL
MARC V MASOTTI
EDWIN S MAYNARD
DAVID W MAYO
ELIZABETH R MCCOLM
MARK F MENDELSON
CLAUDINE MEREDITH-GOUJON
WILLIAM B MICHAEL
TOBY S MYERSON
CATHERINE NYARADY
JANE B O'BRIEN
ALEX YOUNG K OH
BRAD R OKUN
KELLEY D PARKER
MARC E PERLMUTTER
CHARLES E RADWANER
CARL L REISNER
LORIN L REISNER
WALTER G RICCIARDI
WALTER RIEMAN
RICHARD A ROSEN
ANDREW N ROSENBERG
JACQUELINE F RUBIN
RAPHAEL M RUSSO
ELIZABETH M SACKSTEDER
JEFFREY D SAFERSTEIN
JEFFREY B SAMUELS
DALE M SARRO
TERRY E SCHIMEK
KENNETH M SCHNEIDER
ROBERT B SCHUMER
JOHN M SCOTT
STEPHEN J SHIMSHAK
DAVID R SICULAR
MOSES SILVERMAN
STEVEN SIMKIN
JOSEPH J SIMONS
AUDRA J SOLOWAY
SCOTT M SONTAG
TARUN M STEWART
ERIC ALAN STONE
AIDAN SYNNOTT
ROBYN F TARNOFOSKY
MONICA K THURMOND
DANIEL J TOAL
LIZA M VELAZQUEZ
LAWRENCE G WEE
THEODORE V WELLS JR
STEVEN J WILLIAMS
LAWRENCE I WITDORCHIC
MARK B WLAZLO
JULIA MASON WOOD
JENNIFER H WU
JORDAN E YARETT
KAYE N YOSHINO
TONG YU
TRACEY A ZACCONE
TAURIE M ZEITZER
T ROBERT ZOCZOWSKI JR

NOT ADMITTED TO THE NEW YORK BAR

April 25, 2016

By Email and U.S. Mail

The Honorable Phil Bryant
Governor of Mississippi
Office of the Governor
P.O. Box 139
Jackson, MS 39205

Jim Hood, Esq.
MS Attorney General's Office
Walter Sillers Building, Suite 1200
550 High Street
Jackson, MS 39201

Judy Moulder
State Registrar of Vital Records
Mississippi State Department of Health
222 Marketridge Drive
Ridgeland, MS 39157

Campaign for Southern Equality, et al. v. Bryant et al., No. 3:14-cv-818 (S.D. Miss.)

Dear Governor Bryant, Attorney General Hood and Registrar Moulder:

On behalf of our client Campaign for Southern Equality, one of the plaintiffs in the above-captioned matter, we write concerning the implications of House Bill No. 1523 ("HB 1523"), the so-called "Protecting Freedom of Conscience from

Government Discrimination Act,” signed into law by Governor Bryant on April 5, 2016 (“HB 1523”).

More specifically, on July 1, 2015, United States District Judge Carlton W. Reeves issued a permanent injunction ordering that “the State of Mississippi and all its agents, officers, employees, and subsidiaries . . . are permanently enjoined from enforcing Section 263A of the Mississippi Constitution and Mississippi Code Section 93-1-1(2)” (the “July 2015 injunction”). Mississippi Code Section 93-1-1(2) provided that “[a]ny marriage between persons of the same gender is prohibited and null and void from the beginning.” As a result, the July 2015 injunction requires that Mississippi, in accordance with the dictates of the United States Constitution, treat any gay or lesbian couple that seeks to marry the same as any straight couple that seeks to do so.

Given the mandatory and permanent nature of Judge Reeves’ injunction, we have serious concerns about compliance with the July 2015 injunction in light of the recent enactment of HB 1523. Among other things, HB 1523 purports to enable “[a]ny person employed or acting on behalf of the state government who has authority to authorize or license marriages”—persons who are *already* subject to the Court’s July 2015 injunction—to recuse themselves if, based on certain specifically identified “sincerely held religious beliefs,” they wish to refuse to license marriages for gay and lesbian Mississippians. § 3(8)(a). Such “sincerely held religious beliefs” include, according to the statute, the belief that “[m]arriage is or should be recognized as the union of one man and one woman.” HB 1523 further provides that any such person who recuses herself in this manner must ensure that doing so will not “impede[] or delay” the licensing of any marriage. Significantly, however, HB 1523 is absolutely silent as to how the right of all Mississippians who seek to legally marry, including gay men and lesbians, will be protected under this new “recusal” system.

Accordingly, in order to ensure that the Court’s permanent injunction is fully complied with, we request that you immediately provide us with: (1) notices for any individual who has filed recusal notices pursuant to HB 1523; (2) a full and complete explanation of all steps that each individual seeking recusal (or any person acting on behalf of that individual, including in a supervisory capacity) will take to ensure that gay and lesbian couples are not impeded or delayed when seeking to marry in the relevant county; and (3) whether the individual seeking recusal intends to continue issuing marriage licenses to straight couples, while at the same time refusing to participate in issuing licenses to gay and lesbian couples. We further request that you agree to provide us with this same information in connection with any clerks who seek to recuse themselves in the future within one (1) week after such information becomes available.

Please let us know no later than May 2, 2016 whether you will comply with the above request, either in whole or in part, so we can be in a position to evaluate whether we will need to seek further relief from the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Roberta A. Kaplan", with a long horizontal flourish extending to the right.

Roberta A. Kaplan

cc: Hon. Carlton W. Reeves
Paul E. Barnes, Esq. (counsel for Attorney General Hood)
Justin L. Matheny, Esq. (counsel for Attorney General Hood)
Drew Snyder, Esq. (counsel for Governor Bryant)
Rob McDuff, Esq.