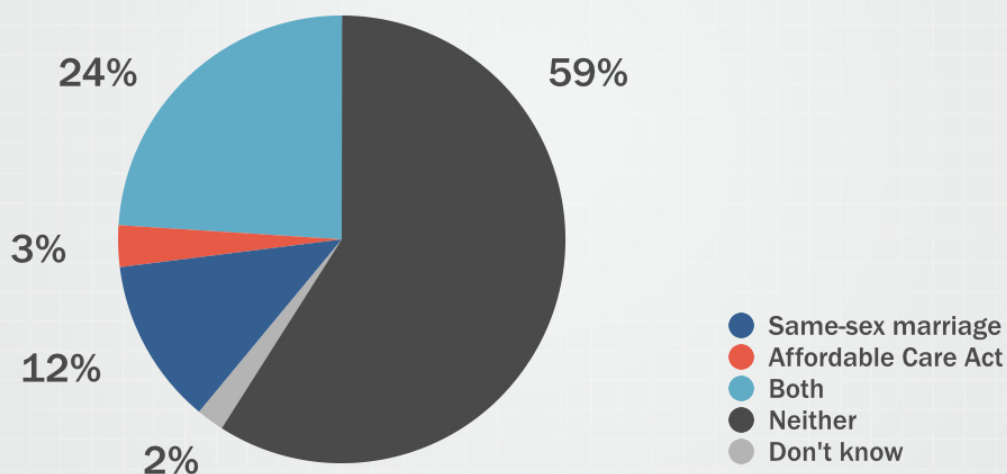


# “INSIDE” INTELLIGENCE

*The Texas Weekly/Texas Tribune insider poll  
for the week of 3 July 2015*

# INSIDE INTELLIGENCE

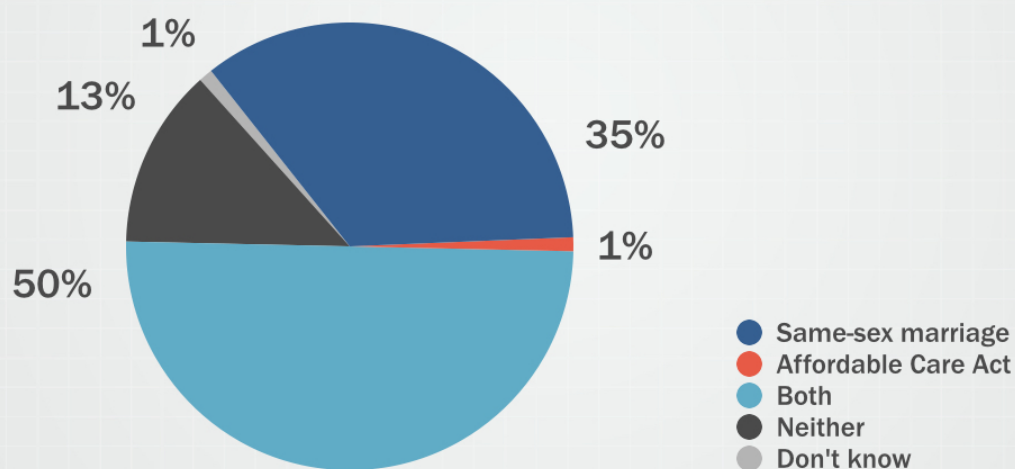
WHICH SPURS A LEGISLATIVE REACTION  
DURING THE INTERIM?



Inside Intelligence is an informal survey of political and government insiders in Texas and is not meant to measure public opinion.

# INSIDE INTELLIGENCE

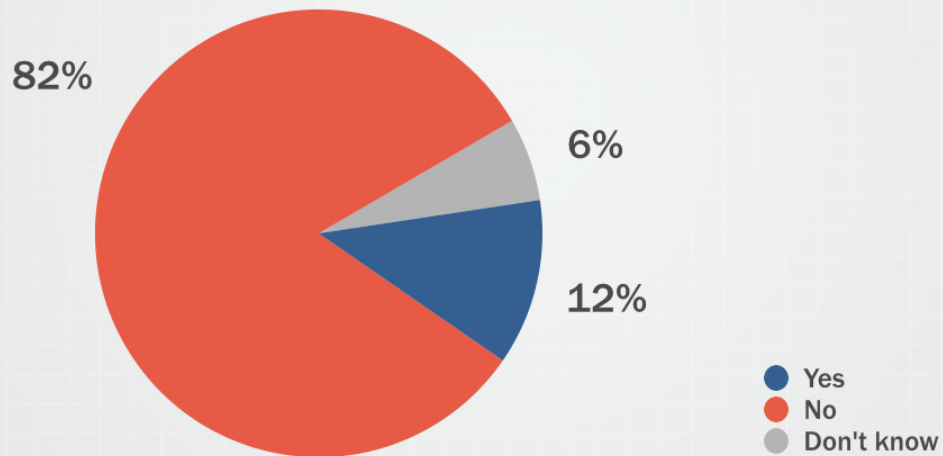
WHICH SPURS A REACTION FROM PARTY  
PRIMARY VOTERS?



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# INSIDE INTELLIGENCE

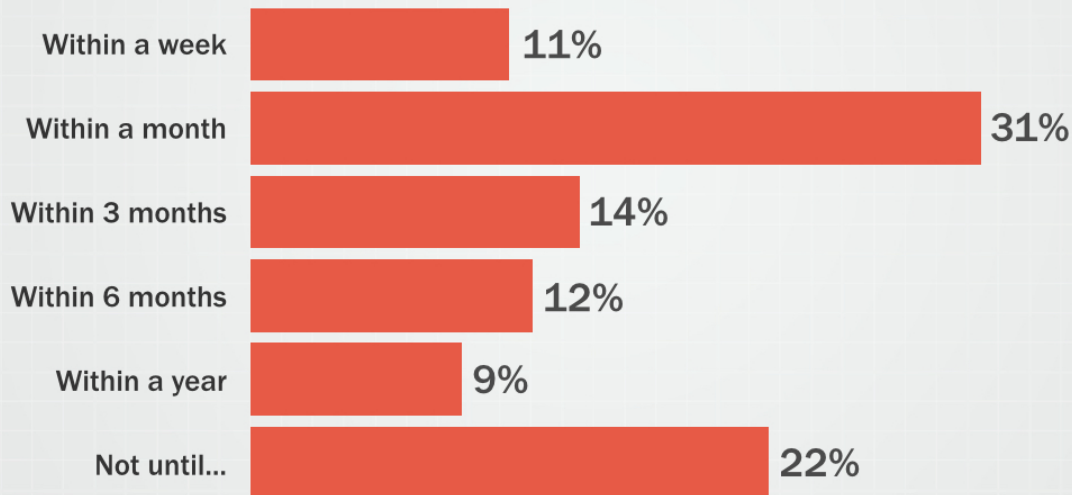
DID PAXTON DO THE RIGHT THING WITH GUIDANCE  
TO COUNTY CLERKS ON SAME-SEX MARRIAGE?



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# INSIDE INTELLIGENCE

WHEN WILL SAME-SEX MARRIAGE LICENSES BE AVAILABLE IN EVERY COUNTY?



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## *Which issue spurs a legislative reaction during the interim?*

- "Despite the AG opinion, the Governor is smart enough to keep lawmakers away. If Arkansas can get it right, surely we can too."
- "If there is something conservatives like is nothing more than to scorn the Feds on such 'liberal' leanings, so of course they'll be legislative reaction to kick off their campaign."
- "What do you mean by 'legislative reaction'?"
- "There'll be some toothless interim hearing nonsense for the purpose of writing GOP primary mail and TV."
- "School finance decision is only item that could bring the Lege back to Austin."
- "Neither should! It is the LAW! Our elected officials swore an oath to follow the LAW and DEFEND the constitution! Either do your job or resign! As long as the court is restricting my right to vote or make decisions about my own body it is GREAT, but let the Supreme Court rule in a way they don't like and the

calls for IMPEACHMENT begin! (BTW — you cannot impeach the Supreme Court)"

- "Abbott got out of the session relatively unscathed and calling a special opens a Pandora's box of Right winger requests."
- "As much as Abbott works hard to pander to the fringe, I don't sense much appetite in him for an expensive special session that will be incredibly acrimonious and likely magnet for national media. Whether committees might do some things, perhaps, but I can't see much that they could practically accomplish of significance."
- "Both, but the 'reaction' will presumably be more pre-primary rhetoric designed to impress voters who still don't know the difference between Washington DC and Austin TX."
- "This issue will continue to be of concern for the majority of the members in the House and Senate, but let's be clear, as pharmacists are not required under Medicaid to issue birth control measures if it contradicts their closely held religious beliefs, the Pastor Protection Act will see legislative action to expand those exempt from being impacted by the SCOTUS decision. Pushing the envelope works in both directions, i.e., abortion may be legal but the Legislature increases the restrictions on the exercise thereof, likewise for this issue. If the issuing of licenses is the actual practical issue, than the Legislature limiting the number of counties that issue those licenses could be the next version of restrictions. By practice, all 254

counties will not likely issue these licenses, similar to all counties not having permanent residing judges."

- "If 'legislative reaction' means the governor calling a special session, neither of these issues will prompt Abbott to do so. As much as he's blowing the wingnut dog whistle, Abbott is still savvy enough to know that a special session is more likely to diminish than increase the political value of these 'issues' in Texas. That is particularly true given that there is nothing substantive that the Legislature can do about either one. The great news for the Texas GOP is that after all but outlawing abortion in Texas, they now have something to replace Roe v Wade to goad social conservatives into voting against their economic interests."
- "Both issues are spurring legislation reactions in the form of press releases, etc., but I do not believe that either will result in a special session called by the governor."
- "If by 'reaction' you mean anything greater than press releases and campaign speeches, then ... neither."
- "No legislative reaction, but plenty of legislator reaction — mostly on same-sex marriage; the ACA rhetoric is losing its steam since the world has not come to an end and as more people get comfortable with it."
- "All Politics!"
- "There's still plenty of fight left against gay marriage. As to Obamacare, there's less and less belly for fighting it. Obamacare is slowly getting marbled into the generic welfare state, like

public schools and food stamps. When's the last time you heard a serious call for the repeal of food stamps?"

- "When it comes to same sex marriage the SLIGHT majority of Texans are still out of step with the rest of the nation so Texas politicians have cover to be indignant about the issue."

- "Considerable lip service coming from the far right side of certain mouths will pledge to keep Texas free of Sodomites, Philistines and health insurance for children and poor folks."

- "Maybe the Gov ought to think about calling them back to call for a convention of the states."

- "School finance, but the Supremes are not scheduled to opine until later — so no specials."

### ***Which issue spurs a reaction from party primary voters?***

- "Each party will make both of these issues prominent in their campaigns. However, it will be more motivating for the Republicans as the losers. The question is: Does gay marriage become the *Roe v. Wade* of this century and the debates never end?"

- "These people are wacko."

- "R's will never tire blowing the Obama dog whistle. And D's love playing the 'R's are out of step' funeral dirge. Yawn."

- "As if there are any Republicans left that aren't already all the way to the right on these issues. Maybe Sarah Davis, but that would essentially give

- "The courts have spoken. Abbott is too smart to run off that cliff."

- "By the time the Leg. gets back in town this will all be old news."

- "Public school finance decision from that other supreme court."

- "Nothing productive for the Legislature to do"

- "If you mean by 'legislative reaction' that there will be a special session — neither. If you mean legislators will make statements and bills will be filed in 2017 to try to temper both rulings, both."

that seat back to the Dems if a Tea Partier is nominated."

- "'Closely held religious beliefs' has now become a phrase which will motivate both sets of primary voters."

- "Sex is hot, much hotter than racism. (Racism, of course, being the not-very-hidden reason for the enormous negative reaction among 'conservatives' to Obama's very conservative market-driven approach to health-care reform.)"

- "It is easy for the pitchfork crowd to rail on same-sex marriage."

- "Both issues will be actively mentioned in both party primaries by

candidates, especially in the Republican primary."

- "Neither will have any effect in the primaries because candidates will have the same opinions. It's the general election where these become issues, not the primary."

- "Elections Matter!"

- "It's natural to make a Republican issue out of gay marriage. Gays are a small minority who mostly vote D today."

- "The ACA will spur a reaction from anyone with half a brain — the Court completely departed from the law to save the law. Same-sex marriage will spur a reaction from the small number of people with the deeply held religious objection, and the larger number of people who hate homosexuals."

- "Despite the fact that the state Legislature cannot legally impact either issue, the sad truth is that Republican primary voters have been brainwashed to believe these are the important issues to a legislative race — so yes, you will see 'repeal Obamacare' and 'protect marriage' in the campaigns."

- "Raw meat for the right."

- "Texas Republicans will have the largest primary turnout in history, possibly as high as Democrats in 2008."

- "Marriage equality is the nail in the coffin for Republicans and young voters. Nobody beyond the true believers wants to be aligned with bigots."

- "This will be an issue for the primaries, both."

- "There is a growing disconnect between GOP grassroots and the Washington establishment. Republicans should win in 2016, but this disconnect will sap GOP voter enthusiasm unless it's addressed."

- "But both issues will diminish the impact of the Tea Party because these are old issues now, further marginalizing them to the fringe."

- "As the rule of law continues to be disregarded by the SCOTUS i.e. Obamacare (there is more, tons more) and cultural fascism continues to gain strength i.e. dissent against the status quo and the raging radical left is quashed, people on the right will become more active. These things give Ted Cruz a stronger chance of becoming POTUS. Think I am crazy? Call me back when he is being sworn in as POTUS. I welcome the chance to have Cruz in the WH to try and reverse what has been shoved down America's throats by the regime, of which the Republicrats are a part of."

### ***Did Attorney General Ken Paxton do the right thing in his guidance to county clerks on same-sex marriage?***

- "The AG needs all the help he can get, so posturing on this issue is a boon for

him. If he stays out of personal legal hot water over his securities violation -



then he will forever be the darling of the religious right. So the guidance was the right thing for him, hardly legal, and useless legally."

- "Yes, if you believe it was a meaningless, CYA statement for himself."
- "Worse than merely not doing the right thing. He knows that public officers are required to uphold the law, no matter what their personal beliefs. If those beliefs interfere with their ability to perform their duties, they must resign. Poor lawyering, bad advice, leading to bad results for his clients: public officials across Texas."
- "Paxton disregarded the rule of law and violated his Oath of Office. He basically said government administrators can pick and choose which laws (and Constitutional Rights) they want to comply with according to their personal religious beliefs."
- "He is breaking the law (nothing new for him) and his oath of office! IMPEACH PAXTON!!!"
- "He advised them to take action that could result in their removal from office."
- "Someone should research the Texas response in 1967 after Loving v. Virginia and the court lifting bans on interracial marriage! Probably not very different!"
- "Next idea, secede!"
- "For his political base? Sure. In reality, and if I didn't know any better, it sounds like he and numerous lawyers

are ready to go chase down some ambulances."

- "As an attorney, it's shockingly unethical. Any private attorney giving similar advice to a client in another context would be a fantastic target for a malpractice suit. Attorney rules actually require attorneys to report information on misconduct, so Paxton puts every Texas lawyer in a difficult position."
- "Some guidance — follow your conscience and find a good attorney once you get sued."
- "He cautioned those county clerks who personally exercise their religious beliefs, they may still be held accountable for not fulfilling their legal responsibilities."
- "Worst lawyering EVER for the state and counties. Too bad former AG Jim Mattox isn't alive to call Paxton on it!"
- "(1) From a strictly practical standpoint, 'No.' Paxton provided bad legal advice in a poorly worded opinion that his staff must have preparing for many weeks. (2) From the standpoint of short-term political advantage, 'Probably.' Paxton, Abbott and Patrick and a few other Texas political allies may have an easier time in the 2016 and 2018 Republican primaries. (3) From the standpoint of long-term political advantage, 'Doubtful.' In 10 to 20 years, few Republican primaries will be driven by opposition to same-sex marriage and the intransigence displayed by Paxton, Abbott and Patrick will hurt the Texas GOP in general elections. (4) From a moral standpoint, 'To each his or her own.' I'll still allow that good-natured people of reasonable

minds may differ on this issue. Unfortunately, it doesn't appear that such terms describe Ken Paxton, Gregg Abbott or Dan Patrick."

- "It is OK for the AG to disagree with the Court's ruling, but it is not OK to disrespect the Court and encourage defiance of the Court."
- "He did a favor for the plaintiff's attorneys."
- "No, county clerks swear to uphold the law. The Supreme Court of the U.S. has now settled the law. As Kasich said, 'It is time to move on.'"
- "It was irresponsible and will result in some good people getting in a bind they will wish they had avoided. We needed leadership, and we basically got demagoguery."
- "No jurisdiction."
- "If I have to live with Texas Laws regarding my body and access to clinics, why can't Texans live with the 'Law of the Land' dictums regarding marriage equality issues. What Hypocrisy!"
- "He may hate court decisions, but an attorney should know that courts have the final say, not AGs."
- "Technically, the Texas law still stands, regardless of the Supreme Court opinion, but that'll change shortly once the 5th Circuit rules. But saying that public servants don't need to follow the law of the land is silly."
- "What a buffoon"

• "No, telling elected officials that they can abrogate their oath of office to uphold the Constitution, is not proper guidance for the state's leader lawyer. In fact, it is idiotic advice."

- "Encouraging county clerks to a. not perform the legal duties of their job, b. Ignore the rule of law, and c. to signal that somehow religious beliefs trump the law is certainly not 'the right thing' for the Attorney General to do."
- "A hollow, shallow and insignificant breath of bad air."
- "It is interesting that we have an attorney general who has admitted to breaking the law telling others to ignoring the law. No place but Texas."
- "County clerks are elected officials and take an oath to uphold the law. Governmental employees are to provide services and fulfill the duties of their office regardless of personal feelings or beliefs, otherwise they should give up that position."
- "It's the law of the land. Don't like the law, it's the responsibility (under our republican form of government) of the legislative branch to change or delete a law."
- "For shame. What a horrible footnote to be in the history of America's long slog toward equality."
- "He's channeling his inner Gov. George Wallace."
- "To recap, he essentially said: you don't have to issue SSM licenses, and if you don't then you'll get sued — and we don't defend you. What he left out was:

And you'll lose in court. He must have skipped class the day they taught law at UVA Law. His classmates and UVA Law alumni must be proud."

- "A government worker has to obey the law of the land."
- "Pandering Paxton. Way off base. County clerks are administrators. We don't elect county clerks to determine which laws they will administer based on their personal principles. Should they stop processing divorces because they don't believe in divorce?"

### ***When will same-sex marriage licenses be available in all 254 Texas counties?***

- "Hell freezes over!"
- "there are couples in all 254 counties demanding them. I'm waiting for someone to ask Warren Chisum to perform them a same-sex marriage in Pampa."
- "Who knows? I don't. But it ain't over."
- "Someone in every county will issue them."
- "same sex folks are interested/willing and are asking to get married in each of the 254 counties. Not to call any out, but I'm sure we could all think of 1 or 100 that most would drive through to get to the next county."
- "Answers provided do not recognize that not every county provides all the services required by the state, Loving County is not in the position to be able to provide the same service as Harris,

- "If the former AG of the U.S. Holder tells States AGs they don't have to enforce laws they disagree with what is the difference. And he did say this. The problem is Paxton is a conservative and Holder is a radical liberal. So it is okay for Holder to do that but not a conservative. You know, quashing dissent."

Dallas, Bexar, Tarrant or Travis. In the case of providing indigent health care services, the Texas Constitution mandates counties are responsible for providing such services; however, not every county has a hospital district to do so."

- "Do they even issue marriage licenses in Loving County?"
- "clerks start losing their jobs for failing to do it."
- "every possible court challenge is resolved. "
- "there are some costly lawsuits. I'll stand up for my county clerk's religious freedom, but only if it doesn't involve more taxes."
- "...further lawsuits ensue and courts compel each and every one of them to do so."

- "I doubt the Governor does a George Wallace style blocking of the County Clerk's door."

- "Don't know how hard the Leadership will attempt to block these matters - remember Segregation — took awhile especially in our rural areas!"

- "Hell freezes over... or Ken Paxton is thrown out of office."

- "Not until the last pencil-neck queer has been converted to the straight-and-narrow path of righteousness."

- "Let's rephrase the question: How long will it take for all 254 current county clerks to retire, die or get beat? More than 5 years, at least. Some rural county clerks will hold out until they have been sued personally, and there aren't enough willing plaintiffs to bring 254 lawsuits. For the past 10 years,

people have been flying to a different state, and now they will be driving to a different county."

- "...The Feds intervene, thus giving Rs the opportunity to hide behind the excuse that 'those liberals in Washington made us do it.' Then they'll add a PS: 'And give me more money. (Not that I can do anything to change anything.)'"

- "Hell freezes open."

- "More than 254 activists file for one in all counties. I don't foresee small counties addressing the issue in anxious anticipation of a big event."

- "Tons of court action"

- "Texans don't like to be told what to do. The issue does not really matter."

- "A"

***Our thanks to this week's participants:*** Gene Acuna, Brandon Aghamalian, Clyde Alexander, George Allen, Jay Arnold, Charles Bailey, Dave Beckwith, Andrew Biar, Allen Blakemore, Tom Blanton, Chris Britton, Lydia Camarillo, Kerry Cammack, Snapper Carr, Corbin Casteel, William Chapman, Elna Christopher, John Colyandro, Harold Cook, Kevin Cooper, Beth Cubriel, Randy Cubriel, Curtis Culwell, Denise Davis, June Deadrick, Glenn Deshields, Tom Duffy, David Dunn, Jack Erskine, Tom Forbes, Dominic Giarratani, Eric Glenn, Daniel Gonzalez, Jim Grace, John Greytok, Clint Hackney, Wayne Hamilton, Bill Hammond, Ken Hodges, Steve Holzheuser, Kathy Hutto, Deborah Ingersoll, Jason Johnson, Mark Jones, Lisa Kaufman, Robert Kepple, Richard Khouri, Tom Kleinworth, Ramey Ko, Nick Lampson, Pete Laney, James LeBas, Luke Legate, Leslie Lemon, Myra Leo, Ruben Longoria, Homero Lucero, Vilma Luna, Matt Mackowiak, Jason McElvaney, Steve Minick, Bee Moorhead, Mike Moses, Todd Olsen, Gardner Pate, Robert Peeler, Tom Phillips, Wayne Pierce, Gary Polland, Jay Pritchard, Jay Propes, Ted Melina Raab, Karen Reagan, Patrick Reinhart, David Reynolds, A.J. Rodriguez, Jeff Rotkoff, Grant Ruckel, Tyler Ruud, Jason Sabo, Jim Sartwelle, Barbara Schlieff, Stan Schlueter, Robert Scott, Steve Scurlock,

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