

DRAFT 2

HOUSE RESOLUTION NO. _____

Rep. _____ offered the following resolution:

A resolution to condemn the Supreme Court of the United States' decision in *Obergefell v Hodges*.

Whereas, The decision by the Supreme Court of the United States in *Obergefell v. Hodges* is at odds with the Constitution of the United States and the principles upon which the United States is established; and

Whereas, Liberty has long been understood as individual freedom from governmental action, not as a right to a particular governmental entitlement. *Obergefell* invokes a definition of "liberty" that the Framers of the founding documents of the United States would not have recognized, rejecting the ideas captured in the Declaration of Independence that human dignity is innate and, instead, suggesting that it comes from the government. *Obergefell's* inversion of the original meaning of liberty causes collateral



damage to other aspects of our constitutional order that protect liberty, including religious liberty; and

Whereas, When the Framers proclaimed in the Declaration of Independence that "all men are created equal" and "endowed by their Creator with certain unalienable Rights," they referred to a vision of mankind in which all humans are created in the image of God and, therefore, have inherent worth. *Obergefell* undermines this vision by declaring that citizens must seek dignity from the state; and

Whereas, The Supreme Court recognized in *United States v. Windsor*, that marriage is "an area that has long been regarded as a virtually exclusive province of the States," meaning that Michigan, and not the Supreme Court, should maintain the right to regulate marriage for its citizens. *Obergefell* requires all states to issue marriage licenses to same-sex couples and to recognize same-sex marriages in complete contravention of some states' own constitutions and the will of their voters, thus undermining the democratic voice of those states' residents and voters. In particular, Article I, Section 25 of the Michigan Constitution states that "the union of one man and one woman in marriage shall be the only agreement recognized as a marriage"; and

Whereas, Marriage, an institution that has remained a critical aspect of society throughout thousands of years, has been defined through time by people of varying cultures and faiths as a union between one man and one woman. *Obergefell* arbitrarily and unjustly rejected this historical definition of marriage, instead choosing to rely on a novel, flawed interpretation of the Equal Protection and Due Process clauses within the Constitution and our nation's legal and cultural precedents. *Obergefell* relies on the dangerous fiction of treating the Due Process Clause of the Fourteenth



Amendment to the Constitution as a font of substantive rights, a doctrine that strays from the full meaning of the Constitution and exalts judges at the expense of the people from whom they derive their authority. Because the Fourteenth Amendment has no explicit language supporting a constitutional right to same-sex marriage, *Obergefell* is an illegitimate overreach; now, therefore, be it

Resolved by the House of Representatives, That we condemn the *Obergefell* decision; and be it further

Resolved, That the Michigan House of Representatives reaffirms the definition of marriage as put forth by the Michigan voters and enshrined in our Constitution: a union between one man and one woman; and be it further

Resolved, That copies of this resolution be transmitted to the Supreme Court of the United States.

