

## HOUSE RESOLUTION NO. 28

Reps. Schriver, Fox, Maddock, Alexander, Woolford, DeSana and Carra offered the following resolution:

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

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

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

1 inversion of the original meaning of liberty causes collateral  
2 damage to other aspects of our constitutional order that protect  
3 liberty, including religious liberty; and

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

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

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

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

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

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

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