

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE JOINT RESOLUTION NO. [BILL NUMBER]

Resolution against Obergefell.

Sponsored by: Representative(s) Ward

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION opposing the United States Supreme Court's
2 decision in Obergefell v. Hodges, 576 U.S. 644 (2015) and
3 requesting the United States Supreme Court overturn the
4 decision.

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STAFF COMMENT

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Please be aware that this resolution will not give the United States Supreme Court any authority to overrule the *Obergefell* decision. United States Supreme Court cases can be overturned as part of a new United States Supreme Court case or a constitutional amendment. The United States Supreme Court cannot act on a resolution requesting a case be overturned.

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1 WHEREAS, in 2015, the United States Supreme Court held in
2 *Obergefell v. Hodges* that under the due process and equal
3 protection clauses of the fourteenth amendment to the United
4 States constitution, same-sex couples have a fundamental
5 right to marriage; and

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7 WHEREAS, the United State Supreme Court's decision in
8 *Obergefell v. Hodges* relied on the dangerous fiction of
9 treating the due process clause of the fourteenth amendment
10 to the United States constitution as creating substantive
11 rights strays from the meaning of the United States
12 constitution and exalts judges at the expense of the people;
13 and

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15 WHEREAS, the United States Supreme Court's decision in
16 *Obergefell v. Hodges* is at odds with the United States
17 constitution and the principles upon which the United States
18 was established, including the principle of liberty; and

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20 WHEREAS, the principle of liberty has traditionally been
21 interpreted to mean that a person has freedom from
22 governmental action rather than a person has a right to a
23 government entitlement; and

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2 WHEREAS, when the framers of the United States constitution
3 proclaimed in the declaration of independence that "all men
4 are created equal, that they are endowed by their Creator
5 with certain unalienable Rights" the framers referred to a
6 vision of humanity where all persons are created in the image
7 of God and therefore are inherent of worth; and

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9 WHEREAS, the United States Supreme Court's decision in
10 *Obergefell v. Hodges* used an interpretation of the principle
11 of liberty that the framers of the United States constitution
12 would not have recognized and undermined the vision in the
13 declaration of independence by declaring that human dignity
14 is provided by the government; and

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16 WHEREAS, the United States Supreme Court's decision in
17 *Obergefell v. Hodges* used an interpretation of the principle
18 of liberty that causes collateral damage to other aspects of
19 the United States constitution that protects liberty,
20 including religious liberty; and

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22 WHEREAS, the United States Supreme Court's decision in *United*
23 *States v. Windsor*, 570 U.S. 744, 745 (2013) recognized that

1 defining and regulating marriage is "an area that has long
2 been regarded as a virtually exclusive province of the
3 States." This means that the state of Wyoming and not the
4 United States Supreme Court has the right to regulate marriage
5 for its citizens; and

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8 *****
9 **STAFF COMMENT**

10 **Because the state of Wyoming's right to regulate marriage is**
11 **still subject to constitutional rights, it might be argued**
12 **that Wyoming doesn't maintain an exclusive right to regulate**
13 **marriage.**

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15 *****
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17 WHEREAS, the United States Supreme Court's decision in
18 *Obergefell v. Hodges* requires states to issue marriage
19 licenses to same-sex couples and to recognize same-sex
20 marriages that were lawfully performed out-of-state
21 regardless of the states' constitution and the will of the
22 states' citizens, which undermines the liberties of those
23 citizens; and

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25 WHEREAS, marriage is an institution that has been recognized
26 as the union of one (1) man and one (1) woman for more than
27 two thousand (2,000) years; and

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1 WHEREAS, the United States Supreme Court's decision in
2 *Obergefell v. Hodges* arbitrarily and unjustly rejected the
3 historical and cultural precedent that marriage is between
4 one (1) man and one (1) woman in order to implement a flawed
5 interpretation of the due process and equal protection
6 clauses of the United States constitution.

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8 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
9 LEGISLATURE OF THE STATE OF WYOMING:

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11 **Section 1.** That the Wyoming Legislature opposes the
12 United States Supreme Court's decision in *Obergefell v.*
13 *Hodges*.

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15 **Section 2.** That the United States Supreme Court overturn
16 *Obergefell v. Hodges* to restore the definition of marriage to
17 between one (1) man and one (1) woman.

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19 **Section 3.** That the United States Supreme Court allow
20 individual states and the state's citizens to define,
21 regulate and enforce marriage.

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1 **Section 4.** That the Secretary of State of Wyoming
2 transmit copies of this resolution to the Wyoming
3 Congressional Delegation and the United States Supreme Court.

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(END)

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