

Senate Concurrent Resolution 3 - Introduced

SENATE CONCURRENT RESOLUTION NO. 3

BY SALMON

1 A Concurrent Resolution relating to the decision by the
2 Supreme Court of the United States in *Obergefell*
3 *v. Hodges*.

4 WHEREAS, the decision by the Supreme Court of the
5 United States in *Obergefell v. Hodges*, 576 U.S. 644
6 (2015), is at odds with the Constitution of the United
7 States and the principles upon which the United States
8 is established; and

9 WHEREAS, liberty has long been understood as
10 individual freedom from governmental action, not as a
11 right to a particular governmental entitlement; and

12 WHEREAS, *Obergefell* invokes a definition of liberty
13 that the framers would not have recognized, rejecting
14 the idea captured in the Declaration of Independence
15 that human dignity is innate, and instead suggesting
16 that liberty comes from the government; and

17 WHEREAS, when the framers proclaimed in the
18 Declaration of Independence that "all men are created
19 equal" and "endowed by their Creator with certain
20 unalienable Rights", the framers referred to a vision
21 of mankind in which all humans are created in the image
22 of God and therefore of inherent worth; and

23 WHEREAS, *Obergefell* undermines this vision by
24 declaring that citizens must seek dignity from the
25 state; and

26 WHEREAS, *Obergefell* relies on the dangerous fiction
27 of treating the Due Process Clause of the Fourteenth
28 Amendment to the Constitution of the United States as

1 a font of substantive rights, a doctrine that strays
2 from the full meaning of the Constitution of the United
3 States and exalts judges at the expense of the people
4 from whom they derive their authority; and

5 WHEREAS, *Obergefell's* inversion of the original
6 meaning of liberty causes collateral damage to other
7 aspects of our constitutional order that protect
8 liberty, including religious liberty; and

9 WHEREAS, the Supreme of the United States recognized
10 in *United States v. Windsor*, 570 U.S. 744 (2013), that
11 the definition of marriage is "an area that has long
12 been regarded as a virtually exclusive province of
13 the States", meaning that Iowa, and not the Supreme
14 Court of the United States, has the right to regulate
15 marriage for Iowa citizens; and

16 WHEREAS, *Obergefell* requires states to issue
17 marriage licenses to same-sex couples and to recognize
18 same-sex marriages in complete contravention of their
19 own state constitutions, state statutes, including Iowa
20 Code section 595.2, and the will of state voters,
21 thus undermining the civil liberties of those states'
22 residents and voters; and

23 WHEREAS, marriage as an institution has been
24 recognized as the union of one man and one woman for
25 more than 2,000 years, and within common law, the basis
26 of the United States' Anglo-American legal tradition,
27 for more than 800 years; and

28 WHEREAS, *Obergefell* arbitrarily and unjustly
29 rejected this definition of marriage in favor of a
30 novel, flawed interpretation of key clauses within the

1 Constitution of the United States and our nation's
2 legal and cultural precedents; and

3 WHEREAS, since court rulings are not laws and
4 only legislatures elected by the people may pass
5 laws, *Obergefell* is an illegitimate overreach; NOW,
6 THEREFORE,

7 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
8 REPRESENTATIVES CONCURRING, That the General Assembly
9 of the State of Iowa rejects the decision of *Obergefell*
10 *v. Hodges*; and

11 BE IT FURTHER RESOLVED, That the General Assembly of
12 the State of Iowa calls upon the Supreme Court of the
13 United States to reverse the *Obergefell* decision, and
14 restore the natural definition of marriage, a union of
15 one man and one woman; and

16 BE IT FURTHER RESOLVED, That the General Assembly
17 of the State of Iowa insists on restoring the issue
18 of marriage and enforcement of all laws pertaining to
19 marriage back to the several states and the people; and

20 BE IT FURTHER RESOLVED, That copies of this
21 concurrent resolution shall be distributed to the
22 Supreme Court of the United States.