

Sullivan County Resolution

WHEREAS, natural marriage consistent with the created order, and the law of nature and nature's God, has always consisted of one man and one woman; and

WHEREAS, The Constitution of Tennessee, Article XI, § 18, states the following: The historical institution and legal contract solemnizing the relationship of one man and one woman shall be the only legally recognized marital contract in this state. Any policy or law or judicial interpretation, purporting to define marriage as anything other than the historical institution and legal contract between one man and one woman, is contrary to the public policy of this state and shall be void and unenforceable in Tennessee. If another state or foreign jurisdiction issues a license for persons to marry and if such marriage is prohibited in this state by the provisions of this section, then the marriage shall be void and unenforceable in this state; and

WHEREAS, in *Obergefell v. Hodges*, No. 14-556, 2015 WL 2473451 (June 26, 2015), five justices of the United States Supreme Court issued a lawless opinion with no basis in American law or history, purporting to overturn natural marriage and find a "right" to same-sex "marriage" in the United States Constitution and the fourteenth amendment; and

WHEREAS, the *Obergefell* opinion is "an act of will, not legal judgment," and the "right it announces has no basis in the Constitution or th[e] Court's precedent;" *Id.* at *24 (Roberts, C.J., dissenting); and

WHEREAS, the *Obergefell* opinion "is a naked judicial claim to legislative—indeed, super-legislative—power; a claim fundamentally at odds with our system of government;" *Id.* at *43 (Scalia, J., dissenting); and

WHEREAS, a mere two years prior to *Obergefell v. Hodges*, the Supreme Court stated that "the Constitution delegated no authority to the Government of the United States on the subject of marriage and divorce;" and that "The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the States and not to the laws of the United States;" *Windsor* at 2691, internal citations omitted; and

WHEREAS, the United States Constitution is silent on the issue of natural marriage, and the tenth amendment reserves all powers not explicitly delegated to the federal government, to the people and states, respectively; and

WHEREAS, the United States Constitution in Article 3, Section 2, Paragraph 2 gives the U.S. Congress the right to explicitly limit the appellate jurisdiction of the Supreme Court; and

WHEREAS, the duly-elected legislators of the State of Tennessee and the Governor, have sworn an oath to uphold the Constitution of Tennessee and the United States Constitution and not the will of five members of the Supreme Court;

THEREFORE, the Board of Commissioners of Sullivan County Tennessee, this ____ day of December 2015, calls the Tennessee General Assembly and Governor to keep their oaths to uphold the Tennessee Constitution and the Constitution of the United States (1) by refusing to accept the lawless opinion of the United States Supreme Court in Obergefell v. Hodges as binding precedent for all but the specific plaintiffs in that case, and (2) by continuing to uphold the Tennessee State Constitution which says: "The historical institution and legal contract solemnizing the relationship of one man and one woman shall be the only legally recognized marital contract in this state," and (3) by pledging legal and political assistance to anyone who refuses to follow Obergefell for constitutionally protected reasons, and (4) by appealing to the United States Congress to correct the Supreme Court's usurpation of power by telling the Supreme Court that it does not have appellate jurisdiction in cases regarding the definition of marriage, in accord with their powers delegated in Article 3, Section 2, paragraph 2 of the U.S. Constitution.