

HOUSE RESOLUTION NO. 43

Reps. Conlin, Hoskins, McFall, Koleszar, Martus, Hope, MacDonell, Pohutsky, Weiss, Breen, Dievendorf, Glanville, Morgan, Miller, Grant, Byrnes, Andrews, Tsernoglou, Mentzer, Brixie, Wooden, Scott, Rheingans, Arbit, Skaggs and Foreman offered the following resolution:

1 A resolution to support the *Obergefell* decision and to
2 reaffirm the definition of marriage as put forth by the founding
3 principles including the separation of church and state.

4 Whereas, The decision by the Supreme Court of the United
5 States in *Obergefell v. Hodges* upholds the Constitution of the
6 United States and the principles upon which our nation is
7 established. Liberty has long been understood as individual freedom
8 from governmental action, not as a right to a particular
9 governmental entitlement. *Obergefell's* reaffirmation of the
10 original meaning of liberty reinforces other aspects of our

1 constitutional order that protect liberty, including religious
2 liberty; and

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

10 Whereas, While marriage has historically been regulated by
11 states, the Supreme Court's ruling in *Obergefell* rightfully affirms
12 that state laws must align with constitutional guarantees of
13 equality and due process, ensuring that no state may infringe upon
14 the fundamental right to marry. In particular, Article I, Section
15 25 of the *Constitution of the State of Michigan of 1963*, which
16 states "the union of one man and one woman in marriage shall be the
17 only agreement recognized as a marriage" was determined to be in
18 direct conflict with the constitutional principles upheld in
19 *Obergefell*; and

20 Whereas, Marriage, an institution that has remained a critical
21 aspect of society for thousands of years, has been defined through
22 time by some people of varying cultures and faiths as a union
23 between one man and one woman. *Obergefell* wisely rejected this
24 narrow, historical definition of marriage, instead choosing to rely
25 on founding principles of the Equal Protection and Due Process
26 clauses within the Constitution of the United States and our
27 nation's legal and cultural precedents; and

28 Whereas, *Obergefell* relies on the Due Process Clause of the
29 Fourteenth Amendment to the Constitution of the United States as a

1 font of substantive rights, a doctrine that reinforces the full
2 meaning of the Constitution and preserves the power given by the
3 people, for the people, through which all government authority is
4 established. As the Fourteenth Amendment has no explicit language
5 prohibiting a constitutional right to marriage, *Obergefell* aligns
6 with the principle of individual liberty by ensuring that marriage
7 rights are protected under the Fourteenth Amendment; now,
8 therefore, be it

9 Resolved by the House of Representatives, That we support the
10 *Obergefell* decision and we reaffirm the definition of marriage as
11 put forth by the founding principles including the separation of
12 church and state; and be it further

13 Resolved, That copies of this resolution be transmitted to the
14 Speaker of the Michigan House of Representatives, Minority Leader
15 of the Michigan House of Representatives, and the Governor.