

1 citizens; and

2 WHEREAS, Obergefell requires states to issue marriage licenses to same-sex couples and to
3 recognize same-sex marriages in complete contravention of their own state constitutions and the will of their
4 voters and thus undermines the civil liberties of those states' residents and voters; and

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

8 WHEREAS, Obergefell arbitrarily and unjustly rejected this definition of marriage in favor of a novel,
9 flawed interpretation of key clauses within the Constitution of our nation's legal and cultural precedents; and

10 WHEREAS, the Obergefell decision was illegitimate because two of the justices in the majority ruling,
11 Justices Ruth Bader Ginsburg and Elena Kagan, had previously officiated same-sex weddings and thus were
12 not impartial triers of fact and therefore should have recused themselves according to 28 U.S.C. 455; and

13 WHEREAS, since court rulings are not laws and only legislatures elected by the people may pass laws,
14 Obergefell is an illegitimate overreach.

15

16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
17 THE STATE OF MONTANA:

18 That the Montana Legislature rejects the United States Supreme Court's Obergefell v. Hodges
19 decision.

20 BE IT FURTHER RESOLVED, that the Montana Legislature calls on the United States Supreme Court
21 to reverse the Obergefell decision and restore the natural definition of marriage as a union of one man and one
22 woman.

23 BE IT FURTHER RESOLVED, that the Montana Legislature insists on returning the issue of marriage
24 and enforcement of all laws pertaining to marriage back to the several states and the people.

25 BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the United
26 States Supreme Court.

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