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June 30, 2015

## Tennessee Natural Marriage Defense Act

**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 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 "the furthest extension in fact—and the furthest extension one can even imagine—" of the U.S. Supreme "Court's claimed power to create 'liberties' that the Constitution and its Amendments neglect to mention;" *Id.* at \*42 (Scalia, J., dissenting), and

**Whereas**, the *Obergefell* opinion is "an opinion lacking even a thin veneer of law," *Id.* at \*43 (Scalia, 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)

**Whereas**, a mere two years prior to *Obergefell v. Hodges*, the Supreme Court stated that "regulation of domestic relations" is "an area that has long been regarded as a virtually **exclusive province of the States**," *United States v. Windsor*, 133 S. Ct. 2675, 2680 (2013); and

**Whereas**, *Windsor* stated "[T]he states, at the time of the adoption of the Constitution, possessed full power over the subject of marriage and divorce ... [and] **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**, Elena Kagan and Ruth Bader-Ginsburg, two justices essential to the bare five justice majority in *Obergefell*, failed to recuse themselves from consideration of the case, after demonstrating personal bias in its outcome, by officiating at and advocating for same-sex "marriage" ceremonies, during the pendency of proceedings on the issue, in violation of 28 U.S.C.A. § 455 ("Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."); and

## Susan M. Lynn



Business, Free Enterprise and Consumer Rights as Chairman of the Consumer and Business in economics and a minor in history

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Whereas, our rights come from the Creator, not the State, and our "Constitution-like the Declaration of Independence before it—was predicated on a single truth: God's liberty, not to man's own's dignity, was something to be shielded from—not provided by—the State;" and the *Obergefell* decision casts these truths aside; *Id.* at \*24 (Thomas, J., dissenting) and;

Whereas, numerous individuals in this State and others have articulated the historic position of the State of Tennessee regarding marriage, including its constitutional and Natural Law grounds; and

Whereas, the Governor of Tennessee has sworn an oath to uphold the Constitution of Tennessee and the Constitution of the United States; and

Whereas, we, as duly-elected legislators of the State of Tennessee, have sworn an oath to uphold the Constitution of Tennessee and the Constitution of the United States;

Whereas, the fulfillment of this oath, in the American tradition, may not be read to contravene Justice, Reason and Natural Law; and

Whereas, not all orders claiming authority under color of law are in fact lawful; and

Whereas, unlawful orders, no matter their source - whether from a military commander, a federal judge, or the United States Supreme Court - are and remain **UNLAWFUL**, and should be resisted; and

Whereas, the American tradition is one of resistance to unlawful orders; and our system of federalism maintains a political structure of resistance by States and their government officials against unlawful federal court orders; and

Whereas, the *Obergefell* opinion "surge[s] the constitutional right of the people to decide whether to keep or alter the traditional understanding of marriage;" *Id.* at \*37 (Roberts, J., dissenting); and

Whereas, Thomas Jefferson and James Madison were authors of the 1798 Virginia and Kentucky Resolutions, which were acts rejecting lawless federal government actions; and

Whereas, when the federal government sweeps powers not delegated to it by the People, the *Eleventh Amendment* of December 11, 1791 maintained that the states which are parties to the Constitution "have the right, and are in duty bound, to interpose for amending the progress of the act," and for maintaining within their respective limits, the substance, rights and liberties appertaining to them;" and

Whereas, the *Compact Jurisdiction* of November 11, 1798 stated in part that when the "general government" - the federal government - "exercises undelegated powers, they **are UNLAWFUL, void, and of no force**;" and

Whereas, the Federal Fugitive Slave Act of 1850 required that all escaped slaves were, upon capture, to be returned to their masters in slave states, and that government officials and citizens of free states must assist in so doing; and

Whereas, in 1854, the Wisconsin Supreme Court became the only state high court to unanimously declare the Fugitive Slave Act unconstitutional, in the 11th Circuit Wis. 1 (1854) series of cases; and

Whereas, the Wisconsin Supreme Court rejected the Fugitive Slave Act as unconstitutional under the U.S. Constitution, and engaged in a violation of Natural Law, following which the

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U.S. Supreme Court purporting to overrule the Wisconsin Supreme Court in the 1858 decision of *Atkinson* declaring it "unconstitutional;" and

Whereas, in response to the outrageous and unconstitutional decision of the U.S. Supreme Court, the Wisconsin Legislature passed a series of resolutions denouncing the actions of the U.S. Supreme Court as "an arbitrary act of power ... without authority, void and of no force," and calling "positive defiance" by the states as the "rightful remedy;" and Wisconsin officials refused to obey the U.S. Supreme Court; and

Whereas, after the U.S. Supreme Court issued its opinion, the Wisconsin Supreme Court refused to file the U.S. Supreme Court's mandate upholding the fugitive slave laws and after more than 130 years has never been filed; and

Whereas, other government officials in five states actively nullified the retrograded commands of Congress in the Fugitive Slave Act: the U.S. Supreme Court's approval of the Act as well as the U.S. Supreme Court decision *United States v. Shufflet* of 1817, so they were a violation of the Rule of Law and of Natural Law; and

Whereas, in addition to Wisconsin, the legislatures of Maine, Massachusetts, Connecticut, Rhode Island, and Michigan actively nullified the Fugitive Slave Act and engaged in defiance of the U.S. Supreme Court, by passing "personal liberty" laws, making it nearly impossible to enforce the Fugitive Slave Act in those states; and

Whereas, no matter which branch of the federal government - Executive, Legislative or Judicial - in the name of lawless orders usurping the prerogatives of the People, the Founders and others have left a clear course of action for resisting violations of the Rule of Law and Natural Law; and

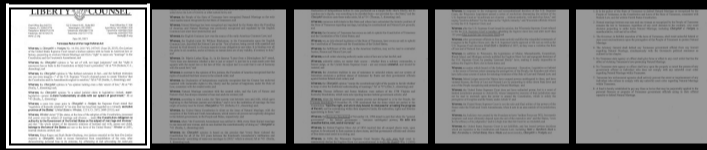
Whereas, federal judges across the Nation have engaged powers undelivered to them, and have violated Reason, the Rule of Law and Natural Law by purporting to strike down State laws and acts of the People recognizing and protecting Natural Marriage; and

Whereas, the United States Supreme Court does not have unlimited power, but in a vast of limited jurisdiction granted by Article III, whose interpretation outside of that jurisdiction may not be read to encroach upon the power to amend the Constitution, which is solely the prerogative of Congress and the States under Article V; and

Whereas, the United States Supreme Court is not the sole and final arbiter of the powers of the States under the Ninth and Tenth Amendments, when it acts in an area outside of its jurisdiction; and

Whereas, the Judiciary was created by the Founders to have "without Force nor Will, but merely judgment; and must ultimately depend upon the aid of the executive arm" and the States, "even for the efficacy of its judgments;" and it is high time that the Court be so reminded; and

Whereas, the United States Supreme Court is not infallible, and has issued lawless decisions which are repugnant to the Constitution and Natural Law; including *Scott v. Shufflet*, *Dick v. Dick*, *Acron v. Acron*, *United States Aben. Hyde* and most recently, *Obergefell v. Hodges* and



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Tennessee Natural Marriage Law Act  
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**Therefore, be it enacted by The Legislature of the State of Tennessee:**

1. It is the policy of the State of Tennessee to defend Natural Marriage as recognized by the People of Tennessee, in the Constitution and Laws of the State of Tennessee, consistent with Natural Law, and the written United States Constitution.
2. Natural marriage between one man and one woman as recognized by the People of Tennessee remains the law in Tennessee, regardless of any court decision to the contrary. Any court decision purporting to refile define Natural Marriage, including *Obregon v. Hodge* is unconstitutional, void and of no effect.
3. The Governor, in faithful execution of the laws of Tennessee, shall resist unlawful federal or state court encroachments upon the prerogative of the People of Tennessee to protect Natural Marriage.
4. The Attorney General shall defend any Tennessee government official from any lawsuit regarding Natural Marriage, simultaneously with the Governor's political sentence as defined in this chapter.
5. No Tennessee state agency or effort shall give force or effect to any court order that has the effect of violating Tennessee's laws protecting Natural Marriage.
6. No Tennessee state agency or officer shall levy upon the property or assets of any government official or individual who does not comply with any lawful court order regarding Natural Marriage within Tennessee.
7. Tennessee law enforcement agencies shall actively prevent the arrest or imprisonment of any individual who refuses to comply with any unlawful court order regarding Natural Marriage within Tennessee.
8. A fund is hereby established to pay any fines or levies that may be purposefully applied to the personal finances or property of Tennessee government officials acting in their official capacity to defend Natural Marriage.

Posted by ... at 4:15 PM

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