

## **Resolution to Reclaim Liberty from the Federal Courts**

Whereas, the United States Supreme Court, in the unanimous opinion authored by Justice Kennedy in *Bond v. United States* 564 U.S. \_\_\_\_ (2011) (No. 09–1227. Argued February 22, 2011—Decided June 16, 2011), said the following:

- The federal system rests on the insight that “freedom is enhanced by the creation of two governments, not one,”
- This freedom is enhanced “first by protecting the integrity of the [two] governments themselves, and second by protecting the people, from whom all governmental powers are derived,”
- “Federalism ... serves to grant and delimit the prerogatives and responsibilities of the States and the National Government vis-À-vis one another” and “preserves the integrity, dignity, and residual sovereignty of the States.”
- “This federal balance is, in part, an end in itself, to ensure that States function as political entities in their own right.”
- “The federal structure allows local policies ‘more sensitive to the diverse needs of a heterogeneous society,’ permits ‘innovation and experimentation,’ enables greater citizen ‘involvement in democratic processes,’ and makes government ‘more responsive by putting the States in competition for a mobile citizenry,’”
- “Federalism secures the freedom of the individual. It allows States to respond, through the enactment of positive law, to the initiative of those who seek a voice in shaping the destiny of their own times without having to rely solely upon the political processes that control a remote central power.”
- “By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power. When government acts in excess of its lawful powers, that liberty is at stake.”
- “The limitations that federalism entails are not therefore a matter of rights belonging only to the States. States are not the sole intended beneficiaries of federalism. (citations omitted) An individual has a direct interest in objecting to laws that upset the constitutional balance between the National Government and the States ...,”

Whereas in *Obergefell v. Hodges*, the reasoning of the Supreme Court regarding the Due Process Clause and the Equal Protection Clause of the U.S. Constitution infringed on the historic rights of the states to define the particularly domestic relationship of marriage, infringed on the rights of the state reserved to it under the Ninth and Tenth Amendments, and thereby also infringed on the liberty of the citizens of this state,

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NOW, THEREFORE, the people of Montgomery County Tennessee acting by and through their duly elected representatives do hereby:

Express its dissent and disagreement with the constitutional reasoning of United States Supreme Court's in *Obergefell v. Hodges*,

Urge the Tennessee General Assembly to take no actions as a sovereign state in furtherance of the Court's mandate than are expressly required and in keeping with the preservation of our union under the rule of law as properly and historically understood, and

Urge the Tennessee General Assembly to urge the members of Congress to act with all diligence in presenting to the states for ratification an Amendment to the United States Constitution that would return power over the definition of marriage to the people of the various states, and

Urge the Tennessee General Assembly to urge the members of Congress by resolution or such other means as may be appropriate to officially express its dissent and disagreement with the reasoning of United States Supreme Court's in *Obergefell v. Hodges*, and resolve to take no actions in furtherance of the Court's mandate than are expressly required and in keeping with the preservation of our union under the rule of law as properly and historically understood,

Urge the Tennessee General Assembly to urge the members of Congress to conduct hearings for the purpose of approving and sending to the states for ratification an amendment or amendments that would restrain the power of the judiciary and restore to the people and the states the rights and prerogative found in the Ninth and Tenth Amendments, including but not limited to an evaluation of remedies such as term limits for judges, retention elections for judges once confirmed, confirmation of judges by or their retention by approval of the legislatures or executives of the states, and limitation of the precedential extension of a Supreme Court judgment by some action of Congress.