

HOUSE JOINT RESOLUTION 839

By Carr J

A RESOLUTION to condemn the decision of a federal district court in Tennessee to grant a preliminary injunction in the case of *Tanco et al v. Haslam*.

WHEREAS, the Constitution of the United States is premised on a federal form of government where states continue to retain aspects of sovereignty as is indicated by role of the states in the Tenth Amendment to the Constitution, the Electoral College and the mechanism for electing the President of the United States, and ratification of amendments to the federal Constitution under Article V; and

WHEREAS, exercising such sovereignty the people of Tennessee, in an overwhelming vote, amended the Constitution of the State of Tennessee, in Article XI, by adding Section 18, which recognizes in this state only a marriage between one man and one woman as a valid marriage; and

WHEREAS, Tennessee Code Annotated, Section 36-3-113, as enacted by the General Assembly of this state, recognizes only a marriage between one man and one woman; and

WHEREAS, a federal court judge in Tennessee recently issued a preliminary injunction with respect to the six plaintiffs in a case challenging the constitutionality, under the United States Constitution, of Tennessee's Constitution and statutes limiting marriage to a relationship between one man and one woman; and

WHEREAS, this preliminary injunction will require the State of Tennessee to recognize and give effect to marriages of the six plaintiffs, which were entered into in other states, on the basis of a supposed likelihood of success on the merits of the challenge; and

WHEREAS, this federal court has ignored the democratically expressed will of the people of Tennessee and violated the principles of federalism out of which our federal Constitution operates; and

WHEREAS, this federal court has refused to recognize the vital interest of this state in affirming the values of procreation represented in traditional marriage between one man and one woman; and

WHEREAS, issuance of this preliminary injunction tramples our federal order while inappropriately overruling the values and decisions of the people of Tennessee in order to impose a notion of marriage imported from other states, so that this action by a federal court merits strong condemnation; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that this body is dismayed by the ruling of the federal court and does strongly condemn the action of the federal court in issuing a preliminary injunction in the case of *Tanco et al v. Haslam*.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared for presentation with this final clause omitted from such copy.