

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE CONCURRENT  
RESOLUTION 8

By: Deever of the Senate  
and  
Olsen of the House

AS INTRODUCED

A Concurrent Resolution recognizing that marriage is between one man and one woman; calling on the Supreme Court of the United States to overturn Obergefell v. Hodges; and directing distribution.

WHEREAS, the decision by the Supreme Court of the United States in Obergefell v. Hodges, 576 U.S. 644 (2015), conflicts with the original public meaning of the United States Constitution, the principles upon which the United States is established, and the deeply rooted history and tradition of the United States regarding the nature of marriage and state powers; and

WHEREAS, in 2004, the people of Oklahoma affirmed State Question 711, now codified in the Oklahoma Constitution, Article II, Section 35, with over 75% of Oklahomans voting to recognize marriage as the union of one man and one woman, prohibit marriage benefits for unmarried individuals, invalidate same-sex marriages from other

1 states, and make issuing licenses in violation of subsection C of  
2 such section a misdemeanor; and

3 WHEREAS, liberty is and has long been understood, from  
4 Blackstone to the Framers to America's history and tradition until  
5 2015, as individual freedom from unwarranted governmental intrusion,  
6 not a right to a particular governmental entitlement as falsely  
7 asserted in Obergefell; and

8 WHEREAS, when the Framers proclaimed in the Declaration of  
9 Independence that "all men are created equal" and "endowed by their  
10 Creator with certain unalienable Rights," they referred to a vision  
11 of mankind in which all humans are created in the image of God and  
12 therefore of inherent worth; and

13 WHEREAS, Obergefell asserts that governmental licensing of same-  
14 sex marriage is necessary to confer human dignity, contrary to  
15 Justice Clarence Thomas' observation that, first, "the Constitution  
16 contains no 'dignity' Clause," and second, "even if it did, the  
17 government would be incapable of bestowing dignity"; and

18 WHEREAS, Obergefell abuses the Fourteenth Amendment's Due  
19 Process clause to fabricate substantive rights, a practice Justice  
20 Thomas has frequently urged the court to abandon, including in *Dobbs*  
21 *v. Jackson Women's Health Organization*, 597 U.S. 215 (2022); and

22 WHEREAS, Obergefell's inversion of the natural and true meaning  
23 of liberty causes collateral damage to other aspects of our  
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1 constitutional order that protect liberty, including religious  
2 liberty; and

3 WHEREAS, the Supreme Court recognized in *United States v.*  
4 *Windsor*, 570 U.S. 744 (2013), that the definition of marriage is “an  
5 area that has long been regarded as a virtually exclusive province  
6 of the States,” meaning that Oklahoma, and not the Supreme Court,  
7 has the right to regulate marriage for its citizens; and

8 WHEREAS, *Obergefell* requires states to license and recognize  
9 same-sex marriages in complete contravention of their own  
10 constitutions or electorate, thus undermining the civil liberties of  
11 those states’ residents and voters without any valid constitutional  
12 warrant for doing so; and

13 WHEREAS, for millennia marriage has been understood, both in  
14 biblical teaching and in the Anglo-American common-law tradition, as  
15 the lifelong covenant union of one man and one woman; and

16 WHEREAS, *Obergefell* arbitrarily and unjustly rejected and  
17 prohibited states from recognizing this definition of marriage in  
18 favor of its own definition of marriage and a novel, flawed  
19 interpretation of key clauses within the United States Constitution  
20 and our nation’s legal and cultural precedents; and

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

3 WHEREAS, Chief Justice John Roberts pointed out that the  
4 Obergefell decision vilifies people of faith by "portray[ing]  
5 everyone who does not share the majority's 'better informed  
6 understanding' as bigoted," and Justice Samuel Alito wrote similarly  
7 that the Obergefell decision vilifies people of faith by falsely  
8 comparing those who recognize that marriage is between a man and a  
9 woman to those who oppose interracial marriage, a comparison now  
10 frequently weaponized against people of faith; and

11 WHEREAS, the Obergefell decision has resulted in litigation  
12 directly targeting Christians, such as Colorado baker Jack Phillips  
13 and Washington florist Barronelle Stutzman, for adhering to the  
14 historic definition of marriage; and

15 WHEREAS, by declaring sex differences legally irrelevant to  
16 marriage, Obergefell played a role in erasing biological  
17 distinctions in other arenas, threatening women's privacy, safety,  
18 and athletic opportunities; and

19 WHEREAS, in *Dobbs v. Jackson Women's Health Organization* (2022),  
20 the Supreme Court restored to the states authority over areas "the  
21 Constitution does not prohibit the states from regulating," thereby  
22 inviting reconsideration of Obergefell on the same federalism  
23 grounds.  
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1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 1ST SESSION  
2 OF THE 60TH OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES  
3 CONCURRING THEREIN:

4 THAT the Oklahoma Legislature hereby urges the Supreme Court of  
5 the United States to overturn its unconstitutional holding in  
6 Obergefell v. Hodges and recognize that marriage is between one man  
7 and one woman, or to return full authority over marriage policy to  
8 the several states.

9 THAT the Oklahoma Legislature reaffirms Article II, Section 35  
10 of the Oklahoma Constitution and Section 3 of Title 43 of the  
11 Oklahoma Statutes.

12 THAT copies of this resolution be distributed to the Supreme  
13 Court of the United States, to the President of the United States  
14 Senate, to the Speaker of the United States House of  
15 Representatives, to each member of the Oklahoma congressional  
16 delegation, and to the Attorney General of Oklahoma.

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