

LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 4

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
ASSEMBLED AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF
IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of
the State of Idaho assembled in the First Regular Session of the Sixty-third
Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the opening words to the Constitution of the United States, "We
the People," are by deliberate design and with intent to define the governing
authority of our United States and the states within our republic and the au-
thority that resides with the people; and

WHEREAS, the people of the State of Idaho on November 7, 2006, cast their
votes on a proposal referred by the Idaho Legislature to amend the Constitu-
tion of the State of Idaho to define marriage, and the amendment passed with a
wide majority; and

WHEREAS, in 1888, the Supreme Court of the United States stated that
marriage is "an institution, in the maintenance of which in its purity the
public is deeply interested, for it is the foundation of the family and of so-
ciety, without which there would be neither civilization nor progress"; and

WHEREAS, in 1942, the Supreme Court of the United States stated that
marriage is "fundamental to the very existence and survival of the race"; and

WHEREAS, Luther Martin, framer of the Constitution of the United States
and Attorney General of Maryland, stated, "A knowledge of Mankind, and of
Legislative affairs cannot be presumed to belong in a higher degree to the
Judges than to the Legislature"; and

WHEREAS, the United States Court of Appeals for the Sixth Circuit recog-
nizes that the Constitution of the United States does not demand that a re-
definition of marriage be forced upon the states, stating, "What we are left
with is this: By creating a status (marriage) and by subsidizing it (e.g.,
with tax-filing privileges and deductions), the States created an incentive
for two people who procreate together to stay together for purposes of rear-
ing offspring. That does not convict the States of irrationality, only of
awareness of the biological reality that couples of the same sex do not have
children in the same way as couples of opposite sexes and that couples of
the same sex do not run the risk of unintended offspring. That explanation,
still relevant today, suffices to allow the States to retain authority over
an issue they have regulated from the beginning."

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-
sion of the Sixty-third Idaho Legislature, the House of Representatives and
the Senate concurring therein, that we call upon the United States Congress
to bring clarity to the principle that the role of the United States judi-
ciary is to interpret as close to original intent as possible and rule on
compliance with the original intent of the Constitution by the executive and

1 legislative branches and the principle that judges of the United States ju-
2 diciary should keep their oath of office to uphold the law and not make or
3 change the law.

4 BE IT FURTHER RESOLVED that a judge of the United States judiciary who
5 disregards his oath of office to uphold the Constitution should be impeached
6 by Congress.

7 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
8 tives be, and she is hereby authorized and directed to forward a copy of this
9 Memorial to the President of the Senate and the Speaker of the House of Rep-
10 resentatives of Congress, and to the congressional delegation representing
11 the State of Idaho in the Congress of the United States.