



Brian Birdwell
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Comments on SCOTUS Ruling in Obergefell v. Hodges

“The last two days of announcements from the Supreme Court of the United States foretell very difficult days ahead for our nation. These decisions compel us as citizens to demand of our federal legislative branch a reexamination on the proper role and function of the federal judicial branch.

“First, the substance of the Court’s same-sex marriage decision imposes upon the nation an immorality which has been overwhelmingly opposed at the ballot box. Justice Scalia’s dissenting opinion accurately noted that the 14th Amendment was taken grossly out of context. This section of the U.S. Constitution requires equal protection OF the law. It does not say our laws must equally protect and endorse a choice of conduct that the majority of Americans find unacceptable.

“This decision also means that 48 of our 50 states will have this policy imposed upon their citizens judicially (as opposed to by their own state legislators). This judicial imposition of law quite seriously calls into question the relevance of our elected lawmakers. Do the representatives elected by the people make the law, or is the legislation they pass simply a request for permission from the courts?

“In Federalist 51, the Founders wisely stated that “in republican government, the legislative authority necessarily predominates.” As the directly-elected representatives of the citizens, the legislative branch is the supreme branch of government and has the authority to check and balance the other branches. Nowhere in the U.S. Constitution will you find the words “final authority” in describing the Supreme Court.

“It is time for our federal legislature to reassert itself as the predominate branch of government—the branch that makes law and that which is most directly accountable to citizens. This action by Congress will only happen if we as citizens demand it. Our republican form of government is on life support and we have precious little time to act.”

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