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Dear Governor Robert Bentley,

The moral foundation of our Country is under attack. In 2003, Justice Anthony Kennedy, writing for a 6-3 majority of the United States Supreme Court in Lawrence v. Texas, 539 U.S. 558 (2003), struck down a Texas statute criminalizing sodomy. In that case, Justice Kennedy stated that the case did not “involve whether the government must give formal recognition to any relationships that homosexual persons seek to enter,” but that a “right to liberty under the Due Process Clause gives them the full right to engage in their conduct without intervention of the government.” Id. at 578.

Just 10 years later in 2013, Justice Kennedy, writing for a 5-4 majority of the Court in United States v. Windsor, 133 S. Ct. 2675 (2013), decided that the time had come to give “formal recognition” to the “marriage” of two persons of the same gender from the state of New York. Striking down the Defense of Marriage Act (DOMA), passed by Congress in 1996 to preserve the definition of marriage for federal purposes as one man and one woman, Kennedy stated that DOMA violated “basic due process and equal protection principles applicable to the Federal Government.” Id. at 2681.

However, prior to 2003, neither our history nor Supreme Court precedent had ever recognized a “right” to commit sodomy or a “right” for homosexuals to enter a same-sex “marriage” relationship, nor any “liberty” associated therewith secured by “due process” under the Fifth and Fourteenth Amendments.

In fact, as recently as 1986 in Bowers v. Hardwick, 478 U.S. 186 (1986), the Court declared that the United States Constitution did not confer a fundamental right upon homosexuals to engage in sodomy. Recognizing a long and well- established prohibition against sodomy by the several states, the high court stated that,

“There should be, therefore, great resistance to expand the substantive reach of [the Due Process Clauses of the Fifth and Fourteenth Amendments], particularly if it requires redefining the category of rights deemed to be fundamental. Otherwise, the Judiciary necessarily takes to itself further authority to govern the country without express constitutional authority.” Id. at 195.

As a matter of fact, Justice Anthony Kennedy and four members of the U.S. Supreme

Court have done exactly what the Court in Bowers predicted would occur when courts redefine rights deemed fundamental: they are governing the Country without express constitutional authority. Their willingness to expand the substantive reach of the Due Process Clauses of the Fifth and Fourteenth Amendments to encompass same-sex "marriage" is dangerous and will ultimately lead to the total destruction of our moral foundation and our Country.

Already, proponents of same-sex "marriage" are working to bring yet another case before the Court which is poised to declare unconstitutional all state statutes and constitutional amendments which preserve traditional marriage.

The time to act is upon us if we mean to preserve the basic foundations of marriage and family upon which our Country rests, which the U.S. Supreme Court has referred to as the "union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement," Murphy v. Ramsey, 114 U.S. 15, 45 (1885), quoted in United States v. Bitty, 208 U.S. 393, 401 (1908).

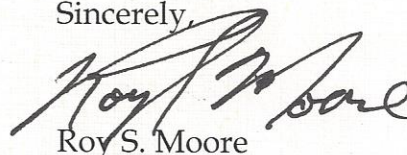
Article V of the Constitution provides for amendments to the Constitution "on the Application of the Legislatures of two thirds of the several States," in which case Congress "shall call a Convention for proposing Amendments," which shall become a "part of this Constitution" when ratified as set forth in the Article.

This manner of amending the Constitution was suggested by Col. George Mason, Father of our Bill of Rights, shortly before the conclusion of the Constitutional Convention to provide a manner in which the people would be able to propose amendments "if the Government should become oppressive."

Please find enclosed a proposed Joint Resolution of the Legislature of your state for your consideration.

Your assistance in securing a Resolution from the legislature of your state to the United States Congress in both Houses is a first step toward the preservation of marriage and the moral foundation of our Country.

Sincerely,

A handwritten signature in dark ink, appearing to read "Roy S. Moore", is written over the typed name.

Roy S. Moore

Chief Justice

Alabama Supreme Court

PRESERVATION OF MARRIAGE JOINT RESOLUTION

WHEREAS, the United States Supreme Court has defined the family as "consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement," Murphy v. Ramsey, 114 U.S. 15, 45 (1885), quoted in United States v. Bitty, 208 U.S. 393, 401 (1908); and

WHEREAS, the United States Supreme Court described marriage as "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 society, without which there would be neither civilization nor progress," Maynard v. Hill, 125 U.S. 190, 211 (1888); and

WHEREAS, the United States Supreme Court in 1977 stated that "the basic foundation of the family in our society [is] the marriage relationship," Smith v. Org. of Foster Families For Equal. & Reform, 431 U.S. 816, 843 (1977); and

WHEREAS, the Constitution of the State of Alabama, describing marriage as "a sacred covenant, solemnized between a man and a woman," § 36.03(c), Ala. Const. 1901, states that a "marriage contracted between individuals of the same sex is invalid in this state," § 36.03(b), and that a "union replicating marriage of or between persons of the same sex . . . shall be considered and treated in all respects as having no legal force or effect in this state," § 36.03(g); and

WHEREAS, the Supreme Court of Alabama explained that "[t]he family unit is the basic foundation of our society," and further stated that "there are forces at work which attempt to tear it asunder." Ex parte Shuttleworth, 410 So. 2d 896, 901 (Ala. 1981) (per curiam); and

WHEREAS, the Supreme Court of Alabama further explained that marriage is "the most important of all the social relations," Moyler v. Moyler, 11 Ala. 620, 623 (1847), "a contract between a man and woman . . . for the purpose of their mutual happiness and for the production and education of children," Goodrich v. Goodrich, 44 Ala. 670, 674 (Ala. 1870) (emphasis omitted) (internal quotation marks and citation omitted), "a divine institution" imposing upon the parties "higher moral and religious obligations than those imposed by any mere human institution or government," Hughes v. Hughes, 44 Ala. 698, 703 (1870), and a "sacred relation," Smith v. Smith, 37 So. 638, 638-39 (Ala. 1904); and

WHEREAS, in 2013 the United States Supreme Court officially severed its respect for marriage by declaring unconstitutional the Defense of Marriage Act (DOMA) which

defined marriage for federal purposes as existing between one man and one woman,
United States v. Windsor, 133 S. Ct. 2675 (2013),

NOW THEREFORE, the Legislature of the State of Alabama hereby submits the following Joint Resolution to the United States Congress entitled *Marriage Preservation Amendment to the United States Constitution*.

**Application to the United States Congress
to call a Convention for proposing an amendment
to the United States Constitution.**

Pursuant to Article V of the United States Constitution, the Legislature of the State of Alabama by a joint resolution of the Senate and House of Representatives hereby makes application to the United States Congress to call a Convention for proposing the following amendment to the Constitution of the United States.

Marriage Preservation Amendment to the United States Constitution

Nothing in this Constitution or in the constitution or laws of any state shall define or shall be construed to define marriage except as the union of one man and one woman, and no other union shall be recognized with the legal incidents thereof within the United States or any place subject to their jurisdiction.