

# Texas Rules Same-Sex Benefits Not Required by Law, Setting Stage to Repeal Obergefell

Today, the Texas Supreme Court ruled states can define marriage, essentially overturning Obergefell v. Hodges and sending shockwaves around the country. In Obergefell v. Hodges, the United States Supreme Court redefined traditional biblical marriage between a man and a woman to include homosexual marriage.

The victory came after a four-year legal battle.

In 2013, Houston attorney Jared Woodfill filed a lawsuit against liberal Houston Mayor Annise Parker.

Woodfill argued Parker broke state law by using taxpayer dollars to pay for same-sex benefits to City of Houston employees.

Pastor Jack Pidgeon and Republican activist Larry Hicks had the courage to serve as Woodfill's clients.

A fabulous Harris County Family Court judge, Lisa Millard, agreed with Woodfill's argument and ruled Mayor Parker's conduct broke the law. But the liberal left appealed the decision and overturned Millard's decision. Woodfill was not deterred, however, and took the case to the Texas Supreme Court.

Originally, the Texas Supreme Court refused to hear the case. But Justice John Devine issued a dissenting opinion. Governor Greg Abbott, Lieutenant Governor Dan Patrick and Attorney General Ken Paxton filed an amicus brief to support Woodfill and swayed the court's mind.

The case was then argued in front of the entire Texas Supreme

Court. Outstanding lawyers and cultural warriors Jonathan Mitchell and Jonathan Saenz joined Woodfill.

Today, the Texas Supreme Court concluded, "In Obergefell, the Supreme Court acknowledged that our historical view of marriage has long been 'based on the understanding that marriage is a union between two persons of the opposite sex.'"

It concluded, however, that this "history is the beginning of these cases," and it rejected the idea that it "should be the end as well."

This case is proof there are many issues with the Obergefell decision, and we will soon see more come to light.

The court ruled Pidgeon and Houston Mayor Parker, like many other litigants throughout the country, must now assist the courts in fully exploring Obergefell's reach and ramifications, and are entitled to the opportunity to do so.

The ruling continued:

*Today, however, we are dealing only with an interlocutory appeal from trial court's orders denying a plea to the jurisdiction and granting a temporary injunction. For the reasons explained, we hold that the Fifth Circuit's decision in De Leon does not bind the trial court on remand, and the trial court is not required to conduct its proceedings 'consistent with' that case. We hold that the court of appeals' judgment does not bar Pidgeon from seeking all appropriate relief on remand or bar the Mayor from opposing that relief. ... And we decline to instruct the trial court how to construe Obergefell on remand. We reverse the court of appeals' judgment, vacate the trial court's temporary injunction order and remand this case to the trial court for further proceedings consistent with our judgment and this opinion.*

*The original version of this story appeared here.* {eoa}