

House Resolution No. 2483

98TH GENERAL ASSEMBLY

6788H.02I

Relating to an investigation of Attorney General Chris Koster.

2 **WHEREAS**, Attorney General Chris Koster is required by law to appear on behalf of
3 the state in the court of appeals and the supreme court of this state under section 27.050; and

4 **WHEREAS**, Attorney General Chris Koster is required by law to institute proceedings
5 necessary to protect the rights and interests of the state and to enforce all such rights and interests
6 against any and all persons under section 27.060; and

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8 **WHEREAS**, on August 3, 2004, the people of this state overwhelmingly adopted article
9 I, section 33 of the Constitution of Missouri, which states "[t]hat to be valid and recognized in
10 this state, a marriage shall exist only between a man and a woman"; and

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12 **WHEREAS**, on October 6, 2014, Attorney General Chris Koster stated that he would
13 not appeal a decision by Circuit Judge Dale J. Youngs holding that this state must recognize
14 same-sex marriages occurring in all other states; and

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16 **WHEREAS**, Attorney General Chris Koster has explicitly indicated to the media that
17 his reason for not appealing this circuit court decision was based on his own views and not
18 considerations of his lawful duty to defend the Constitution of Missouri by stating that
19 "Missouri's future will be one of inclusion, not exclusion"; and

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21 **WHEREAS**, Attorney General Chris Koster's unilateral decision not to defend the
22 Constitution of Missouri was made before any binding adjudication of the issues by the Supreme
23 Court of the United States; and

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25 **WHEREAS**, the duty of the attorney general under sections 27.050 and 27.060 is a
26 mandatory duty to defend the Constitution of Missouri in the courts of this state at the requisite
27 time and place and does not allow for any exception based on the attorney general's speculation
28 about possible future decisions of the federal courts, including the Supreme Court of the United
29 States; and

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31 **WHEREAS**, article VII, section 1 of the Constitution of Missouri states that "[a]ll
32 elective executive officials of the state, and judges of the supreme court, courts of appeals and

33 circuit courts shall be liable for impeachment for crimes, misconduct, habitual drunkenness,
34 willful neglect of duty, corruption in office, incompetency, or any offense involving moral
35 turpitude or oppression in office"; and

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37 **WHEREAS**, article VII, section 2 of the Constitution of Missouri vests the sole power
38 of impeachment in the House of Representatives:

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40 **NOW THEREFORE BE IT RESOLVED** that the House of Representatives of the
41 Ninety-eighth General Assembly, Second Regular Session, requests that a House legislative
42 committee be formed to investigate Attorney General Chris Koster's decision, which may
43 constitute an impeachable offense under the Constitution of Missouri, not to appeal the circuit
44 court decision holding that this state must recognize same-sex marriages occurring in all other
45 states.

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