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Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3013

Introduced by

Representatives Tveit, K. Anderson, Morton, S. Olson, Rohr, Henderson, Hoverson

Senators Clemens, Enget, Lemm, Magrum, Weston

A concurrent resolution urging the United States Supreme Court to restore the definition of marriage to a union between one man and one woman.

WHEREAS, the United States Supreme Court decision in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015), conflicts with the United States Constitution and the principles upon which the United States was established; and

WHEREAS, liberty has long been understood as individual freedom from governmental action, not as a right to a particular governmental entitlement; and

WHEREAS, *Obergefell v. Hodges* invokes a definition of liberty the framers of the United States Constitution would not have recognized, rejecting the idea captured in the Declaration of Independence that human dignity is innate, and instead suggesting it comes from the government; and

WHEREAS, the framers of the United States Constitution proclaimed in the Declaration of Independence that all men are created equal and endowed by their creator with certain unalienable rights and refer to the laws of nature and God, to which all men are subject; and

WHEREAS, *Obergefell v. Hodges* undermines this vision by declaring that citizens must seek dignity from the state; and

WHEREAS, the judicial branch of government is authorized to interpret the law but it does not have the authority to legislate from the bench to enact policy decisions, as legislative powers are properly vested in the legislative branch of government; and

WHEREAS, *Obergefell v. Hodges* relies on the dangerous fiction of treating the due process clause as a font of substantive rights, a doctrine which strays from the full meaning of the United States Constitution and exalts judges at the expense of the people from whom they derive their authority; and

WHEREAS, the *Obergefell v. Hodges* decision's inversion of the original meaning of liberty causes collateral damage to other aspects of our constitutional order that protect liberty, including religious liberty; and

WHEREAS, *Obergefell v. Hodges* requires states to issue a marriage license to a same-sex couple and recognize same-sex marriage in complete contravention of a state's own constitution and the will of the state's voters, thus undermining the civil liberties of those states' residents and voters; and

WHEREAS, marriage as an institution has been recognized as a union between one man, a biological male, and one woman, a biological female, for more than two thousand years, and within common law, the basis of the United States Anglo-American legal tradition, for more than eight hundred years; and

WHEREAS, *Obergefell v. Hodges* arbitrarily and unjustly rejected the definition of marriage as a union between one man and one woman in favor of a novel, flawed interpretation of key clauses within the United States Constitution and our nation's legal and cultural precedents; and

WHEREAS, *Obergefell v. Hodges* is an illegitimate overreach;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

The Sixty-ninth Legislative Assembly rejects the United States Supreme Court decision in *Obergefell v. Hodges* and urges the United States Supreme Court to overturn the decision and leave unaddressed the natural definition of marriage as a union between one man, a biological male, and one woman, a biological female; and

BE IT FURTHER RESOLVED, the Sixty-ninth Legislative Assembly insists on restoring the issue of marriage and enforcement of all laws pertaining to marriage back to the states and the people; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the United States Supreme Court.