

HOUSE RESOLUTION NO. 5001

Introduced by

Representatives Tveit, Hoverson

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

3 **WHEREAS**, the United States Supreme Court decision in *Obergefell v. Hodges*, 135 S.Ct.
4 2584 (2015), conflicts with the United States Constitution and the principles upon which the
5 United States was established; and

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

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

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

16 **WHEREAS**, the framers of the United States Constitution proclaimed in the Declaration of
17 Independence that all men are created equal and endowed by their creator with certain
18 unalienable rights and referred to a vision of mankind in which all humans are created in the
19 image of God and therefore of inherent worth; and

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

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

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

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

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

11 **WHEREAS**, court rulings are not laws; only legislatures elected by the people may pass
12 laws; and

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

14 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF**
15 **NORTH DAKOTA:**

16 The House of Representatives rejects the United States Supreme Court decision in
17 *Obergefell v. Hodges* and urges the United States Supreme Court to reverse the decision and
18 recognize the natural definition of marriage as a union between one man and one woman; and

19 **BE IT FURTHER RESOLVED**, the House of Representatives insists on restoring the issue
20 of marriage and enforcement of all laws pertaining to marriage back to the states and the
21 people; and

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