

**Honorable Members of the North Dakota House Judiciary Committee,**

My name is Arthur Schaper, and I am the Field Director for MassResistance, the international pro-family group that makes the difference.

Thank you for the opportunity to speak today on a matter of great constitutional, moral, and social significance—the 2015 Supreme Court decision in *Obergefell v. Hodges* and its impact on our nation.

Let us begin with the constitutional issue at hand. Nowhere in the United States Constitution is marriage defined or regulated. The Tenth Amendment clearly states that powers not delegated to the federal government are reserved for the states and the people. The Supreme Court's ruling in *Obergefell* overstepped these boundaries, stripping states of their right to determine marriage laws for themselves. Worse still, it ignored the natural rights of citizens and transformed liberty into a privilege granted by the government, rather than an inalienable right given by God.

One of the fundamental arguments regarding same-sex “marriage” is that it is a right. The truth is that no one has a right to marry anyone. I must ask a woman for her hand in marriage, and she has the right to refuse. Furthermore, opponents of this resolution will claim that preventing two people of the same sex from marrying is a form of invidious discrimination, like the racial segregation laws of the Jim Crow South. Nothing could be further from the truth. Individuals are born black, Hispanic, white, or of a certain ethnic background. However, there is no evidence that individuals are born homosexual.

In fact, the normalization of same-sex relationships has brought serious public health concerns. The CDC has documented disproportionately high rates of STDs, HIV, and mental health struggles among men who have sex with men. These issues are not the result of so-called discrimination but rather stem from the inherent risks of homosexual behavior. Despite efforts to frame these concerns as mere social stigma, the medical data tells a different story.

This decision was not only legally flawed but ethically compromised. Two justices who ruled in favor of *Obergefell*—Justice Kagan and Justice Ginsburg—had previously officiated same-sex weddings. Their failure to recuse themselves raises serious concerns about judicial bias. Had they done so, the ruling would have likely gone 4-3 against same-sex marriage, leaving the matter to the democratic process where it belongs.

Beyond constitutional concerns, the societal consequences of redefining marriage have been severe. Marriage has always been recognized—both in common law and natural law—as a covenant between one man and one woman. This structure is not arbitrary; it is foundational to the well-being of children, who deserve the irreplaceable guidance of both a mother and a

father. When marriage is redefined, fatherhood and motherhood are deemed optional, and it is children who suffer.

In the wake of *Obergefell*, we have also seen an alarming erosion of religious liberty and free speech. Business owners such as bakers, florists, and photographers have faced devastating fines and lawsuits simply for refusing to participate in same-sex weddings. Public officials like Kim Davis of Kentucky have been jailed for following their conscience. This is not the “live and let live” society we were promised. Instead, it is a tyranny that demands total submission to a new moral order—one that punishes dissent and erases foundational American freedoms.

This decision has also paved the way for further social upheaval. If sex is irrelevant in marriage, why should it be relevant anywhere else? Today, we see the consequences: biological men claiming women’s identities, infiltrating female spaces, and even competing in women’s sports. We were told that same-sex marriage would not affect anyone else. That was a lie. The consequences are everywhere—from our classrooms to our courtrooms, from our businesses to our bathrooms.

Some may argue that this is a settled matter, that we have more pressing concerns. But if we allow the foundation of marriage and family to erode, then every other policy—economic, legal, and cultural—rests on shifting sand. Strong families are the backbone of a strong nation. We cannot put America First while putting American children second.

Finally, let us address a common claim: “Love is love.” If that is true, should adults be allowed to marry children? Should polygamy be legalized? Throughout history, societies have recognized that love alone is not the basis for marriage. Marriage exists not merely for personal fulfillment, but for the greater good of society, particularly for the well-being of children.

Members of this committee, today you have the opportunity to stand for truth, for natural law, and for the Constitution. *Obergefell* was a mistake. It is time for the states to reclaim their rightful authority, to protect religious liberty, and to restore the natural order of marriage.

Please support HCR 3013.

Thank you.

Sincerely,

Arthur Schaper  
Field Director  
MassResistance  
Email: [arthur@massresistance.org](mailto:arthur@massresistance.org)  
Cell: (781) 474-3005