

Testimony in Opposition to HCR 3013

Christina Sambor, North Dakota Human Rights Coalition, Lobbyist No. 312

House Judiciary Committee

February 17, 2025

Chairman Klemin and Members of the Committee:

The North Dakota Human Rights Coalition opposes HCR 3013 and strongly urges this committee to recommend a do not pass. North Dakota should protect the rights of and extend acceptance and kindness to all its citizens. This resolution seeks to do the opposite. The ideas put forth in this resolution are extraordinarily harmful to many North Dakotans and Americans who deserve equal rights and respect.

The idea that same sex families are in any way less stable and beneficial to our State and Country than opposite-sex families has been disproven in courts, that is how Obergefell came about. Courts have the power to review legislation and determine whether it complies with our Constitution. North Dakota's Constitution contains **more** protections for individual liberty and the pursuit of happiness than the US Constitution. When laws are passed based on discriminatory attitudes or the desire to impose one form of religion on all citizens and fail to advance any actual interests of the government, they are deemed unconstitutional. That is why the Supreme Court upheld the determination that excluding same sex couples from the ability to legally marry was unconstitutional. Americans' political views support Obergefell and the recognition of same sex marriage. Including same sex couples in the group of Americans who can benefit from the legal recognition of their marriage is vitally important. Taking that inclusion away would take away many tangible benefits for no good reason, including tax benefits, rights to make end of life decisions, and rights to inherit property. Marriage is not solely a religious institution. It is an important legal union that deserves to be enjoyed by those who seek to enter into it.

Furthermore, the testimony of the prime sponsor examines North Dakotans' right to marriage based on his understanding of biblical text and based on legal principles that are hundreds of years old. It is good for the members of this body to consider the dangers and flaws of relying on governing principles and documents drafted hundreds of years ago that were created without the perspectives of women, Native Americans, Black Americans or people who were prohibited from owning property.

This perspective – strict “originalism” - seeks to return us to rules and laws that written at a time when most people were excluded from being represented in government. By that logic, we are setting a standard that also argues for removing women from public office and only allows white people to have a role in government. Indigenous people, who lived here well before the “anglo-american” system of government was established by Europeans who immigrated to, and eventually violently seized, land occupied by indigenous people, were totally excluded from forming the United States Government. The North Dakota State Legislature, whose membership includes many women and people of color, should not ignore that the arguments advanced in the prime sponsor's testimony, when taken to their logical exclusion, argue that only people like him, who believe what he does, deserve a voice in our government. That is not who we are, nor who we should seek to be. Please recommend a do not pass on HCR 3013.