

Dear Members of the Senate Judiciary Committee,

I am writing to urge you to vote down HCR 3013 when it comes before this committee.

HCR 3013 is a harmful and unnecessary resolution that serves no legal purpose beyond sending a divisive and hurtful message to LGBTQ+ North Dakotans.

This resolution does not change the law. It is purely symbolic. But symbolism matters. A resolution like this sends a clear message that LGBTQ+ people, including married same-sex couples, are unwelcome in North Dakota. Same-sex marriage has been legal in the U.S. since 2015, and there has been no evidence that marriage equality has harmed religious freedom or society as a whole. At best, HCR 3013 is a waste of time. At worst, it encourages discrimination and attempts to undermine the legal rights of same-sex couples.

HCR 3013 wrongly claims that same-sex marriage is a “special privilege” rather than an equal right. This is legally and morally incorrect.

- The Supreme Court’s ruling in *Obergefell v. Hodges* (2015) affirmed that marriage is a fundamental right under the 14th Amendment’s Equal Protection Clause.
- The government did not create a special privilege. It ensured that same-sex couples had the same legal rights and protections as opposite-sex couples.
- Allowing equal access to an existing right is not granting special treatment. It simply ensures that LGBTQ+ individuals have the same legal recognition, benefits, and protections as anyone else.

If marriage were a special privilege, then any couple receiving state recognition of their union would be receiving preferential treatment, which is simply not how fundamental rights work.

This resolution misrepresents marriage equality as an extra benefit rather than the removal of an unjust legal barrier. That misrepresentation should not be endorsed by this committee.

HCR 3013 is based on a misguided assumption that LGBTQ+ identities are abnormal or harmful. The people behind this resolution likely believe there is something wrong with being LGBTQ+. Science overwhelmingly disproves this belief.

- The American Psychological Association (APA), the American Medical Association (AMA), and the National Association of Social Workers (NASW) all affirm that being LGBTQ+ is a natural variation of human identity—not a disorder, not a choice, and not something that needs to be “corrected” or “opposed.”
- Every major medical and psychological organization has denounced efforts to pathologize LGBTQ+ identities, including “conversion therapy,” because these efforts are based on pseudoscience, not reality.

- Studies from organizations like The Trevor Project show that LGBTQ+ individuals thrive when accepted and supported, and that discrimination, like the kind HCR 3013 fuels, directly contributes to higher rates of depression, anxiety, and suicide.

This resolution isn't about religious freedom or legal rights. It's about singling out a group of people and treating them as lesser.

HCR 3013 does not protect anyone. Instead, it fosters division, emboldens discrimination, and makes North Dakota less welcoming to LGBTQ+ individuals, families, workers, and businesses that value equality. This is not what our state needs. We need policies that bring people together, not drive them apart.

Several legislators who originally voted yes on HCR 3013 have since publicly regretted their votes, including:

- **Matt Ruby** (Minot)
- **Scott Louser** (Minot)
- **Brandy Pyle** (Casselton)
- **Jim Jonas** (West Fargo)
- **Donald Longmuir** (Stanley)

Rep. Matthew Ruby has even vowed to testify against the resolution in this Senate hearing.

When even those who originally supported the resolution begin to recognize its harmful and unnecessary nature, that should be a clear signal that the Senate should not advance this bill any further.

Supporters of HCR 3013 often argue that same-sex marriage threatens religious freedom, but in reality, overturning *Obergefell v. Hodges* would itself violate the First Amendment rights of churches and religious groups that choose to perform same-sex marriages.

- Many faith communities fully support and perform same-sex marriages as part of their religious beliefs.
- The First Amendment guarantees religious freedom for all, including those who believe that same-sex couples should be allowed to marry in the eyes of their faith.
- Overturning the ruling could force government intervention into religious practices, restricting the ability of affirming churches to perform marriages they recognize as sacred.

Religious freedom does not mean imposing one group's beliefs onto others. It means allowing all religious groups the freedom to worship as they choose, including those that support same-sex marriage.

I urge this committee to reject HCR 3013 and focus on real issues that matter to North Dakotans. This resolution does nothing to improve the lives of citizens and only serves to target a group of people who want nothing more than to live their lives freely and equally under the law.

Let common sense prevail. Show the state what “North Dakota nice” really is. Please vote out HCR 3013 and ensure that North Dakota remains a state that values fairness, dignity, and respect for all its citizens.

Thank you for your time and consideration.

Brook Jenks

District 40