

Testimony **IN OPPOSITION** to **HCR 3013**
Senate Judiciary Public Hearing - March 11, 2025

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Respectfully submitted to the North Dakota Senate Judiciary:

In 2015, the U.S. Supreme Court decided the Fourteenth Amendment to the Constitution guarantees same-sex couples the right to marry. This year, North Dakota House approved a resolution urging the Supreme Court to overturn that ruling.

This resolution affects my wife and I directly. Although the immediate effects of this resolution are unclear, its intent is to nullify our marriage and render us unequal in the eyes of both North Dakota and US law.

As the 69th North Dakota Legislative Assembly broke for its crossover recess, a poll commissioned by the North Dakota News Cooperative was conducted and found that 56% of North Dakotans agree with the Supreme Court decision and 36% agree with the ND House resolution to encourage the Supreme Court to overturn Obergefell. It appears that North Dakota legislators are clearly out of touch with their constituency.

Sponsored by Rep. Bill Tveit, R-Hazen, HCR 3013 urges the U.S. Supreme Court to overturn its decision in Obergefell v. Hodges, which has protected marriage equality for the last decade. Tveit told lawmakers that marriage had always been between a man and a woman until 10 years ago and said the country would not be able to perpetuate itself without men and women having children.

A 2025 Gallup poll found that 9.3% of all Americans identify as LGBTQ+. Polling reflects this number as 2.7% in North Dakota. If nearly 91% of Americans and 97%+ North Dakotans can't find a way to perpetuate itself, we have a larger problem in the US than same sex marriage.

This concurrent resolution urging the United States Supreme Court to restore the definition of marriage to a union between one woman and one man states that Obergefell vs Hodges conflicts with the constitution (HCR 3013, 2-11):

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

Does marriage between a woman and man not enjoy rights to “*particular government entitlements*”?

If human dignity is innate, how can our legislature suggest that the dignity afforded to heterosexual couples is somehow different than the dignity afforded to same sex couples?

Should marriage equality be overturned, this would certainly be the case.

Guaranteed by both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, same-sex couples have the fundamental right to marry on the same terms and conditions as opposite-sex couples, assuring them all the accompanying rights and responsibilities of marriage - not heterosexual vs same-sex marriage - just marriage.

This resolution is blatantly discriminatory. Our right to marriage is valid and protected by the constitution.