

11 March 2025

### Testimony in Opposition to HCR 3013

Chair Larson and Members of the Senate Judiciary Committee, 69<sup>th</sup> Legislative Assembly,

I write to you today to voice my opposition to HCR 3013. This resolution purports to request the Supreme Court of the United States to reconsider its landmark decision in the case of *Obergefell v. Hodges*, 576 U.S. 644 (2015).

I am an employee of the State of North Dakota. I write to you in my personal capacity as a citizen of North Dakota.

I grew up here and have lived here for 48 years, sans a period of approximately 18 months while I was deployed and serving in Afghanistan. I have dedicated my adult life to working in public service, whether it be for the North Dakota National Guard or the State of North Dakota. My wife grew up in North Dakota and has lived here for over 50 years. We are North Dakotans.

In November 2020, I married the loveliest, genuinely good woman I have ever known. She makes my life better in every possible way. She supports me in everything I do and everything I feel. She calms me and I truly feel lost when we are apart.

I imagine each of you who has ever been in a loving relationship has felt the same about your partner.

It is not easy being a member of the LGBTQ community, but it is especially difficult for those of us living in North Dakota. North Dakota is not accepting of the LGBTQ community. Sure, there are supportive businesses, neighbors, friends, and family, but these are not the norm. Anyone living in North Dakota that believes it is no different to be LGBTQ than it is to be straight is nothing short of naïve. While acceptance is always welcome; we do not need every individual to accept us, how we live, or who we love. We merely want to be afforded the same marriage rights and protections under the law as married opposite sex couples. Nothing more. We need to be treated equally under the law.

Most of us heard the bill carrier speak on the House floor last month state the following. “Two cannot conceive or birth their child except for the coming together of a female and a male. We cannot have a country without children. We cannot perpetuate a country without a next generation. Based on the laws of nature, it’s just that simple.”

If it were “just that simple” – marriage between a male and a female should require the couple bear children. Obviously, codifying such a concept would be absurd, because it is an absurd requirement. THAT really is “*just that simple*.”

Individuals may argue the procreation aspect or the religious institution aspect when opposing gay marriage. The fact remains that neither of those are criteria under the law for an opposite sex

couple to get married. Which simply begs the question, “Why are those criteria the basis for one to justify their opposition to gay marriage?”

No couple needs to procreate to be married. No couple needs their marriage recognized by another’s church or religion. As so eloquently stated by your colleague in opposition on the House floor last month, what is between an individual and their god is just that, between them.

Marriage is so much more than those two concepts. Marriage is companionship, loyalty, respect, love, support, and humility. Marriage also includes legal rights and benefits. Most importantly, to us, marriage will allow us to be there for one another in the hardest of times, maybe next to a hospital bed making healthcare decisions or when receiving a notification of death due to an accident. Sure, we could get healthcare directives drafted and powers of attorney put in place. But those don’t prevent unaccepting family from challenging our directives. Most importantly, we SHOULD NOT HAVE TO get those to speak for one another during these times. We are spouses. We love each other just as any couple loves.

Gay marriage does not take away any benefit, protection, or right from any individual.

*Obergefell* recognized that the right to marry is a constitutionally protected, fundamental right guaranteed under the Fourteenth Amendment of the United States Constitution.

Notwithstanding the foregoing, the language of HCR 3013 does nothing but drum up support for future anti-LGBTQ legislation. Anyone who understands government knows that the Supreme Court does not choose cases based on letters written by legislators. The Supreme Court does not reconsider a decision merely because a state legislative assembly asks the Court to reconsider.

Further, HCR 3013 fails to acknowledge that the United States Congress codified the Respect for Marriage Act in 2022 requiring the federal government and all U.S. states and territories recognize same-sex and interracial marriages performed in other jurisdictions. This federal law was passed to ensure these protections could NOT be removed if the Supreme Court were to later determine these are not constitutionally guaranteed rights under the U.S. Constitution.

As written by the majority of the Court, “The right to marry is a fundamental right inherent in the **liberty** of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived of that right and that liberty. Same-sex couples may exercise the fundamental right to marry.” (Emphasis added.)

North Dakotans like to use the phrase North Dakota Nice. The truth is **nothing** about HCR 3013 is nice. HCR 3013 has no legal basis nor any legal enforcement mechanism. It is meaningless and serves only one purpose. That is to tell the LGBTQ community we are not welcome in North Dakota.

My wife and I, along with the LGBTQ community are North Dakotans, we are members of your communities and your congregations, we are your coworkers, your neighbors, your friends, and

your family. We are professionals, including attorneys, doctors, specialists, caretakers, law enforcement, and service representatives; each of us contributing to make North Dakota a welcoming place for all individuals and their families.

Chair Larson and Committee Members, I thank you for your time.

My wife and I ask for a DO NOT PASS recommendation on HCR 3013.

v/r

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Laura Balliet & Cathy Fuller

Mandan, ND