

## Testimony in Opposition to HCR 3013

### Jennifer Boub – Licensed ND Social Worker

Dear Members of the Committee,

Thank you for the opportunity to have my voice heard. My name is Jennifer Boub, and I am here to testify in opposition to this concurrent resolution. This resolution urges the United States Supreme Court to overturn its decision in *Obergefell v. Hodges* (2015), which recognized marriage equality as a constitutional right. I oppose this resolution for several reasons, rooted in constitutional principles, human rights, and the values of equality and justice.

#### **1. Marriage Equality Upholds the Constitution's Guarantees of Equal Protection and Due Process**

The Supreme Court's decision in *Obergefell* reflects the core principles of the Fourteenth Amendment, which guarantees equal protection under the law. By recognizing same-sex couples' right to marry, the Court affirmed that government cannot arbitrarily exclude certain individuals from fundamental rights based solely on their sexual orientation.

The resolution before us claims *Obergefell* strayed from constitutional principles. On the contrary, it reinforced them by ensuring all citizens are treated equally under the law, without discrimination. Overturning this decision would strip same-sex couples of their fundamental rights, creating a class of citizens denied equal dignity and legal protections.

#### **2. Human Dignity is Inherent and Recognized, Not Granted, by Government**

The resolution suggests *Obergefell* undermines human dignity by implying it comes from government. This mischaracterizes the Court's decision. *Obergefell* recognizes that human dignity is innate and must be respected by the state. Denying same-sex couples the right to marry diminishes their dignity by treating them as unequal under the law. Upholding marriage equality aligns with the Declaration of Independence's affirmation that all individuals are created equal.

#### **3. States Cannot Override Constitutional Rights**

The resolution argues that marriage laws should be returned to the states. While states have authority in many areas, that authority cannot violate constitutional protections. Just as states cannot deny fundamental rights based on race, they cannot deny the right to marry based on sexual orientation. Constitutional rights are not subject to majority votes or state preferences.

#### **4. Marriage Equality Benefits Families, Communities, and Society**

Since the *Obergefell* decision, thousands of same-sex couples have married, strengthening their families and contributing to their communities. Marriage equality provides stability, legal protections, and societal recognition to couples and their children. Overturning *Obergefell* would harm these families and create unnecessary legal and emotional turmoil.

#### **5. Religious Liberty and Marriage Equality Can Coexist**

The resolution implies that marriage equality threatens religious liberty. This is a false dichotomy. The *Obergefell* decision explicitly protects the right of religious institutions to define marriage according to their beliefs. However, in a pluralistic society, civil marriage laws must ensure equal treatment under the law for all citizens, regardless of religious doctrine.

#### **6. Preserving Marriage Equality Reflects Modern Legal and Social Progress**

Marriage equality is consistent with the evolving understanding of civil rights in the United States. Over the past decade, the majority of Americans have embraced marriage equality, recognizing it as a reflection of fairness, compassion, and justice. Reversing this progress would be a regressive step, out of alignment with societal values.

#### **Conclusion**

This resolution seeks to undermine the constitutional rights of same-sex couples and reverse progress toward equality. It disregards the principles of liberty, equality, and justice that form the foundation of our nation. I urge you to reject this resolution and stand in support of equal rights for all Americans.

Thank you, Jennifer Boub