

I strongly oppose HCR 3013, which urges the Supreme Court to overturn *Obergefell v. Hodges* (2015). This resolution is legally baseless, an inefficient use of legislative resources, and has no impact on Supreme Court decisions.

The Supreme Court's decision in *Obergefell v. Hodges* rests on the Fourteenth Amendment's Due Process and Equal Protection Clauses, which guarantee that same-sex couples have the same fundamental right to marry as opposite-sex couples. The decision followed established precedent, like *Loving v. Virginia* (1967), which struck laws prohibiting interracial marriage, and *Griswold v. Connecticut* (1965), which upheld a fundamental right to privacy in marriage and family life. The *Obergefell* decision maintained that marriage is a basic right that state laws cannot refuse based on sexual orientation.

This resolution misrepresents constitutional law by suggesting that *Obergefell* created a new right. The Supreme Court has long recognized that rights protected by the Due Process Clause evolve over time, a principle upheld in *Planned Parenthood v. Casey* (1992), which reaffirmed substantive due process protections. The idea that *Obergefell* was judicial overreach contradicts *Marbury v. Madison* (1803), which established the principle of judicial review, ensuring that unconstitutional state laws are struck down.

HCR 3013 is an impractical and purely symbolic resolution. The Supreme Court does not consider state legislative resolutions when determining constitutional law. **The Court has consistently ruled that constitutional rights are not subject to state-by-state political whims.** Furthermore, the Court has declined to revisit *Obergefell* in recent years, reinforcing the stability of this precedent.

Instead of revisiting Settled Doctrine, the North Dakota Legislature should focus on real issues affecting its residents, such as Education, Healthcare, and Economy. Wasting time on a resolution that will have no legal impact is a disservice to your constituents

HCR 3013 is legally unsound, ignores long-standing judicial precedent, and represents a misallocation of legislative time and resources. The Supreme Court has upheld marriage equality under the Constitution, and no symbolic resolution will alter that reality. I urge this committee to reject HCR 3013 and direct its efforts toward policies that genuinely benefit the people of North Dakota.

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