

Testimony in Opposition to HCR 3013
Christina Sambor, North Dakota Human Rights Coalition, Lobbyist No. 312
Senate Judiciary Committee
March 12, 2025

Chair Larson and Members of the Committee:

The North Dakota Human Rights Coalition opposes HCR 3013 and strongly urges this committee to recommend a do not pass. North Dakota should protect the rights of and extend acceptance and kindness to all its citizens. This resolution seeks to do the opposite. The ideas put forth in this resolution are extraordinarily harmful to many North Dakotans and Americans who deserve equal rights and respect.

The idea that same sex families are in any way less stable and beneficial to our State and Country than opposite-sex families has been disproven in courts, that is how the Obergefell opinion came about. Courts have the power to review legislation and determine whether it complies with our Constitution. North Dakota's Constitution contains **more** protections for individual liberty and the pursuit of happiness than the US Constitution. When laws impermissibly restrict fundamental rights, they are deemed unconstitutional. That is why the Supreme Court upheld the trial court's determination that excluding same sex couples from the ability to legally marry was unconstitutional. Including same sex couples in the group of Americans who can benefit from the legal recognition of their marriage is vitally important. Taking that inclusion away would threaten or take away many tangible benefits for no good reason, including tax benefits, rights to make end of life decisions, and rights to inherit property. Marriage is not solely a religious institution. It is an important legal and social institution that should be available to those who seek to enter into it.

Since this resolution passed the House of Representatives, North Dakotans have made their opposition clear. Only 36% of North Dakotans supported the House's passage of this resolution, according to the North Dakota News Cooperative's recent poll. In fact, several members of the House later publicly expressed their regret for voting in support of this resolution. Over 1,000 people signed on to a letter voicing their opposition to this resolution. I would venture to guess nearly everyone in this room knows and cares about a member of the LGBTQ+ community. This resolution sends an extraordinarily harmful message to those North Dakotans – that their elected officials want to take away recognition of their marriage without knowing anything about it other than that the spouses are of the same sex. Just because this is a resolution does not mean its message does not have a significant impact on the community it is aimed at. The outcry of North Dakotans has been significant, as has the profound rejection, hurt, and anger this resolution has already caused.

Furthermore, the previous testimony of the prime sponsor examines North Dakotans' right to marriage based on his understanding of biblical text and based on legal principles that are hundreds of years old. It is good for the members of the legislature to consider the dangers and flaws of relying on governing principles and documents drafted hundreds of years ago that were created without the perspectives of women, Native Americans, Black Americans or people who were prohibited from owning property.

This perspective – strict “originalism” - seeks to return us to rules and laws that written at a time when most people were excluded from representation in government. By that same logic, women should not have a right to vote, much less hold public office. Indigenous people, who lived here well before the “anglo-american” system of government were totally excluded from forming the United States Government. The North Dakota State Legislature, whose membership includes many women and people of color, should not ignore that the arguments advanced in the prime sponsor’s testimony, when taken to their logical exclusion, argue that people of a different gender or race or belief system do not deserve a voice in our government. That is not who we are, nor who we should seek to be. Please recommend a do not pass on HCR 3013.