

March 26, 2012

North Tribal State Relations Committee/Legislative Management
600 E. Boulevard Ave.
1st Floor Judicial Wing, Rm. 117
Bismarck, North Dakota 58505

Re: Statement and Information for Tribal Membership on Measure 3, Religious Liberty Restoration Amendment

To the Members of the Committee and Persons in Attendance:

Please accept my apologies for not presenting the following in person. I intended to address the Committee in person, but rather than permit the opportunity to pass, I submit the following for your review and distribution.

I am concerned that the Native population in North Dakota may not be fully aware of the Religious Liberty Restoration Amendment that will appear on the June 2012 ballot. It is my concern that our people be informed about the measure, the contents and that they have a full understanding of what they will be voting on. In that regard, I offer the following:

Title: Religious Liberty Restoration Amendment

On the North Dakota June 2012 ballot

Specific language and petition title: This initiated measure would add a new section to article I of the North Dakota Constitution preventing the government from burdening the sincere exercise of religious liberty by a person or religious organization, absent proof of a compelling governmental interest, and then only by use of the least restrictive means.

Full text of the measure: Government may not burden a person's or religious organization's religious liberty. The right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be burdened unless the government proves it has a compelling governmental interest in infringing the specific act or refusal to act and has used the least restrictive means to further that interest. A burden includes indirect burdens such as withholding benefits, assessing penalties, or an exclusion from programs or access to facilities.

Issue

The measure would put ill-defined language permanently into our state constitution, which is very difficult to reverse. The vagueness of the language in the amendment makes it confusing and too open to interpretation. This amendment would allow

individuals or groups to use religion to discriminate against people just because they don't have the same set of values and to break our laws in the name of religious freedom. Further, this amendment will lead to endless litigation, costing us money, and clogging our courts.

Examples

This could allow people to break our laws in the name of religious freedom, including laws on non-discrimination, domestic violence, and child abuse.

This law could allow an employer to fire an unmarried pregnant woman because of the employer's religious beliefs.

This could allow a man to try to marry multiple wives and even marry young girls as young as 10 or 11 in the name of their religious freedom

This may potentially lead to endless litigation costing us money and clogging our courts.

Finally, it is my intent to connect with tribal members of your Committee to be able to connect with their respective tribal programs and visit their respective forums, in an effort to participate in community meetings, public forums, etc. to ensure our people are aware of this measure. In that regard, I am using this opportunity for the full membership of your committee to share my contact information with their local groups or organizations that work with the Native community. Time is of the essence given the election is less than three months out.

I appreciate your time and consideration and look forward to attending your next Committee meeting. There are a number of opportunities to work with the tribes and I would appreciate the ability to address the forum to maximize the contact in an efficient manner.

Sincerely,

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Native American Coalition of Fargo-Moorhead
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National Tribal Judicial Center Adjunct Faculty - NJC Reno, NV
Criminal Justice Center for Innovation – FVTC Appleton, WI
Women’s Network of the Red River Valley Fargo/Moorhead
Minnesota Indian Women’s Sexual Assault Coalition Task Force
Defending Childhood Initiative: Center for Court Innovation, Brooklyn, NY
Consultant/Trainer – First Nations Women’s Alliance, Devils Lake, ND
Indian Education Parent Committee Chair, Fargo-West Fargo Public Schools
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