



## State's Attorney

January 6, 2020

Birch P. Burdick

Clerk of the Supreme Court  
Supreme Court of the United States  
1 First Street, NE  
Washington, D.C. 20543

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**Re: Barry C. Garcia v. State of North Dakota  
Docket No. 19-399**

Dear Clerk:

On behalf of the Respondent State of North Dakota, I respectfully request a small additional extension of time to respond to the Petition in the above-referenced matter. The current schedule for a response is January 15, 2020. I respectfully request an additional extension to January 31, 2020.

The reasons for this additional request are as follows:

- In the last few weeks my mother became ill, resulting in her death on December 26, 2019.
- I am the family member who lived nearby my mother. Her illness/death have led to significant involvements of time away from work. That has impacted my ability to respond to this matter and may continue to do so in the very short term.
- I have enclosed documentation of her passing with this letter.

I communicated with John Mills, lead counsel for Mr. Garcia, about this request for an extension. He has no objection.

Thank you for your consideration of this request.

Sincerely,

Birch P. Burdick  
Cass County State's Attorney

BPB/lr

Cc: John R. Mills (via email and US Mail)  
Namrata Kotwani (via email and US Mail)  
Samuel Gereszek (via email and US Mail)

<https://www.inforum.com/news/government-and-politics/4840453-Jocelyn-Burdick-North-Dakotas-first-female-U.S.-Senator-dies-at-97>

## Jocelyn Burdick, North Dakota's first female U.S. Senator, dies at 97

Written By: Ryan Stotts | Dec 27th 2019 - 4pm.



Jocelyn Burdick takes the oath of office Sept. 16, 1992, after being appointed to fill husband Quentin Burdick's seat in the U.S. Senate after he died. The others are, from left, Byron Dorgan, Kent Conrad, George Mitchell, Leslie Burdick and Robert Byrd. Photo Courtesy Elwyn B. Robinson Department of Special Collections, Chester Fritz Library University of North Dakota

FARGO — Jocelyn Burdick, the first woman from North Dakota to serve in the U.S. Senate — though she never ran for office — died Thursday, Dec. 26, in Fargo's Bethany on University. She was 97.

Her husband, Sen. Quentin Burdick, died in 1992 while in the office, and his wife filled his seat for a three-month term until a special election could be held for a replacement. While initially hopeful more women would fill the Senate chambers from North Dakota, only Democrat Heidi Heitkamp has been elected since 1992.

Birch Burdick, Cass County State's Attorney and Burdick's son, said his mother was a woman of deep faith with a good sense of her relationship with God. That faith guided her in life, he said, and gave her a sense of principle and comfort.

"She had the opportunity to do a great many great things in life," he said. "And she did."



Former U.S. Sen. Jocelyn Burdick died Thursday, Dec. 26, in Fargo. Public Domain / Special to The Forum

She had friends all over the world, he said, but she never moved farther than one block within Fargo.

While initially reluctant to fill her husband's Senate seat, Birch Burdick said his mother eventually changed her mind when she realized she had the opportunity to cast certain votes as her husband would've wanted, and out of a sense of obligation to his loyal staff.

Despite losing two husbands, a child and her parents over the years, he said, she managed to appreciate whatever life had to offer.

"She still managed to get up each day and embrace it with joy," he said.

## **'A strong presence'**

Burdick was born Feb. 6, 1922, in Fargo. She grew up in the city, attending Fargo Central, and then went on to Principia College in Elmhurst, Ill., and graduated from Northwestern University in 1943. She was a radio announcer in Moorhead.

When she married Quentin Burdick in 1960, she was a widow with two children. Burdick was a widower with four kids. They had a son, Gage, born in 1961.

She filled her late husband's Senate seat until December 1992, when Democrat Kent Conrad won a special election replacing her.

Conrad, who retired from the Senate in 2013, said she was a lovely person, describing her as intelligent, with a certain sparkle in her eyes.

"She would put people at ease in a heartbeat," Conrad said, "because she was so warm."

She was respected on both sides of the political aisle, he said, because she was deeply principled.

"She wanted to do the right thing," Conrad said. "She was careful to listen to people, to how they were thinking and feeling, and how they wanted to be represented."

It's all too rare, he said, to encounter someone in public life as authentic.

"She is someone who will be missed," Conrad said.

Ed Schafer, a former Republican governor of North Dakota, said Burdick was "steeped in the political structure of North Dakota," and he admired the choices she made to always keep her family together.

"She was a strong presence in the family," Schafer said.

Burdick was also wonderful, cheery and always friendly, he said, even though they were from different political parties. It was clear, Schafer said, that Burdick was working for the common good of North Dakotans.

## 'A wonderful person'

The Burdick name was already a fixture in the North Dakota Democratic-NPL Party, but it was Jocelyn who made it history when she was appointed the state's first female U.S. senator in 1992.

While Burdick witnessed many personal and political triumphs, she was no stranger to tragedy. Her first husband, Kenneth Peterson, died of a heart attack in 1958 at 41 years old. Her 16-year-old son, Gage, died in 1978 after receiving a shock from an electric belt sander.

Burdick, a devoted Christian Scientist, spoke publicly about her faith, and how it helped her cope with Gage's death, as late as 1988. She came to the realization, she said, that her son's spirit is "going right on and he's fine. God is taking care of him."

For a woman who often refused to do interviews, and was unwilling to sacrifice her family's privacy for her husband's public life — sending her husband to Washington alone so she could remain in Fargo with their family — Burdick was often thrust into the spotlight. She addressed that issue in a 1993 "long, comfortable chat" with The Forum.

"I've always had the courage of my convictions," Burdick said. "From the time I was a young woman, I've taken positions I thought were right. And I stuck with them."

The Burdicks were not free from political mudslinging. When he ran for the U.S. Senate in 1988, some members of Quentin Burdick's own party called for him to retire. There were concerns about his health. After the election, which he won with more than 171,000 votes, the senator suffered a seizure.

"I'll never forget," Burdick said in 1993. "I called 911, and then they played my voice on the radio."

During Quentin's long political career, Jocelyn's civic and political work did not go unnoticed. She was part of the official U.S. delegation that visited Russia in 1978, served as trustee to the newly reorganized Lake Agassiz Arts Council in 1977 and recorded public service announcements against drug abuse and drunk driving in 1989. In 1992, Burdick received a plaque for service and dedication to Democratic Women Plus, a group of Fargo-West Fargo area Democrats, a group she helped found a decade before.

Daughter Leslie Burdick said she thinks her mother was a strong role model, and not only to her.

"There are a lot of women in North Dakota who know her," Burdick said, adding her mother was happy and healthy into her 90s.

A Republican before she married Burdick, Jocelyn said in 1970 that any change in her political thinking was her decision, not her husband's. Although she stepped in for him from time to time

when a delay in Washington caused him to miss giving a speech, she made no attempt to interpret his policies or stands.

"That is for him to say," she said.

That changed on Sept. 16, 1992, when Burdick was sworn in, inheriting her late husband's Senate staff of 25 and a parcel of federal projects earmarked for the state by him.

Those projects included the Federal Facilities Compliance Act, with provisions Burdick included to help small towns comply with environmental regulations; the Quentin N. Burdick Indian Health Program at the University of North Dakota, a Department of Health and Human Services-funded program established to coordinate the Native American health training program at UND; the 1992 military construction bill, which contained \$19.2 million for projects in North Dakota; overrides of President George H. W. Bush's vetoes of two bills mandating family leave and overturning the so-called "gag rule" on abortion counseling at federally funded clinics; and getting final approval of \$46 million for the federal courthouse in Fargo named after her late husband.

Before leaving office, she also added her name to several pieces of legislation on pay equality and women's health. Although she continued to speak at various events, after leaving the Senate, Burdick returned to Fargo and retired from politics.

In 1994, Burdick stressed how important it was to be tactful in politics; to always keep your word; to put partnership over party.

"I know one time there were a couple of senators who fussed over punctuation and all these things that really didn't influence a thing," she said. "My husband used to say they couldn't get a bill passed if they tried. Nobody would support them because they just drove everybody else crazy."