



Kansas House Judiciary Committee

Testimony in Opposition to HB 2323 - AN ACT concerning the Kansas act against discrimination; relating to sexual orientation and gender identity

January 14, 2016

Presented by: Michelle Schroeder

Mr. Chairman and members of the committee, thank you for the opportunity to provide testimony in opposition to HB 2323.

Before I begin, it is important to make clear that neither I, nor any opponent of the legislation being considered today, condone unjust discrimination or mistreatment of any individual or group. The Faith, Family and Freedom Alliance of Kansas, however, does oppose adding “sexual orientation” and “gender identity” (SOGI) to the anti-discrimination statute because of the negative impact such a change will have on other entire classes of Kansas residents.

First, HB 2323 directly threatens the First Amendment rights of Kansans by restricting their ability to affirm and exercise their deeply held religious beliefs and live out those beliefs as guaranteed by both the United States and Kansas Constitutions. SOGI laws and ordinances passed in other states and by local units of government are already being used to penalize and persecute people of faith who simply desire to live out their deeply held religious beliefs, which preclude them from participating in, celebrating, or sanctioning behaviors which violate the tenets of their faith.

The well-known examples of Sweet Cakes Bakery in Oregon, where the owners were fined \$135,000 for violating that state’s SOGI law, Hands On Originals, the custom T-shirt printer in Kentucky, and Christian wedding chapel owners Richard and Betty Odgaard in Iowa are just a few of the most publicized cases where people of faith have faced government persecution, loss of their businesses, and financial ruin at the hands of policymakers who passed laws and ordinances exactly like the one before this committee today.

Second, SOGI laws are also being used to force acceptance of dangerous bathroom and locker room policies, as is the case currently in the state of Washington where the state’s Human Rights Commission has instituted a statewide policy that applies to private businesses and public entities alike. All private businesses and public buildings are now required to allow transgendered men access to women’s bathrooms and locker rooms, an

affront, and violation of the rights of the women who must also use those facilities. In New York City, SOGI statutes are being used to threaten private businesses with fines of up to \$250,000 for, “intentionally failing to use an individual’s preferred name, pronoun, or title” or “refusing to allow individuals to use single-sex facilities, such as bathrooms or locker rooms, and participate in single-sex programs consistent with their gender identity.” These policies completely disregard women’s rights to privacy, trample on our First Amendment rights, and fly in the face of common sense. The rights of thousands of women are being suppressed, and indeed violated, in order to elevate the so-called right of self-identified transgendered men to invade and be present in facilities where nudity or partial nudity is a regular occurrence. To whom will women appeal when such policies result in a rape, sexual assault or exposure to an indecent act?

167 years ago, the French philosopher, Frédéric Bastiat, wrote eloquently about government’s inability to grant benefits to one individual without taking from another, or to grant privilege to one without creating burden for another. He wrote, “...It is proved that Government cannot satisfy one party without adding to the labor of the others...It is radically impossible for government to confer a particular benefit upon any one of the individualities which constitute the community, without inflicting a greater injury upon the community as a whole.” Nowhere are we seeing this principle play out more clearly than in the case of policymakers passing and implementing SOGI laws. Regardless of the intentions of their authors, SOGI laws and ordinances end up creating harm to other classes of individuals, be they people of faith being forced to choose between their beliefs and their livelihood, or women who simply want to go about their lives with a level of privacy, decency and safety.

For these reasons, Mr. Chairman, the Faith, Family and Freedom Alliance of Kansas strongly opposes HB 2323 and urges the committee to do the same.

Thank you for the opportunity to speak to the committee today, and I am happy to stand for questions.