



AMERICAN ATHEISTS

February 12, 2019

The Honorable Rep. Chris Kennedy
Chairperson House State, Veterans, & Military Affairs Committee
200 E Colfax Avenue, Room 307
Denver, CO 80203

Re: OPPOSITION for HB 1140, Testimony from American Atheists in opposition to the so-called "Live and Let Live Act"

Dear Chairperson Kennedy and Members of the House State, Veterans, & Military Affairs Committee:

American Atheists, on behalf of its more than 1,000 constituents in Colorado, writes in opposition to HB 1140, a controversial bill which would, under the pretext of religious freedom, create special exceptions to a range of neutral laws to privilege religious organizations and beliefs at the expense of all Coloradans. HB 1140 would allow individuals and organizations to evade Colorado's nondiscrimination laws and engage in invidious discrimination against LGBTQ people, atheists, religious minorities, and others, in some cases with the use of taxpayer funds. We urge you to vote against this harmful and unnecessary bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. Religious liberty is guaranteed by the First Amendment to protect individual beliefs; it does not create special rights for religious individuals and organizations to violate neutral laws or discriminate against groups they disfavor.

HB 1140 is unnecessary. Religious liberty is already guaranteed by the US Constitution and by Colorado's constitution.¹ Moreover, Colorado's nondiscrimination laws and other

¹ "Section 4. Religious freedom. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness or justify practices inconsistent with the good order, peace or safety of the state. No person shall be required to attend or support any ministry or place of worship, religious sect or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship." Colorado Constitution, Art. II, Sec. 4.

relevant statutes already make very broad accommodations for religious organizations: allowing them to prefer members of their own religion in hiring,² receive exemption from employment discrimination claims unless they receive public funds,³ and exclude places of worship from nondiscrimination laws applying to public accommodations.⁴

Although the legislative declaration of this bill lays out a list of supposed infringements of religious freedom, there is no conflict between religious liberty as properly understood and nondiscrimination laws or same-sex marriage. Instead, the authors of this bill seek to privilege a particular set of religious beliefs, allowing those who hold such beliefs to freely engage in discrimination against whole categories of people they disfavor.

For example, the bill claims that “adoption and foster care agencies in Massachusetts, Illinois, and the District of Columbia were forced to close because of their sincerely held beliefs about marriage.”⁵ But this is blatantly false – these agencies were not forced to close, they were just not allowed to carry on their activities with government funding. Religious liberty does not mean that you get to take taxpayer money and use it to discriminate against same-sex couples.

HB 1140 is clearly intended to create a special right for various business owners to deny services to groups they disfavor based upon specifically protected religious beliefs. It condones widespread discrimination against LGBTQ people by eviscerating Colorado’s nondiscrimination laws. While the sweeping, poorly drafted language of this bill would have striking unintended consequences, it is clear that HB 1140 would:

- Allow state-funded foster care and adopting agencies to discriminate against would-be parents and foster youth on the basis of their religion.
- Allow religious organizations, including hospitals, schools, nonprofits, and businesses, to discriminate against or discipline employees based on their religious beliefs.
- Allow foster parents to subject foster children to religious indoctrination and abusive practices like conversion therapy without repercussion.
- Allow people and businesses to deny LGBTQ people a sweeping array of services and products that might conceivably be used for same-sex marriages or gender transition.
- Allow people and businesses to discriminate against trans people in employment, dress, public accommodations, and sex-segregated facilities.
- Allow for workplace harassment against LGBTQ people on the basis of religion.
- Allow government officials to refuse to provide marriage licenses to LGBTQ people based on their religious beliefs.

² C.R.S. § 24-34-402(6).

³ C.R.S. § 24-34-402(7).

⁴ C.R.S. § 24-34-601(1).

⁵ CO HB 1140 Sec. 1 (2019).

- Allow professionals who require a state license, such as social workers, teachers, lawyers, and counselors, to violate their code of ethics and their professional rules based on their religion and still receive state licenses.

We urge you to vote against this unnecessary and harmful bill. The law cannot allow religious beliefs to justify invidious discrimination. If you should have any questions regarding American Atheists' opposition to HB 1140, please contact me at 908.276.7300 x9 or by email at agill@atheists.org.

Sincerely,



Alison Gill, Esq.
Vice President, Legal and Policy
American Atheists

cc: All members of the Colorado House State, Veterans, & Military Affairs Committee.