



Testimony of Mr. Jason Adkins, Esq.¹
Minnesota House of Representatives
Judiciary Finance and Civil Law Committee
H.F. 1655 (Finke)
March 7, 2023

Chair Becker-Finn and Members of the Committee:

The Minnesota Catholic Conference is the public policy voice of the Catholic Church in Minnesota. We write to oppose H.F. 1566 (Finke), repealing important exemptions in the Minnesota Human Rights Act (HRA). These changes would start to turn the HRA, which is meant to function as a shield against unjust discrimination, into a sword against homeowners, as well as against people and organizations who wish to provide mission-based youth activities. The bill undercuts the pluralism that guided the enactment of this law.

We did not oppose the addition of sexual orientation as a protected class when it passed in 1993. The goal of the legislation at that time was to protect a small minority of the community who struggled with same-sex attraction (and gender discordance), and to provide them with a shield against discrimination in the basics of life, particularly in housing and employment.²

The language was able to pass because there were sufficient accommodations for people and organizations, particularly religious organizations, who, in good conscience, held traditional views about sex and sexual identity.³ In other words, a shield was created for certain individuals and organizations to be protected from the HRA being weaponized by those who identified as LGBT or by associated activist groups.

The law's original intent shielded people from charges of discrimination in the rental of a dwelling unit within the same structure in which they resided. But today's proposed legislation removes the protection of choice when it comes to who is living under one's own roof. This puts families and resident owners desiring to share a living space with others who follow their moral conscience at risk.

Similarly, nonpublic organizations serving youth were shielded in employment matters. They have and deserve the right to hire an employee who fits within their mission and values, and who

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² See *Thorson v. Billy Graham Evangelistic Assoc.*, Minn. Ct. App., Oct. 19, 2004, wherein the Minnesota Court of Appeals denied a claim of employment discrimination on the ground that certain types of employers were explicitly provided protections in the Human Rights Act to hire consistent with their mission and values, which aided in the law's passage and protected pluralism. Available at <https://mn.gov/law-library-stat/archive/ctappub/0410/opa040404-1019.htm>

³ Justice Anthony Kennedy's majority opinion in *Obergefell v. Hodges*, 576 U.S. 674 (2016) (mandating that states allow same-sex marriages), noted that opposition to same-sex marriage, "long has been held—and continues to be held—in good faith by reasonable and sincere people here and throughout the world."

is the best fit for the youth in their program. Removing this allowance could bring forth dangers to our youth who are still growing, developing, and learning who they are, especially as some LGBT activists proactively seek to undermine parental authority and engage in the sexualization and legal emancipation of youth.⁴

Furthermore, being dogmatic about certain nondiscrimination principles will end up harming the young people that many organizations serve if they can no longer do so consistent with their mission.

Some argue that the world has changed and that the existing language “rankles.”⁵ But the reality is that the current legislation attempts to accommodate two sets of competing interests and viewpoints and has done so rather successfully over the past 30 years. There are very few Minnesota appellate decisions at the nexus of these issues.

To change the Minnesota Human Rights Act now because politically empowered activists feel the need to coerce others into living in accord with their worldview is neither popular,⁶ nor a productive way to manage ideological differences about issues over which the population is evenly divided. There is a high price to be paid for mandated ideological conformity on matters of sexual orientation and gender identity, especially when it comes to our youth.

Please vote no on this proposal. Thank you for your consideration.

⁴ See, e.g., Education Minnesota Action Alert (opposing legislation protecting parental authority over a child’s education, and which they claim would require schools to not withhold information regarding a child’s intent to undergo gender transition), available at <https://secure.ngpvan.com/F8NXb2jByUGIQY5HoUw1Cw2> (accessed March 1, 2022), see also Nia Tipon, “California High School Installs ‘Transition Closet’ To Help Students Hide Their Gender Expression From Their Parents,” *msn.com*, available at <https://www.msn.com/en-us/news/us/california-high-school-installs-transition-closet-to-help-students-hide-their-gender-expression-from-their-parents/ar-AAUdJRE>

⁵ Jess Braverman and Christie Hall, “The Groundbreaking Minnesota Human Rights Act in Need of Renovation,” *Hennepin Lawyer*, available at <https://www.mnbar.org/hennepin-county-bar-association/resources/hennepin-lawyer/articles/2020/03/04/the-groundbreaking-minnesota-human-rights-act-in-need-of-renovation>.

⁶ Becket Fund for Religious Liberty, 2019 Religious Freedom Index (noting that 70 percent of respondents believed support the freedom of religious organizations to make leadership and hiring decisions without government interference, and that 74 percent of respondents said individuals and groups should not face discrimination, fines, or penalties from the government for beliefs that marriage is a union between a man and a woman), available at https://s3.amazonaws.com/becketnewsite/RFI_summary.pdf