

Jasmine Taylor
090828

Dear commission:

I am writing at the 11th hour because I fully intended to be present at the meeting this evening to express my support for the Non-discrimination ordinance. However, a previous conflict prevents me from attending.

I have reviewed the City Attorney's memo regarding the proposed ordinance and do not find it persuasive. I urge you to listen to all of the community members who are vocal in their opposition to this Ordinance: that is why this ordinance IS needed. As an attorney myself, I do not agree with the City Attorney's assessment that *Bostock* fully resolves the issue and gives LBGTQ persons absolute protection against discriminatory practices. The holding in that case was recent, and very specific to the facts at hand. Again, the City Attorney even noted the Court left the issue open for different factual scenarios in the future. Therefore, the argument that because there are State and Federal laws allegedly on point, thus making a City Ordinance superfluous, is not persuasive to me.

The City enacted a cell phone ordinance years ago, even though there was already offenses in the Montana Code which criminalized driving recklessly or carelessly. Furthermore, by way of example, existing city ordinance 8.12.020 formally adopted the State rule with respect to Food Service Establishments. Why, then, can't the City "Formally Adopt" Governor Bullock's Executive Order as it applies to the citizens of Great Falls? Why can't the commission "Formally Adopt" the Helena non-discrimination ordinance? They're choosing not to.

Neither is it persuasive to me to argue that the Courts will face backlog or can not handle the workload. We, as a community, should not overlook injustices simply because it is inconvenient to recognize that discrimination exists. Those voicing opposition this evening are proof positive that the NDO is needed. I would also like to point out that the City Attorney identified only ONE legal challenge-unsuccessful at that-to a similar ordinance in another Montana Community. This will not create an undue burden on Great Falls' Municipal Court.

Discrimination against LBGTQ people exists. That is the reason for the body of case law cited in the City's memorandum. Great Falls should follow the leads of other cities in this State and enact this non-discrimination ordinance. By failing to do so, or passing the buck to State and Federal Courts that have NOT enacted legislation which mirrors the proposed ordinance, this Commission tacitly supports that discrimination.

-Meghan



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September 8, 2020

Mayor Kelly and members of the commission, my name is David Saenz and I live in Great Falls. Thank you for allowing me to speak.

As a citizen I'm concerned that if this proposed NDO is enacted, our City will possibly be inundated with legal complaints that our City is unable to support. It is not in the City Commissions' jurisdiction to determine Federal or State legislative issues that have already been enacted to protect the LGBTQ community.

Furthermore, the Supreme Court's decision in 2015 of Obergefell vs. Hodges said that: "The 1st Amendment ensures the religious organization and persons are given proper protection as they seek to teach the principles that are so central to their lives and faiths, and to their own deep aspirations to continue the family structure they have long revered."

As a registered voter, as a small-business owner; and pastor in this city, if this proposed NDO is passed, I or another pastor, may be forced to perform an act that violates our religious conscience. That is a sacred right wrapped into the foundation of our liberty that I am not willing to sacrifice.

In my research to local authorities, there are no known criminal violations in Great Falls or Cascade County. This proposed ordinance is a solution in search of a problem.

Since the Supreme Court has already affirmed the rights of the LGBTQ community; we want to seek, protect and maintain the rights of the religious community as well, including our freedom of religion, freedom of conscience and freedom of expression. We must also include religious schools having the right to determine their own employment policies.

As an alternative, I ask that this City Commission issue a proclamation stating that we welcome all kinds of people and treat all people with kindness and respect.

Therefore, I urge you to vote NO on passing an NDO for our community.

September 8, 2020

RE: NDO from a nurse's perspective

Good evening, Mayor Kelly and city commissioners.

My name is Melissa McVeda. I was born in Great Falls and live in the Great Falls area. Thank you for your time.

I am a registered nurse. I am thankful that I was able to attend all of my college years here in Great Falls. The first 2 of those were under Ms. Moe's leadership, as Dean, which I appreciated (thank you, ma'am).

From a medical perspective, my concern with the NDO is that it does not allow the refusal of any public service based on gender, specifically including medical services, as you can see in Section 1-8-2, definition of "Public Accommodation" and Section 1-8-4.

Some in the LGBTQ community wish to undergo hormone therapies and surgeries, such as mastectomies. Obviously, these procedures have life-long impacts. For a variety of reasons, not only religious, but also ethical (i.e. for long-term harm to the body or a person's change of mind later in life), there are many medical professionals who would hesitate to refer for or participate in these procedures. Yet, the NDO would subject us to the threat of lawsuits for declining to participate in procedures that we know to be damaging or believe to be unethical.

I and many others would and have gladly cared for LGBTQ patients with excellence, kindness, and respect. It is our ethics that have led us to give that excellent care. Please don't try to make us go against those ethics, but respect our right to practice in accord with them.

About an issue of unkindness or disrespect: lasting change in people's attitudes will be internal, rather than forced. Might we encourage the citizens of this town to do things like this: strike up a conversation with your neighbor, regardless of who they are; give a hand when you see a need; or even offer a listening ear or a shoulder to cry on. These would be great steps toward building respect and unity.

Thank you.

September 8, 2020

RE: NDO from a business owner perspective

Mayor Kelly & Commissioners.

I am Christopher McVeda. I've lived in the Great Falls area most of my life and operate several small businesses here.

As we do not always foresee the effects of laws, I'd like to show how a law like this is being used in Colorado.

Jack Phillips owns Masterpiece Cake Shop. In 2012, Jack declined to create a cake for a same-sex commitment ceremony.

Please understand, Jack does not discriminate against people. He actually serves every person who comes into his shop. He just can't express every message. Jack explained that he would be happy to sell these customers any pre-made cake in his shop. But, he would not specifically create a cake that conveyed a message in conflict with his religious beliefs.

The couple filed a complaint anyway, and the state of Colorado punished Jack. For more than seven years, Jack has been pulled away from his work to fight legal battles for his freedom. He's had to lay-off employees, lost business, received hateful phone calls and letters, and been sent death threats.

The U.S. Supreme Court rebuked Colorado in a 7-2 decision, stating that the First Amendment "guarantee[s] that our laws be applied in a manner that is neutral towards religion". That decision made it clear that the government must respect and show tolerance for people of faith.

No American should be bullied for working consistently with their faith and conscience. Yet, this is one of the consequences that have come from ordinances like this. Please, seriously consider the impact this may have on the business owners in our town.

Mayor Kelly and City Commissioners.

My name is Craig Madsen from Great Falls.

Thank you for the opportunity to speak tonight.

My presentation is short.

I have a wife, a daughter, and an 8-year old granddaughter who live in Great Falls and use public facilities, pools and bathrooms here. Let me assure you I would not be comfortable with an ordinance that would allow a curious 13-year old boy, who happens to identify as a female that day, or a potential sexual predator, enter the women's shower room, or bathroom with my wife, daughter or granddaughter.

Please do not pass this ordinance.

Thank you.

NDO Speech

Mayor Kelly and Members of the City Commission thank you for the opportunity to speak tonight.

My name is Matt Antonich I was born in Great Falls and raised in this community.

My concern with this NDO is that it may have unintended consequences.

The public accommodation section is extremely broad and I'd like to give you two scenarios that it would allow.

Scenario one: A man who identifies as a woman, rapes a 16-year girl then demands to be housed in the women's section of the jail. It's not speculation, it already happened in Gallatin County Montana.

Scenario two: A man who identifies himself as a woman demands to be allowed to stay in the "women and families" section of the local rescue mission where many of the women are the victims of spousal abuse. Once again, it's not speculation. It's the subject of an ongoing lawsuit from Anchorage, Alaska.

There is a reason that hundreds of legal battles have resulted from ordinances similar to the one before you.

There is a reason that our Montana State Legislature has refused to pass a statewide NDO. Only 20 states have statewide NDO's. 30 do not. And with the exception of a watered-down version in Utah, no state has passed one of these in the past decade.

Please, remember our own City Attorney has given us 15 pages of why not to enact this NDO.

Please vote no on the NDO.

Thank you for your time and attention.

Mr. Mayor and Commissioners. Thank you for allowing me to address you. My name is Mandy Shepherd and I am a resident of Great Falls.

I would like to address the issue of the proposed NDO as it relates to our city's growth. Those who support enacting the proposed NDO here in Great Falls have said, "If the city intends to draw more talented young people, it needs a nondiscrimination ordinance."

As the Billings Mayor Bill Cole said, "It is clear that the purpose of the proposed NDO is as much about promoting a city brand, reputation, and a general feeling of acceptance as it is about preventing actual prejudice."

There are many cities that have enjoyed substantial growth rates without an NDO, including our own Kalispell, Montana, Nampa, Idaho and Bismarck, North Dakota.

As a matter of interest, Bozeman has a 7% growth-rate and *has* an NDO and Kalispell has a

9% growth-rate but has *no* NDO. There is simply no correlation between an NDO and city growth.

The Top Ten states for business, business climate, and growth, predominately do not have statewide NDO's. On the other hand, proponents of NDOs claim they are good for business, but the facts say otherwise. Numerous studies suggest that states without these classifications actually have greater economic growth, while many states that have added these classifications to their laws have weaker economies and lower job growth. I will pass out a chart showing this information.

The truth is, that most people here in Great Falls want us to be a warm and welcoming community. Maybe the question we need to ask is: how can we work together as a community to be more welcoming?



Sexual Orientation and Gender Identity Laws:

UNNECESSARY FOR ECONOMIC GROWTH

Proponents of adding sexual orientation and gender identity (SOGI) to state nondiscrimination laws claim they are good for business, but the facts say otherwise. Numerous studies suggest that states without these classifications actually have **greater economic growth**, while many states that have added these classifications to their laws have **weaker economies and lower job growth**. While this does not mean that states with these types of laws always experience low economic growth, it does indicate that these classifications aren't essential to economic growth. Notably, the majority of states and the federal government do not include sexual orientation and gender identity in employment, housing, or public accommodation nondiscrimination laws.¹

Best States for Business and Economic Outlook

RANKED HIGHEST TO LOWEST >	AREA DEVELOPMENT	Chief Executive	ALEC <small>American Legislative Exchange Council</small>	W <small>WalletHub</small>	SITE SELECTION
	Top Ten States for Business ²	Top Ten States for Business ³	States with Best Economic Outlooks ⁴	Top Ten States for Job Growth ⁵	Top Ten States for Business Climate ⁶
	10 out of 10	9 out of 10	8 out of 10	7 out of 10	10 out of 10
Do NOT have SOGI Laws					
1	Georgia	Texas	Utah ⁷	Texas	Georgia
2	Texas	Florida	Idaho	Utah	N. Carolina
3	Alabama	Tennessee	N. Dakota	Georgia	Ohio
4	Tennessee	N. Carolina	Nevada	N. Dakota	Texas
5	S. Carolina	Indiana	Indiana	Oklahoma	S. Carolina
6	N. Carolina	Nevada	N. Carolina	Florida	Virginia
7	Louisiana	Arizona	Tennessee	Arizona	Tennessee
8	Mississippi	S. Carolina	Florida	California	Indiana
9	Indiana	Ohio	S. Dakota	Montana	Alabama
10	Florida	Georgia	Arizona	Colorado	Louisiana

State does not have Nondiscrimination Laws that include Sexual Orientation and/or Gender Identity

State does have Nondiscrimination Laws that include Sexual Orientation and/or Gender Identity



Worst States for Business and Economic Outlook



State does not have Nondiscrimination Laws that include Sexual Orientation and/or Gender Identity

State does have Nondiscrimination Laws that include Sexual Orientation and/or Gender Identity

¹ Currently, 28 states and the federal government do not include sexual orientation or gender identity in their employment nondiscrimination laws, while 29 states and the federal government do not include these classifications in their public accommodation nondiscrimination laws.

² Geraldine Gambale and Steve Kaelble, "2018 Top States for Doing Business," Area Development.com, 3rd Quarter 2018, available at <https://www.areadevelopment.com/Top-States-for-Doing-Business/Q3-2018/overall-results-georgia-ranked-top-state-by-site-selection-consultants.shtml>

³ 2019 Best & Worst States for Business, Chief Executive.net, available at <https://chiefexecutive.net/2019-best-worst-for-states-business/>

⁴ "Rich States, Poor States," 12th Ed, American Legislative Exchange Council, available at <http://www.richstatespoorstates.org/all-states/>.

⁵ Adam McCann, "Best & Worst States to Start a Business," WalletHub.com, Jul 8, 2019, available at <https://wallethub.com/edu/best-states-to-start-a-business/36934/>

⁶ Mark Arend, "2019 Business Climate Rankings," SiteSelection Magazine, November 2019, available at <https://siteselection.com/issues/2019/nov/business-climate-rankings-seven-straight-georgia-sets-a-record.cfm>

⁷ Utah added sexual orientation and gender identity to portions of its nondiscrimination laws in 2015. However, public accommodations are exempted from Utah's nondiscrimination laws.

⁸ 2019 Best & Worst States for Business, Chief Executive.net, available at <https://chiefexecutive.net/2019-best-worst-for-states-business/>

⁹ "Rich States, Poor States," 12th Ed, American Legislative Exchange Council, available at <http://www.richstatespoorstates.org/all-states/>.

¹⁰ Adam McCann, "Best & Worst States to Start a Business," WalletHub.com, Jul 8, 2019, available at <https://wallethub.com/edu/best-states-to-start-a-business/36934/>

Mayor Kelly and City Commissioners

My name is Linda Madsen from Great Falls.

Thank you for allowing me to speak tonight.

A federal judge said the city of Louisville cannot enforce its Fairness Ordinance against a local business owner who does not want to photograph same-sex weddings.

Chelsey Nelson a photographer filed a lawsuit in November 2019, stating the city's anti-discrimination law, designed to prevent discrimination based on sexual orientation, violated her constitutional rights, including freedom of religion and speech.

In a ruling Judge Justin Walker, of the US District Court for the Western District of Kentucky, agreed with Nelson.

"Louisville cannot enforce the Fairness Ordinance against Nelson without unconstitutionally "abridging her freedom of speech," he wrote.

He said "Just as gay and lesbian Americans cannot be treated as social outcasts or as inferior in dignity and worth," neither can Americans "with a deep faith that requires them to do things which legislative majorities might find unseemly or uncouth," the judge wrote. "Under our Constitution, the government can't force them to march for, or salute in favor of, or create and artistic expression that celebrates a marriage that their conscience doesn't condone.

America is wide enough for those who applaud same-sex marriage and those who refuse to," the judge wrote. "The constitution does not require a choice between gay rights and freedom of speech. It demands both."

Please consider this ruling and vote no on the NDO. Thank you.

Mayor Kelly and members of the City Commission, thank you for your time.

This proposed Non-Discrimination Ordinance states what State and Federal law already prohibits - the denial of civil rights or discrimination based on age through sexual identity. Knowing these laws **protect ALL citizens** makes this Ordinance unnecessary.

Most churches would fall into the category of public accommodation. However, this Ordinance may cause a church's pastoral leadership, who refuse to perform a service (like a wedding), based on their religious beliefs or teaching, to be subject to possible fines, lawsuits, or even arrest. **So, there is a great possibility that this Ordinance will, in effect, give the LGBTQ community rights that will override the rights of others. Our common goal should be to protect and promote fairness, kindness and respect for ALL people in our city, including but not limited to the LGBTQ community only.**

I want to repeat 2 of the 5 important questions I asked each of you to consider in July.

1. Does the Ordinance give the City of Great Falls the right to trample the Constitutional rights of others who do not agree?
2. How can we respectfully work together as a welcoming community without weaponizing this Ordinance to punish those who do not agree with us?

By adopting this Ordinance, instead of being a welcoming community, we would instead be opening a door to great division and harm in our city.

Thank you,

A handwritten signature in blue ink that reads "Jo Shepherd". The signature is written in a cursive, flowing style.

Respected City Mayor Kelly, Commissioners Houck, Moe, Robinson, Rick Tryon

XAVIER V. Mercado Sr.

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Proposed Non Discrimination Order

18th September 2020

OVERVIEW

Thank you for taking the time, For the past 8 years I have been a landlord here in Great Falls I understand discrimination is against the law. I am presently a board member with the Income Property Management Association. We have no reported problems regarding housing discrimination, As a landlord we do not discriminate we welcome all race, color, creed, religion, sex, national origin, family status age or handicap.

1. I have found Great Falls to be a very welcoming community.
2. I have never heard of any discrimination or talk of prejudice against LGBTQ community.

Closing:

City Mayor Kelly and Commissioners Houck, Moe, Robinson, Rick Tryon please vote no on NDO!

Mayor Kelly and memers of the commission. My name is Brian Jackson and I am a resident of Great Falls. Thank you all for the chance to speak today.

A document that prescribes how a person or organization must view an individual before they have even had a chance to meet seems at best odd and unnecessary. At worst, it seems poised to for litiagtion aimed at trampling on diversity and rights of persons and organizations who identify as not part of the LGBTQ community.

I do not believe this NDO would enhance free society in Great Falls, and I do not support it.

Thank you.

September 8, 2020

Mayor Kelly and the Great Falls City Commission,

My name is Gary Hart; I'm the lead pastor at Victory Church and an Executive Board member of the Great Falls Pastor's Prayer Network. I am also a 36 year resident of Great Falls. As a representative of the GFPPN, I am here tonight to express our concern over the proposed Non-Discrimination Ordinance under consideration for the city of Great Falls and particularly its impact on the faith community of our city. The Great Falls Pastor's Prayer Network represents 30+ evangelical pastors and their congregations and 4 faith-based organizations.

First, let it be known that we are against discrimination, we are for all people; we are for hiring the right person for the position, leasing without prejudice and accommodating people of various beliefs and lifestyles. However, with that being said, pastors and faith-based community leaders ask the city commission to respect, accommodate and acknowledge the religious rights and liberties of our faith-based community, whether they are businesses, organizations, or churches. Our stance for not accommodating certain individuals is not based on who they are but rather upon the possible violation of our own faith-based beliefs and hiring practices.

This NDO is totally unnecessary as the LGBTQ segment of our community already has legal protection under the law considering the recent Supreme Courts ruling in the Bostock vs. Clayton case. Our own city attorney has previously determined that this legislation is unnecessary, as well.

Adoption of this NDO could potentially open faith-based organizations to equal discrimination and open the door to needless legal battles that could occur in the future.

We would kindly ask the commission, considering all these facts, to vote no on this NDO legislation. Thank you.

Respectfully Submitted,

Gary Hart
Lead Pastor
Victory Church

I am Barbara Going and I live in Great Falls.

I wish to speak regarding the very real threat an NDO poses to religious freedom.

I refer to the 2006 case of Elaine Huguenin Photography. Elaine was asked to photograph a "commitment ceremony" between a same sex couple. Elaine declined to communicate a message at odds with her religious beliefs. The prospective client sued, the case made its way to the New Mexico Supreme Court. Concurring with the court's judgment against Elaine, Justice-Bosson, wrote in part:

and I quote "All of which, I assume, is little comfort to the Huguenins, who now are compelled by law (an NDO) to compromise the very religious beliefs that inspire their lives. Though the rule of law requires it, the result is sobering. The Huguenins are to believe, as they wish...in their personal lives...in the world of the marketplace...the Huguenins have to channel their conduct not their beliefs, so as to leave space for other Americans who believe something different." *end quote*

Those of us whose religious beliefs inspire our lives find these words chilling on three counts:

1. The state's requirement of a citizen to compromise his religious beliefs represents a breach of the constitutional right to religious freedom. It also creates precedence for further erosion of such freedoms.
2. The state's limiting of the citizen's religious freedom to "their personal lives" creates a very narrow corridor in which he may exercise his religious freedom. The distinction between personal and public life has not been and is not easily defined.
3. The state's arbitrary distinction between conduct and beliefs is not supported by rational thought. Our beliefs inform our actions.

Therefore, I encourage the commission to consider the unintended consequences of the NDO and instead, as a means of resolving this problem, issue a clear, bold declaration that the leadership of the city and its citizens deplore bullying of any kind and welcome diversity.

Mayor Kelly and Commission members: Thank you for allowing me to talk. My name is Rose Waldenberg. I live in Great Falls.

I am thankful for our country that allows us to be part of this process.

I was asked by one commissioner if our opposition to the NDO was about refusing services to the LGBTQ community and I emphatically answered, "Not at all!" Many of us already do serve the LGBTQ community -with joy! And we will always do that. They are our neighbors, our clients, our families, our friends. But there may be a situation where we are asked to go against our deeply held convictions. That is a line that we could not, in good conscience, cross.

I would like you to imagine that someone from the LGBTQ community has a t-shirt shop and I come into that shop and ask to have a shirt designed with a message that goes against their deeply held convictions. Should that shop owner be forced to design it?

As it stands, if the shop owner didn't want to design a shirt like that, I might have my feelings hurt and be inconvenienced, but we could both still be free. I could be free to go to another shop to have my shirt designed and the owners could be free to follow their beliefs and convictions. Both the owner's and the customer's autonomy is respected.

However, if this NDO passes, that scenario changes. Many Christian shop owners, presented with the same situation of expressing a message contrary to their beliefs, would not be free to follow their convictions. The customer would remain free, but the shop owner would not. The NDO would actually remove freedom from one person.

I do not believe that the commissioners wish to remove freedoms from citizens of our town. There must be another way to ensure liberty and justice for all in our city. Please say no to the proposed NDO.

Thank you for your time, Mayor Kelly and members of the City Commission.

I am Bonnie Antonich. I have lived in the Great Falls area many years.

The proposed NDO now under consideration by the City Commission has brought about considerable response on both sides of the issue. One facet that I am concerned about is the unintended consequence of the fracturing of the city and even the nation. As the number of groups demanding personalized rights grows, our nation becomes more divided, less of the “melting pot” it started out as, more focused on the rights of “my” group, and a more contentious place in which to live, not a more peaceful, congenial, place.

It seems to me that the interests of the LGBTQ+ community are already met by existing laws that preclude discrimination on the basis of race, creed, or sex. We do not have anti-discrimination laws for smaller groups of race, such as African, Asian, or Aboriginal. We do not have anti-discrimination laws for smaller groups of creed, such as Catholic, Muslim, or Hindu. The issue of discrimination against various “genders” should be taken up under existing laws that already protect the broader category of sex.

If we continue to write laws for protection of every smaller group in every category, how fractured, how contentious will our nation become? A Great Falls NDO will not make us a more peaceful, congenial, city but rather a more divided, a more contentious, city.

Please vote no on the NDO.