

Lisa C. Kunz

From: Activated Life Chiropractic and Wellness ALCW <alcw.drstilson@gmail.com>
Sent: Tuesday, September 8, 2020 9:09 AM
To: commission
Subject: NDO

To whom it may concern,

It has been brought to my attention that the commission is considering the Non-Discrimination ordinance for Great Falls. As a chiropractor I encourage love and non-judgment to all people. It is right to not discriminate against anyone because this is after all a free country. However, I think you really need to consider the consequences of the non-discrimination act. The ordinance, according to my knowledge, will be able to provide the ability for any gender to utilize any restroom. This seems like a good idea until you look at the future generation of children. As you know sex trafficking is a huge issue in Montana and this opens the door to potential threats to children's safety when it comes to the use of public restrooms.

I am asking the commission to vote no on the ordinance.

All the best,

--

Justin Stilson D.C.

ACTIVATED
LIFE
CHIROPRACTIC
&
WELLNESS
Creating 60+ year wide health

Lisa C. Kunz

From: mtjamiev@gmail.com
Sent: Tuesday, September 8, 2020 9:10 AM
To: commission
Subject: Non-Discrimination Ordinance Special Session

City of Great Falls Commissioners and Mayor Kelly:

I am writing in regard to the proposed Non-Discrimination Ordinance (NDO). After looking through this ordinance, and the City's Attorney's statement, I believe that this ordinance would only be harmful to the city. All of the "benefits" are currently covered under state and federal laws. This means that it would cost the city precious resources (money and time), that are unnecessary, because they are already covered somewhere else. Accordingly, I respectfully request that you all vote "no" to the proposed NDO.

Jamie Vosen
1112 23rd Ave SW
Great Falls, MT 59404
406.268.0463

Lisa C. Kunz

From: Don Clayton <donclayton95@gmail.com>
Sent: Tuesday, September 8, 2020 9:22 AM
To: commission
Subject: NDO LGBTQ

I recommend that the commissioners vote NO, opposing the NDO at tonite's meeting. Thank you.

Donald Clayton
716 45th St N
Great Falls, MT
59405
406-750-9522

Sent from my iPhone

Carolyn K. Craven
101 14th Avenue South
Great Falls, MT 59405

September 8, 2020

PUBLIC COMMENT

Mayor Kelly
Commissioner Houck
Commissioner Moe
Commissioner Robinson
Commissioner Tryon

RE: Non-Discrimination Ordinance (NDO)

Honorable Mayor and Commissioners:

I grew up in Great Falls when this city was a leader in education, population, arts, healthcare, a thriving downtown and more. Fast forward a few decades and many changes have occurred, some better and others not so much. Discrimination has no place in this community!

Montana state law prohibits discrimination in housing, public accommodations and employment. It is remiss in prohibiting discrimination on the basis of gender identity and sexual orientation. The ACLU and Montana Human Rights Network have worked together to create these protections one community at a time. In 2010 Missoula was the first to pass an NDO, based on "actual or perceived sexual orientation, gender identity or expression". Then Helena passed an NDO in December 2012. The third city to pass an NDO was Butte, followed by Bozeman. In 2016 Whitefish was the fifth city to pass an NDO. Billings is currently our largest city and they have not passed an NDO. Great Falls could be the sixth city to pass an NDO!

The state of Washington has had comprehensive anti-discrimination legislation regarding sexual orientation and gender identity since 2006. Other states with statewide prohibition of discrimination on the basis of sexual orientation and gender identity for both state and private employees include Oregon, Colorado, Nevada, Utah, Minnesota, Hawaii, the District of Columbia and eighteen other states (wikipedia.org). A 2019 report showed 88 cities that "scored 100 points for their inclusive policies on the Municipality Equality Index" (US News.Newman,K. 11.26.19)

The time is NOW to pass a Non-Discrimination Ordinance in Great Falls. Our local leaders have an opportunity to create greater equality and social justice in our community and to be a beacon for other communities to do the same.

Respectfully submitted,



Carolyn K. Craven

Lisa C. Kunz

From: csjuneau@3rivers.net
Sent: Tuesday, September 8, 2020 9:33 AM
To: commission
Cc: gflgbtq@gmail.com
Subject: Non-Discrimination Ordinance

Dear Great Falls City Commissioners and Mayor.

I understand you will be considering the Non-Discrimination Ordinance today and I want to insure that my voice is heard in asking your to support this.

Welcoming all citizens in Great Falls is an important part of making this a strong community to live in, create businesses, and raise our families in. We need to support each other and I would hope that all citizens regardless of their race, creed, sexual orientation, gender, and disability would be welcome to be a part of your community.

You represent all of us and I do hope that you will vote in favor of this non-discrimination ordinance that will help make Great Falls a place we can all be proud of.

Sincerely,

Carol C. Juneau

916 – 37th Ave NE

Great Falls, MT 59404

Lisa C. Kunz

From: stephcahill19 <stephcahill19@gmail.com>
Sent: Tuesday, September 8, 2020 9:39 AM
To: commission
Cc: gflgbtq@gmail.com
Subject: Non-Discrimination Ordinance

To the Great Falls City Commissioners and Mayor:

I am a Great Falls resident that believes everyone in our city deserves dignity, respect, and equality. For this reason, I support the Great Falls LGBTQ+ Center in their efforts to pass a Non-Discrimination Ordinance. Our community thrives when we uplift and support one another. I expect my representatives to uphold these values and protect our LGBTQ+ community members.

Sincerely,
Stephanie Cahill

Sent from my Verizon, Samsung Galaxy smartphone

Lisa C. Kunz

From: John Pennell <johnmcs@live.com>
Sent: Tuesday, September 8, 2020 9:39 AM
To: commission
Subject: "NDO September 8 meeting"

Dear Mayor Kelly and the Great Falls City Commission,

My name is John Pennell, I'm a citizen of Great Falls. I live at 4221 Lewis Ave and have for 27 years. I am emailing to express my concern over the proposed NDO initiative under consideration for the city of Great Falls and particularly its impact on the faith community of our city.

First, let it be known that I am against discrimination, I am for all people; I am for hiring the right person for the position, leasing without prejudice and accommodating people of various beliefs and lifestyles. However, with that being said, I ask the city commission to respect, accommodate and acknowledge the religious rights and liberties of the community, whether they are businesses, organizations, churches or faith based organizations.

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

As it stands, there is no clause in this NDO that protects faith-based organizations from equal discrimination and to protect us from needless legal battles that could occur in the future.

I kindly ask the commission, considering all these facts, to vote no on this NDO legislation.

Sincerely,

John B. Pennell

Lisa C. Kunz

From: Jean Fick <jnfick@gmail.com>
Sent: Tuesday, September 8, 2020 9:42 AM
To: commission
Subject: NDO

Hello Mayor Kelly & City Commissioners,

I appreciate you hearing from and listening to citizens today.

My name is Jean Fick, I am a resident of Great Falls. I am asking that you please vote "NO" on the NDO.

Thank you,

Jean Fick

Lisa C. Kunz

From: Mark Tank <teentank@icloud.com>
Sent: Tuesday, September 8, 2020 9:47 AM
To: commission
Subject: Non-discrimination

I do not wish to see a non-discrimination order passed in Great Falls. I think it is not necessary and it is just one more government control. I am concern that religious organizations will be force to compromise their religious freedom to accommodate people who want to force their choices on others.

Mark Tank
1205 4th Ave So.

Lisa C. Kunz

From: katie r <savagerichmonds@gmail.com>
Sent: Tuesday, September 8, 2020 9:49 AM
To: commission
Subject: support for Great Falls Non-Discrimination Ordinance

To the Great Falls City Commissioners and Mayor:

I urge you to adopt the proposed Non-Discrimination Ordinance brought by my fellow citizens here in Great Falls. While I find the City Attorney's argument to be valid, I do also find it short-sighted, and limited in view. The argument that protections are in place certainly has not prevented discrimination from happening, as is evidenced by the ignorant and xenophobic comments made by some of our neighbors about this very topic. The City of Great Falls showing support for the equal treatment of all citizens would make the matter of bringing legal action against a discriminatory business owner a much more accessible option for the marginalized members of our community. Nobody wants to have to be the one to take these matters to a court. The costs-financial, emotional, and in personal time- are very much prohibitive for the majority of our Great Falls community. Your vote in favor of the Non-Discrimination Ordinance would certainly be one more block in the building of a society that truly follows our nation's constitution and values.

Sincerely,
Katie Richmond
2916 6th Ave North
Great Falls, MT 59401

Lisa C. Kunz

From: Jim McMullen <jimmcmullentab@gmail.com>
Sent: Tuesday, September 8, 2020 9:52 AM
To: commission
Subject: Vote No on NDO

Dear Mayor Kelly and the Great Falls City Commission,

My name is Jim McMullen. I have lived in Great Falls for almost 16 years. I am writing to express my concern over the proposed NDO initiative under consideration for the city of Great Falls.

I am asking the city commission to vote "NO" on this NDO legislation.

The city legal department has opined that the ordinance is not necessary based on their understanding of federal and state laws. They have further opined that the proposed NDO could result in legal challenges which would ultimately take money from the city budget, money that could be better spent on better things than legal challenges.

The notion that one group, who chooses to live their life in a particular way, should, by an ordinance, be able to force their beliefs on the rest of the community is simply not acceptable. We have, over the last few years, watched as other NDO's were used by people to destroy the livelihood of small business owners who, by virtue of conscience, declined to participate in what they felt were objectionable lifestyle events. No ordinance should ever force one group of people to accept, and even embrace, others whose beliefs are diametrically opposed to theirs.

Sincerely,

James McMullen

3201 7th Ave N.

Great Falls, MT

Lisa C. Kunz

From: Cyndi McMullen <csmgtf@gmail.com>
Sent: Tuesday, September 8, 2020 10:04 AM
To: commission
Subject: NDO under current consideration

Cyndi McMullen
3201 7th Ave N
Great Falls, MT 59401

September 7, 2020

Dear Mayor Kelly and Great Falls City Commissioners,

I am writing today to request you vote NO on the non-discrimination ordinance currently being considered. The city legal counsel indicates it isn't needed and is subject to challenge.

Thank you for your attention to this matter.

Sincerely,
Cyndi McMullen

Lisa C. Kunz

From: Polly Olson <pollycrackero@yahoo.com>
Sent: Tuesday, September 8, 2020 10:05 AM
To: commission
Subject: NDO

I respectfully request that the commissioners vote against this Non-discrimination ordinance.

Sincerely,

Polly Olson
2711 Central Ave
406-781-8659
Great Falls Mt. 59401

Sent from my iPhone

Lisa C. Kunz

From: James Going <montanagoing@gmail.com>
Sent: Tuesday, September 8, 2020 10:13 AM
To: commission
Subject: Fwd: NDO Ordinance

----- Forwarded Message -----

Subject: NDO Ordinance
Date: Tue, 8 Sep 2020 09:05:48 -0700
From: James Going <montanagoing@gmail.com>
To: commission@great-fallsmt.net

Mayor Kelly and City Commissioners:

My name is Jim Going and I have been a resident and former business owner since 1973.

We currently have a non-discrimination law in our country. A NDO is not necessary and could encourage other small groups to request a NDO. I have a concern that one of the groups wanting a NDO could seek employment and be refused because they are not qualified for the position, but then pursue legal action against the employer. They would indicate that they were refused employment because of their sexual status which would be used to obscure the fact that they are not qualified.

Thank you for your consideration.

Lisa C. Kunz

From: eraelewis624 <eraelewis624@gmail.com>
Sent: Tuesday, September 8, 2020 10:14 AM
To: commission
Subject: NDO

Mayor Kelly & City Commissioners,

Thank you for taking the time to hear citizens today. I am Erica Lewis and I live in Great Falls. Please vote NO on the NDO.

I appreciate your time and consideration on this matter. Thank you.

Sincerely,
Erica Lewis

Sent from my Verizon, Samsung Galaxy smartphone

Lisa C. Kunz

From: Charlie Harant <bandbheatingmt@gmail.com>
Sent: Tuesday, September 8, 2020 10:16 AM
To: commission
Subject: Non Discrimination

Dear Commissioners,

Please vote NO for the Non-Discrimination ordinance.
It is not necessary. Great Falls is a very open and accepting community.

-- Thank you,

B & B Heating & Air Conditioning

phone: 406-761-1581

fax: 406-761-1586

Email: bandbheatingmt@gmail.com <bandbheatingmt@gmail.com>

Lisa C. Kunz

From: TyLee Smith <tyleeclairesmith@gmail.com>
Sent: Tuesday, September 8, 2020 10:16 AM
To: commission
Subject: Great Falls - NDO on Tuesday, September 8th

Hello, my name is TyLee Smith, I first want to say thank you for taking the time to listen to your citizens today.

I moved to Great Falls a little over 6 years ago and fell in love with the community. I fell in love with the backbone of Great Falls; fighting for what we believe in, even if the rest of the world is against us. As a mom, former daycare provider and current nursery coordinator. I really urge you to vote no to the proposed NDO. It will change the community that my husband and I fell in love with. It will change the dynamics in which Great Falls has been working in.

Our daughter will be entering into the public school system soon and I fear for the society that is being pushed on us. Certain groups are pushing their beliefs and views onto people instead of learning to coexist with a difference of opinion. I don't just fear for our children, but for our community as a whole. People need to understand that there will be disagreements and they need to be alright with it. I cannot imagine living in a world that is driven by fear-mongering. Where one will get persecuted for any beliefs one may have. Where if you do not believe exactly what another does huge consequences will follow. This is not the Great Falls I want to live in. This is not the Great Falls I want my children to grow up in.

So please, Mayor Kelly, city commissioners, let's draw the line here. Stand up for what we believe in and vote no.

Lisa C. Kunz

From: Brenda Way <brendarubino@yahoo.com>
Sent: Tuesday, September 8, 2020 10:17 AM
To: commission
Cc: gflgbtq@gmail.com
Subject: In Support of LGBTQ community members

"To the Great Falls City Commissioners and Mayor:

I am a Great Falls resident who believes everyone in our city deserves dignity, respect, and equality. For this reason, I support the Great Falls LGBTQ+ Center in their efforts to pass a Non-Discrimination Ordinance. Our community thrives when we uplift and support one another. I expect my representatives to uphold these values and protect our LGBTQ+ community members.

Sincerely,
Brenda Way Rubino
621 3rd Ave N
Great Falls, MT 59401

Lisa C. Kunz

From: Helene Houghton <helenehoughton@gmail.com>
Sent: Tuesday, September 8, 2020 10:23 AM
To: commission
Subject: Non-discriminant ordinance

I Helene Houghton vote No on NDO.

Lisa C. Kunz

From: Jessica Crist <cris.jessica@gmail.com>
Sent: Tuesday, September 8, 2020 10:28 AM
To: commission
Subject: NDO

To the Great Falls City Commission:

Thank for your making the time to hear citizen input on the NonDiscrimination Ordinance proposed for Great Falls.

I support passage of the NDO. it may not be technically necessary, as the City Attorney points out. Perhaps it is not a legal necessity. But is a statement of who we are as a community.

I would like our statement as a community to be one of welcome, openness, and commitment to the civil rights of all. Adopting an NDO says that we are committed to working together as a community, and that we are committed to our neighbors.

We do not have to agree on all issues in order to live together amicably as a community. We simply need to respect one another, and perhaps find ways to live with our differences.

Having an NDO means that Great Falls wants to identify itself as a community that values hospitality and fairness.

Several years ago, when the community of Whitefish, Montana, was the target of anti-Semitism, the Great Falls City Commission passed a resolution of support for Whitefish and condemnation of anti-Semitism. I was proud to see the chambers overflowing with Great Falls people supporting the resolution. Supporting Whitefish and condemning anti-Semitism wasn't legally necessary. But it was a statement of who we are as a community.

I urge the Commission to pass the NDO as a statement of who we are.

Thank you for your consideration.

Sincerely,

The Reverend Jessica Crist
401 4th Avenue North
Great Falls, MT. 59401

Sent from my iPad

Lisa C. Kunz

From: Shawn Fladager <shawnfladager@yahoo.com>
Sent: Tuesday, September 8, 2020 10:27 AM
To: commission
Subject: NDO September 8 meeting

Dear Mayor Kelly and the Great Falls City Commission,

My name is Shawn Fladager. I'm a citizen of Great Falls. I live at 3304 Kingwood Drive.

I'm emailing to express my concern over the proposed NDO initiative under consideration for the city of Great Falls, and particularly its impact on the faith community of our city.

I am against discrimination. I am for all people; I am for hiring the right person for the position, leasing without prejudice, and accommodating people of various beliefs and lifestyles.

However, I ask the city commission to respect, accommodate and acknowledge the religious rights and liberties of the community, whether they are businesses, organizations, churches, or faith based organizations.

The NDO is totally unnecessary as this segment of our community already has legal protection under the law considering the recent Supreme Court's ruling in the Bostock vs. Clayton case. Our city attorney, Sara Sexy, has already determined that this legislation is unnecessary as well.

As it stands, there is no clause in this NDO that protects faith-based organizations from equal discrimination and to protect us from needless legal battles that could occur in the future.

I kindly ask the commission, considering these facts, to vote no on this NDO legislation.

Sincerely,

Shawn Fladager

Sent from Yahoo Mail for iPhone

Lisa C. Kunz

From: Cameron Swathwood <cameron.swathwood@gmail.com>
Sent: Tuesday, September 8, 2020 10:38 AM
To: commission
Subject: Written Public Comment - Proposed Nondiscrimination Ordinance

Commissioners,

I have been a resident of Great Falls for several years now and am proud to call it my home. I am in my late 20s and both live and work within city limits. I am writing today to request that the City Commission reject the proposed nondiscrimination ordinance.

Despite what this ordinance's title and proponents would have us believe, what is at stake here is not discrimination versus nondiscrimination, or kindness and respect versus cruelty and mistreatment. Both supporters and detractors of this ordinance would agree that we should treat each other with kindness, and that it is an American value to respect those who are different from us. President Kennedy once said, "what unites us is greater than what divides us." How right he was! Unfortunately, this ordinance itself promotes disrespect and harm, and endangers residents' freedoms of choice and conscience.

I do not make this claim lightly. I have several coworkers and some dear friends who identify as LGBT. I know how much they believe in laws like this proposed ordinance. However, good intentions do not guarantee good consequences, and the actual consequences of this ordinance would harm and divide the residents of Great Falls.

Under this ordinance, a salon that provides intimate waxing services would be in violation if a female technician declines to wax the genitals of a man who identifies as a woman. A Christian school that affirms the traditional Christian stances on sexual behavior would be in violation if they dismissed a teacher that disagreed with their faith-based standards. A battered women's shelter would be obligated by city ordinance to allow men into what were previously single-gender spaces dedicated to the protection of victimized women. A citizen who makes her living renting out small residential properties would be required to provide housing to persons practicing lifestyles she objects to, thus supporting them in their conduct and violating her conscience.

Scenarios like these have happened in other locales already. These violating and invasive practices do not typify the Great Falls we know. If this ordinance is enacted, however, it would be the Great Falls the City Commission is declaring we want.

As such, I would request that the City Commission reject this inaptly-named nondiscrimination ordinance.

Sincerely,
Cameron Swathwood
Great Falls, MT 59404

(POSTSCRIPT - I would like to extend my thanks to the City Commissioners for how this process has been handled. In this time of virus scares and political polarization, they have gone to great lengths to allow all Great Falls citizens a chance to make their voices heard as we consider this controversial issue.)

Lisa C. Kunz

From: Teresa Schraner <teresaschraner@hotmail.com>
Sent: Tuesday, September 8, 2020 10:29 AM
To: commission

I would like to put a vote in for tonight's meeting. I'm voting NO

Lisa C. Kunz

From: barb walden <massageisgood@hotmail.com>
Sent: Tuesday, September 8, 2020 10:55 AM
To: commission
Cc: gflgbtq@gmail.com
Subject: Fw: LGBTQ Non discrimination ordinance

Sent from my Verizon LG Smartphone

----- Original message-----

From: barb walden
Date: Tue, Sep 8, 2020 10:51 AM
To: commission@greatfalls.net;
Cc: gflgbtq@gmail.com;
Subject: LGBTQ Non discrimination ordinance

Great Falls Mayor Bob Kelly and City commissioners.

As a citizen and an active voter of Great Falls and Cascade County. I strongly support the non-discrimination ordinance for the lgbtq community.

I often ask myself if I would want to switch places with any group that does not receive justice and equality from their community.

And if that answer is no, then we/I need to do something to change it.

How would you FEEL if you were told NO, NO, NO... just because of who you are?

Please support the LGBTQ non-discrimination ordinance.

Thank you.

Barb Walden

Great Falls, MT

Neighborhood Council # 7



Sent from my Verizon LG Smartphone

Lisa C. Kunz

From: KURT <K4DEP@msn.com>
Sent: Tuesday, September 8, 2020 10:57 AM
To: commission
Subject: NDO

Dear Mayor Kelly, City Commissioners

Thank you for taking the time to hear citizens today. I am Kurt Depner and I live in Great Falls. Please vote NO on the proposed NDO as it will cause grave problems for our city residents and businesses.

Sincerely,
Kurt Depner

Lisa C. Kunz

From: Kori Depner <kdepner1@gmail.com>
Sent: Tuesday, September 8, 2020 10:59 AM
To: commission
Subject: NDO

Dear Mayor Kelly, City Commissioners

Thank you for taking the time to hear citizens today. I am Kori Depner and I live in Great Falls. Please vote NO on the proposed NDO as it will cause grave problems for our city residents and businesses.

Sincerely,
Kori Depner

Lisa C. Kunz

From: Karen Kleinert <kkleinert57@gmail.com>
Sent: Tuesday, September 8, 2020 11:03 AM
To: commission
Subject: NDO

Mayor Kelly, City Commissioners, thank you for taking the time to hear Great Falls citizens today. My name is Karen Kleinert. I live here in Great Falls. I ask that you please vote NO on the NDO. Thank you.

Lisa C. Kunz

From: Jessica Service <glazedham99@hotmail.com>
Sent: Tuesday, September 8, 2020 11:04 AM
To: commission
Subject: NDO Comments

To Whom It May Concern:

I urge you to vote NO on the current proposed NDO!

Where does the madness STOP I ask you? This is ridiculous....

If you continue to allow these types of ordinances...it will only be a matter of time before you have 'groups' like...pedophiles, murderers, cannibals, etc. banding together to claim they are being discriminated against based on their choice of 'lifestyle' as well!!

Things have already gotten out of hand as far as what society deems 'normal' or 'acceptable'....there is ZERO accountability for anything anymore.

I am saddened to see our nation continue to struggle with issues that boil down to people choosing to 'play God'!

Business owners will soon be so fearful of being sued over anything and everything that there will be no services offered. Seriously....I urge you to think about it...you laugh and think...'that'll never happen'! I suspect your grandparents, parents even, NEVER thought issues such as the ordinance at hand would be problems society faced in the future!?

Let Great Falls set an example...STOP the complacent, everyone deserves a medal, participation ribbon, ZERO ACCOUNTABILITY for your choices/actions mentality and vote NO on the proposed NDO!

Thanks for your ear and consideration.

Jessica Service - born and raised in Great Falls, MT

Lisa C. Kunz

From: E WILDER <wilderbeth@hotmail.com>
Sent: Tuesday, September 8, 2020 11:06 AM
To: commission
Cc: Bwild60
Subject: Please vote NO on the NDO.

Mayor Kelly, City Commissioners, thank you for taking the time to hear citizens today. My name is Elizabeth Wilder and I live in Great Falls. Please vote NO on the NDO. Thank you.

Elizabeth Wilder

Sent from my iPhone

Lisa C. Kunz

From: Steve Mix <fairviewpastor@icloud.com>
Sent: Tuesday, September 8, 2020 11:08 AM
To: commission
Subject: comment on proposed NDO

I write in opposition to any proposed non-discrimination ordinance for LBGQT individuals. It is my strongly held conviction that this proposal is unnecessary under current law and immoral under God's law. I realize there has been a coordinated campaign to legitimize and even promote the LBGQT lifestyle in city after city, but the ramifications of these enactments will be an ongoing nightmare. I foresee people demanding rights that will in effect override my rights and my lifestyle preferences. Once we go down the road of special protections for those of a certain lifestyle, we then have to be prepared for the attempts of others to legitimize their unique lifestyle choices. I do not think we will be prepared to handle the flood on the other side of this gate that may include the polygamist's supposed rights and the pedophile's supposed rights. These groups are working to follow the same path of having their behaviors decriminalized and accepted. I personally do not want what was once against the law for good reason shoved down our collective throats. I do not want to share restrooms with members of the opposite sex or to be required to service those that demand "special rights" that discriminate against my own.

Thank you for considering my opinion on this matter.

Steve Mix
5005 9th Ave S
Great Falls MT

Lisa C. Kunz

From: E WILDER <wilderbeth@hotmail.com>
Sent: Tuesday, September 8, 2020 11:10 AM
To: commission
Subject: Please vote NO on the NDO.

Mayor Kelly, City Commissioners,

Thank you for taking the time to hear citizens today. I am Elizabeth Wilder and I live in Great Falls. Please vote NO on the NDO. Thank you

Elizabeth Wilder

Sent from my iPhone

Lisa C. Kunz

From: Tom Jacobson <tomjacobsonmt@gmail.com>
Sent: Tuesday, September 8, 2020 11:11 AM
To: commission
Subject: LGBTQ NDO support

Great Falls City Commissioners:

Please accept this email as my support for the LGBTQ Nondiscrimination Ordinance. I am sorry to have to miss this work session of the commission. The LGBTQ community deserves the support and protection of the City of Great Falls from discrimination by businesses, landlords, and individuals intent on depriving them of the same rights and privileges as non LGBTQ individuals. I understand that the opinion of the city attorney is that the discrimination protections are already in place through federal and state statute. Nonetheless, the message this NDO sends will ensure Great Falls is a place that welcomes all people. I believe that going the extra mile to provide these protections and making the bill statement that recognizes the rights granted to all citizens will not only support our LGBTQ community, but will send a message to others across the state and the nation that Great Falls is a welcoming, safe, and supportive place to live and bring new business.

Thank you for your careful consideration of the NDO and thank you for your dedication to our wonderful city.

Tom Jacobson

Lisa C. Kunz

From: William Wilder <bwild60@hotmail.com>
Sent: Tuesday, September 8, 2020 11:15 AM
To: commission
Subject: Please vote NO on the NDO.

Mayor Kelly, City Commissioners, thank you for taking the time to hear citizens today. My name is William Wilder and I live in Great Falls. Please vote NO on the NDO. Thank you.

William F. Wilder

Sent from my iPad

Lisa C. Kunz

From: Donna Johnson <ddjranch2965@gmail.com>
Sent: Tuesday, September 8, 2020 11:15 AM
To: commission
Subject: NDO

9/7/20

To Great Falls City commissioners,

Please vote no on the NDO....Non-discrimination Order

Donna Johnson
Belt Mt

Sent from my iPad

Lisa C. Kunz

From: Lola Sheldon-Galloway <lola4montana@yahoo.com>
Sent: Tuesday, September 8, 2020 11:16 AM
To: commission
Subject: special work session Non Discrimination Ordinance

To the City Commissioners of Great Falls, MT and citizens of our city,

I am **not in favor** of the proposed ordinance change in Great Falls and here are my four top reasons:

1. I support the concept that wording in laws/ordinances are made as general as possible to **include as many people as possible**. I support our city attorney's opinion in, **the word SEX** is one of those inclusive words. I believe will we open a can of worms if we **start identifying special interest groups** with the already established groups. Let's take religion for an example. Imagine if every Christian sect requested being listed because they want to be identified. I could tell a whole story from my church's history :*"The extermination order* is the name commonly used to refer to an executive order(#44) signed on October 27, 1838, by Lilburn W. Boggs, the governor of Missouri ...1838.¹ ...calling for the Mormons to be "exterminated or driven from the State if necessary." " You don't see my faith listed, but maybe it should be.

2. I have noticed in the history of this group wanting special identity, that they keep adding letters to their name. I have seen the push to add the **letter P representing pedophiles**. There is a flag to represent this group if you don't believe me. I find this very disturbing that our city would have to if this proposal is adopted, **protect and give special allowances** to child molesting individuals. What's after that? R for Rapists?

3. I, as a landlord and business owner, do not want to have to ask about **an applicant's sex life** on their application. **I personally don't care!** Pay your rent/utilities, don't disturb your neighbors and destroy the property, come to work on time, do your job and be an asset to our team. This should continue to be the guidelines for a landlord/business owner to determine who they think is the best fit for their rented property and staff. **NOT SOMEONE'S SEX PREFERENCES**. With the proposal in place, I would then need to know so I wouldn't discriminate, really?!!

4. Other cities that have adopted such an ordinance have now law suits against small businesses that are being prosecuted in court for wanting to do business with their own beliefs and values. This is called **reverse discrimination**. I find this practice very upsetting. Doesn't Great Falls have enough businesses closing? Why add another layer to this economic strain in our city? **This proposal is a solution looking for a problem**.

I believe the ordinance as it stands is the best for our city and am asking you to **vote no** on this proposal.

Thank you for your time,

Lisa C. Kunz

From: Lisa Diekhans <mustanglisa8@icloud.com>
Sent: Tuesday, September 8, 2020 11:19 AM
To: commission
Subject: Please vote no!

Dear Commissioners,
Please vote no on NDO!
Lisa Diekhans

Lisa C. Kunz

From: Grayce Holzheimer <graycat2014@gmail.com>
Sent: Tuesday, September 8, 2020 11:24 AM
To: commission
Subject: Nondiscrimination ordinance comment

Dear Respected Commissioners,

I am writing you today in support of a stronger, more concise Nondiscrimination Ordinance for the city of Great Falls. Even though our city attorney says we have one on the books, then why do we still have attacks, discrimination and abuse towards

our fellow Great Falls residents because they are a member of the LGBTQ community? What kind of help do these people receive?

I have only heard first hand stories of how many places one couple looked for an apartment in town and it took a very long time. They know it was because they identified as Gay. I also heard from a young man who was beaten repeatedly but was afraid to go to the police. If we really do protect these individuals, then let us come out with a statement "You are safe here in Great Falls!" However, we do not.

I have seen physical altercations and the police do not seem to have the capacity to have compassion towards the LGBTQ community to help and now the community is hesitant to even call the police for help. It reminds me of when I was attacked and I went to report it to the Great Falls Police station and they berated how I was dressed, and sent me home to "momma" and that I brought it upon myself. I have been told this is what these community members are faced with as well when they bring an event that happened to them to the City of Great Falls Police department. How about some empathy training?

Currently the Great Falls Police will not enforce the current animal control laws on the books so why would I think they would enforce the current

Nondiscrimination ordinance? I have no hope unless we bring leadership to the table and make the tough decisions.

Consider if it was your child or family member who was attacked and was LGBTQ? What if it was your child who could not find an apartment to live

in Great Falls, being constantly turned away with the knowledge that is most likely was the the fact of who they loved? The land lord can make all kinds of

excuses and the burden lies with the complainant. Just like the handicapped. The burden lies with us to prove we are being discriminated against.

Hooray for cell phones! I will be recording from now on any incidents against anyone who is LGBTQ and reporting them to the police and see what happens.

I doubt very much but there is a bit of hope with this ordinance.

As a handicapped person in living in Great Falls I face discrimination everyday. I have no doubts we need to beef up our non-discrimination ordinance.

Please vote for your silent neighbor who was too afraid to report their attack, please consider the person who is needing a place to live and is unable to find

one because of whom they love, please consider those who are different, looking for a good job so that they can enjoy a life of richness and kindness in our great city of Great Falls.

Otherwise, we wonder why do our young people leave? What kind of policies and actions do we take to represent our youth and young people in our town?

Perhaps we want a retirement community where there is no youth, no diversity, no advancement instead of a vibrant, full inclusive city it could be.

Thank you for your time,
Grayce Holzheimer
917 Ave. C NW
Great Falls, MT 59404

Lisa C. Kunz

From: Christine Kowalski <busia19501944@gmail.com>
Sent: Tuesday, September 8, 2020 11:25 AM
To: commission
Subject: Vote NO

Hello,
Please vote NO to the NDO when you vote tonight.

We should be careful as a community as to what we are opening our doors to.
We don't need men in the women's bathrooms.
The non-LGBTQ community members have rights, too.

Thank you.

Lisa C. Kunz

From: Nequia Hicks <nequia.hicks@gmail.com>
Sent: Tuesday, September 8, 2020 11:25 AM
To: commission
Subject: No on NDO Bill

Good afternoon,

I respectfully request you vote NO on NDO Bill.

Thank You,

Nequia

Lisa C. Kunz

From: Kyla Anderson <raeann46@gmail.com>
Sent: Tuesday, September 8, 2020 11:25 AM
To: commission
Subject: vote NO please on NDO

Dear Mayor Kelly, and City Commissioners,

Thank you for taking the time to hear citizens today. My name is Kyla Anderson, and I live in Great Falls, MT. Please vote NO on NDO. Thank you.

Sincerely,
Kyla Anderson

Lisa C. Kunz

From: thegatec@aol.com
Sent: Tuesday, September 8, 2020 11:26 AM
To: commission
Subject: NO on the NDO

Please as a fellow citizen I am asking that you all will vote NO on NDO bill. Thank you

Lisa C. Kunz

From: Ramona Hall <joynthejourney247@gmail.com>
Sent: Tuesday, September 8, 2020 11:26 AM
To: commission
Subject: Non-Discrimination Ordinance

Mayor Kelly and City Commissioners,

Thank you for taking the time to hear Great Falls citizens today. I am Ramona Hall, and I live in Great Falls. Please vote NO on the NDO. Thank you.

Ramona Hall

Lisa C. Kunz

From: ANTONIO HICKS <ANTONIONEQUIA@msn.com>
Sent: Tuesday, September 8, 2020 11:27 AM
To: commission
Subject: Requesting No Vote for NDO Bill

I request a vote of NO on the NDO Bill.

Thank You

Lisa C. Kunz

From: Tia DeFosse <defossetia@icloud.com>
Sent: Tuesday, September 8, 2020 11:28 AM
To: commission
Subject: NDO Bill

I am requesting that this bill doesn't pass. My vote is no Sent from my iPhone

Lisa C. Kunz

From: Asha Washington <ashadbooks@gmail.com>
Sent: Tuesday, September 8, 2020 11:28 AM
To: commission
Subject: NDO Bill

I respectfully ask that you vote NO on the NDO Bill.

Thank you

Lisa C. Kunz

From: Sue Dickenson <suedickenson6845@yahoo.com>
Sent: Tuesday, September 8, 2020 11:29 AM
To: commission
Subject: NDO

Dear Commissioners---We would ask that you establish a nondiscrimination ordinance for the city of GF. Other major Montana cities have instituted them with no major negative results and have proclaimed themselves to be open and respectful of all people .Gf should do no less.. According to the LGBTQ community, an ordinance is needed in spite of a legal argument that it is not. These people, our neighbors, brothers and sisters , have experienced the difficulties and stresses that come with being a minority group, the fear that comes if their gender identity is revealed. We should stand up for them and make our community an even better place to live. Thank you for your careful consideration Religious freedom has nothing to do with it. The Great Falls Ministerial Asso. supports it. Sincerely, Sue and Bob Dickenson

Lisa C. Kunz

From: Tracy Williams <kingskid_40@yahoo.com>
Sent: Tuesday, September 8, 2020 11:29 AM
To: commission
Subject: Please Vote NO on NDO Bill

Dear Commission,

I am respectfully asking that you vote NO on the NDO Bill.

Thank you,

Lisa C. Kunz

From: Ike Kowalski <iranaeus1944@gmail.com>
Sent: Tuesday, September 8, 2020 11:29 AM
To: commission
Subject: Vote NO tonight

Good Day,

Please vote NO on the NDO tonight.

Thank you.

Lisa C. Kunz

From: Deandrea Singleton <chazell.singleton@gmail.com>
Sent: Tuesday, September 8, 2020 11:30 AM
To: commission
Subject: NDO Bill

Sir/Ma'am,
I respectfully request they would vote NO on NDO Bill.

V/r,
Chazell Singleton

Lisa C. Kunz

From: Rick Cornellier <ontheedge28@gmail.com>
Sent: Tuesday, September 8, 2020 11:30 AM
To: commission
Subject: NO on NDO

Please vote NO on this bill. Thank you

Rick

Lisa C. Kunz

From: Jennifer Kennedy <jenn.kennedy@yahoo.com>
Sent: Tuesday, September 8, 2020 11:31 AM
To: commission
Subject: NO to NDO bill

I respectfully request to vote NO to NDO bill

Lisa C. Kunz

From: Tiffany Sykes <t_sykes@ymail.com>
Sent: Tuesday, September 8, 2020 11:32 AM
To: commission
Subject: No to NDO

I respectfully request that you please vote No on NDO.

Tiffany Sykes

Lisa C. Kunz

From: Janice Allestad <bikergrandma12@yahoo.com>
Sent: Tuesday, September 8, 2020 11:33 AM
To: commission
Subject: NDO vote

Sent from [P Mail for Wind](#)

Please vote NO against NDO. Please do not discriminate against people of faith.

Thank you
Janice Allestad
706 Fox Dr
Great Falls, MT 59404

Lisa C. Kunz

From: FOR SALE <GARZA9727@msn.com>
Sent: Tuesday, September 8, 2020 11:36 AM
To: commission
Subject: NDO bill

Vote No on this bill

Get [Outlook for iOS](#)

Lisa C. Kunz

From: Dennis Devine <dennis.g.devine@gmail.com>
Sent: Tuesday, September 8, 2020 11:35 AM
To: commission
Subject: NDO bill

I request that you vote no on this bill.

Thank you for your time and consideration.

Dennis Devine

Lisa C. Kunz

From: FOR SALE <garza9727@msn.com>
Sent: Tuesday, September 8, 2020 11:36 AM
To: commission
Subject: NDO Bill

Voting no to the NDO Bill.

Lisa C. Kunz

From: b.washington@bresnan.net
Sent: Tuesday, September 8, 2020 11:36 AM
To: commission
Subject: LGBTQ NDO Bill

As a citizen of Great Falls I am respectfully asking that you vote No on the NDO Bill.

Mr. Bryan Washington

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone
[Get Outlook for Android](#)

Lisa C. Kunz

From: Andrea Bratcher <bratcherandrea88@gmail.com>
Sent: Tuesday, September 8, 2020 11:37 AM
To: commission
Subject: NDO BILL

Goodmorning, I am respectfully requesting you to vote NO on NDO bill.

Lisa C. Kunz

From: stephanie.esannason@gmail.com
Sent: Tuesday, September 8, 2020 11:37 AM
To: commission
Subject: NDO Bill

City Commissioners,

Please vote NO on the NDO Bill

Signed a Citizen of Great Falls
Sent from my iPhone

Lisa C. Kunz

From: Kathy Austin <78kathyaustin@gmail.com>
Sent: Tuesday, September 8, 2020 11:37 AM
To: commission
Subject: 8 Sep mtg on gay rights

In the Bible, God has already addressed this lifestyle. I don't believe the city needs any more laws on this subject. Not discriminating on their getting housing is ok. Everyone deserves a place to live. However, there are plenty of State and Federal laws already for these "special" people. Uphold these, but do NOT add any more laws in the city! Live and let live, but don't force the rest of us to cater to their choices!

Kathy and Bill Austin
3029 Wells Fargo Dr

Lisa C. Kunz

From: Lady Reborn <peteyapreborng2g@gmail.com>
Sent: Tuesday, September 8, 2020 11:38 AM
To: commission
Subject: Nondiscrimination Bill Voting Request

Hi

This is Petie Davis and I kindly request that you please vote NO on the nondiscrimination bill.

Thank you so much!

Lisa C. Kunz

From: Valerie <tarinya2@yahoo.com>
Sent: Tuesday, September 8, 2020 11:39 AM
To: commission
Subject: comment for proposed non-discrimination ordinance

My name is Valerie Smith. I am a resident of Great Falls and the mother of 6 children. I would like to voice my opposition to the non-discrimination ordinance that is currently being considered, for the following reasons:

The proposed NDO could penalize businesses such as daycares who choose not to hire male employees. It is well documented that the vast majority of sex crimes against children are committed by males (McCloskey and Raphael, 2005; Peter, 2009), and daycares should be free to protect the children entrusted to their care by choosing to hire only biologically female employees.

The proposed NDO would allow biological males to use the same restrooms and changing rooms as girls, women, and young children. This would open the door for sexual predators to have access to girls and women while they are using a restroom or changing room. This is not merely a theoretical risk--a UK review of reported sexual assaults in changing rooms for 2017-2018 found that in nearly 90% of the reports, the incident occurred in a unisex changing room.

If the proposed NDO is passed, Christian businesses such as printing shops, floral shops, bakeries, and photographer could face penalties or even lawsuits for violating it if they refuse to provide services that violate the owners' religious beliefs, such as refusing to provide a cake or floral arrangement for a same-sex marriage ceremony. The first amendment of the constitution provides protection for religious beliefs, and the Supreme Court of the United States upheld this protection in its 2015 Obergefell v. Hodges decision that legalized same-sex marriage, stating, "Finally, it must be emphasized that religions, and those who adhere to religious doctrines, may continue to advocate with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned."

I ask the mayor and city commissioners to vote against the NDO.

Sincerely,

Valerie Smith

Lisa C. Kunz

From: Melvin Sykes <melsykes33@gmail.com>
Sent: Tuesday, September 8, 2020 11:41 AM
To: commission

Please vote no on the LGBTQ legislation forcing churches to provide services regardless of their beliefs

Lisa C. Kunz

From: Elizabeth Bray <braypharm@yahoo.com>
Sent: Tuesday, September 8, 2020 11:43 AM
To: commission
Subject: NDO September 8 meeting

Dear Mayor Kelly and the Great Falls City Commission,

My name is Elizabeth Teini. I'm a citizen of Great Falls and live at 1712 41st St S. I am emailing to express my concern over the proposed NDO initiative under consideration for the city of Great Falls.

I do not believe discrimination is right. I can say with the utmost respect and sincerity that I believe all lives matter regardless of color, gender, or lifestyles. However, as a parent of young girls, I feel the NDO compromises the safety of my children and perhaps myself in restrooms, dressing rooms, or locker rooms. If the concern at hand is simply a matter of identifying, what stops a sexual predator or anyone for that matter from identifying as transgender to temporarily enter a restroom.

Secondly, there is no clause in this NDO that protects faith-based organizations from equal discrimination and to protect us from needless legal battles that could occur in the future. I should have the ability to politely decline or respectfully refuse business or support to something or someone that contradicts my values. I do not understand why I have to give up my moral beliefs and convictions in order to make others (proponents of the NDO initiative) comfortable. If this particular ordinance is passed, you as a commission are forcing me to go against my beliefs and something I disagree with. That is discrimination against me.

This NDO is totally unnecessary as this portion of our community already has legal protection under the law considering the recent Supreme Court's ruling in the Bostock vs. Clayton case. Our own city attorney, Sara Sexy, has already determined that this legislation is unnecessary, as well.

Thank you for your consideration in this matter. Respectfully, I ask that the commission vote 'NO' on the NDO ordinance.

Sincerely,
Elizabeth Teini

Lisa C. Kunz

From: Antonio Hicks <godmusick96@gmail.com>
Sent: Tuesday, September 8, 2020 11:45 AM
To: commission
Subject: NDO

I respectfully request they would vote NO to the NDO Bill.

Lisa C. Kunz

From: Jeni <jeni@jenidodd.com>
Sent: Tuesday, September 8, 2020 11:41 AM
To: Lisa C. Kunz
Subject: Comments on NDO
Attachments: NDO Jeni Dodd 1.pages; NDO Jeni Dodd 2.pages; Anti-NDO legal opinion.pdf; Alliance Defending Freedom NDO.pdf

Lisa,

Hope this finds you well. Please accept the following comments and attachments opposing the proposed NDO under consideration at tonight's special meeting. If you could, please verify that you received this email and the attachments.

Thanks!

Jeni Dodd
Great Falls, MT

Lisa C. Kunz

From: Jeni <jeni@jenidodd.com>
Sent: Tuesday, September 8, 2020 11:46 AM
To: commission
Subject: NDO comments
Attachments: NDO Jeni Dodd 1.pages; NDO Jeni Dodd 2.pages; Anti-NDO legal opinion.pdf; Alliance Defending Freedom NDO.pdf

Please accept the following attachments as comments to oppose the proposed NDO being discussed tonight.

Thank you.

Jeni Dodd
Great Falls

COMMENTS ON THE NDO
JENI DODD
TUESDAY, SEPTEMBER 8, 2020

This NDO is unconstitutional, both at the federal and state levels.

Montana Constitution, Article 2, Section 4 states: *“No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.”*

This NDO, if passed, will interfere with Great Falls residents’ civil and political rights, and will discriminate based on religious ideas, political ideas and culture based on traditional American values.

Christians’ civil rights will be impacted and they will be discriminated against for religious ideas in order to accommodate the LGBTQ community. Those on the opposite political spectrum from the LGBTQ community will be discriminated against in the exercise of their political ideas.

Even the legal opinion of Great Falls city attorney warns against adopting this ordinance. If that is not enough, I have attached the legal opinion of Kenneth D Peterson, Attorney at Law from Billings, MT. Peterson submitted his opinion in opposition of proposed NDO for Billings. That NDO, like the one proposed for Great Falls is a cookie cutter template NDO pushed by the national LGBTQ movement and they are all substantially the same.

In addition, I have attached the “Rights of Conscience Cases Arising in the Context of Nondiscrimination Laws,” from the Alliance for Freedom. I suggest city staff and the city commission take a look at these cases in their deliberations.

This NDO also violates the Constitution. Coerced speech is unconstitutional. The US Supreme Court has repeatedly ruled that a person cannot be forced to propound or communicate a message that violates his or her religious beliefs or conscience. The constitutional right of the Free Exercise of Religion should always prevail over a statutorily created right.

ADDITIONAL COMMENTS ON THE NDO
JENI DODD
TUESDAY, SEPTEMBER 8, 2020

I find it absurdly interesting that the NDO proposed by the LGBTQ community in Great Falls contains the following language:

“...no person shall be denied **his or her** civil rights or be discriminated against based upon **his or her** sexual orientation or gender identity or expression.”

What happened to the 64 plus genders that the LGBTQ community claims exists? This is a group that wants us to accept that there are more than two genders, yet in their own proposal, they assert only two genders. And therein lies the nonsensical nature of this NDO. They seek to punish the rest of us for not following their proposed rules, when they don't even follow those rules.

This NDO is merely designed to be punishment for Christians and others who don't accept the LGBTQ lifestyle as legitimate. Why should I, or anyone else be forced to legitimize a lifestyle that goes against my or their beliefs, morals or reasoning? I'm not asking you to legitimize my lifestyle and make exceptions for it. But believe me, I will. If this passes, you will see demands for a conservative NDO and a Christian NDO, among others.

In addition, this NDO seeks to control private businesses' ability to deny service based on pseudo-science. If we start accepting a person's declaration of how they define themselves as irrefutable fact, then what's to stop me, for example, as identifying as black and claiming discrimination based on race.

Another absurdity I see is this—right now we are living our lives under a mask mandate. That mandate states that if there's a medical reason one

cannot wear a mask, a person can abstain from wearing one. Yet, private businesses are not following the mandate; many of them will not allow folks in their business without a mask. Lest you think that those folks denied entry are covered under the Disability Act and may request accommodation, many are not—not every medical condition leading to the inability to wear a mask falls under that act. Yet, it is still an immutable fact that someone can be severely physically negatively affected by wearing a mask. But gender identification and sexual orientation are not immutable facts—they are choices.

A gentleman was just charged with contempt of court for not donning a mask. He said he has trouble breathing with one on, though not to the degree that he claimed a medical reason. Why should his declaration of his truth carry any less weight in the law than someone who claims their truth is that they are now a gender they weren't at birth? Both are choices, however this ordinance seeks to have certain choices carry more weight than other choices from other folks, merely because they come from the LGBTQ community,. That is selfish.

This ordinance is not about non-discrimination or civil rights – it is really about forced civil acceptance of conduct through the force of law. There is no comparison to the civil rights struggles of the African-American community for example. No gay/transgender person has been denied the right to vote or been enslaved. Those are true acts of discrimination and any comparison is not valid.

KENNETH D. PETERSON

ATTORNEY AT LAW

424 48th Street West • BILLINGS, MONTANA 59106 • PHONE: (406) 534-2376 • (406) 591-2608 (Cell) • Email kenneth59@bresnan.net

24 April 2014

Honorable Mayor and City Council, City Administrator and City Attorney
City of Billings Montana
210 N. 27th St.
P.O. Box 1178
Billings, MT 59101

In re: Proposed NDO

Dear Mayor, City Council, City Administrator and City Attorney:

I understand that the City is considering adopting a Nondiscrimination Ordinance patterned after those adopted by Missoula, Helena and Butte. As I will explain below it is my opinion that all of the foregoing Cities [self-government cities] have acted in a manner that exceeds their legal authority.

Since most of you do not know me, I need to tell you that I was the first City attorney for the City of Billings when it commenced as a self-government city under its charter. I served for about 7 years as the City attorney and I continued to represent the City in litigation matters for about another 12 years. During that time I had extensive education on self government powers through study and litigation. I can tell you based on experience that the City has not fared well in the Courts when it has attempted to exceed those powers. In one case the City and the taxpayers paid about \$500,000.00 because it exceeded its authority. Not only did the Federal Court hold the City liable but it held each individual Council person liable. In another case where the City Council wanted to exceed its authority they were told by the then City attorney that the City would get sued and they would lose.

I have also served 4 terms as a Montana legislator and have served as vice chair and chair of the house judicial committee. I served as chair my last term. During that time these same issues came before my committee every term I was there. As

you probably know nothing is adopted by the legislature until it has extensive committee hearings in both the House and Senate, is lobbied extensively by all sides , debated on the floor of both houses, passed and signed by the Governor.

These issues came before the legislature every session I was there and came up again in 2013. What the advocates are trying to do is backdoor these issues to try to circumvent the legislative process. They have asked the legislature to change the law but the legislature has refused. They are putting the Cities in a position to be sued for exceeding their authority and the Cities are unwittingly going along.

The Montana Constitution is the basic law that governs all laws , persons and entities in the State of Montana. Adopting a NDO will cause and allow some of the rights granted to everyone to be infringed. See Article I Sections 3, 4, 5 and 10.

No City in the State of Montana self governing or not has any authority, nor can any authority be found to allow it to infringe on the rights guaranteed in the Constitution. That basic law is supreme in the State of Montana. The Constitution of the State of Montana Article XI section 6 describes the extent of the self government powers as follows:

Self-government powers. a local government unit adopting a self-government charter may exercise any power **not prohibited** by this constitution, law or charter. . . . (emphasis provide by writer)

The legislature has passed laws that prohibit self-governments from exercising powers:

MCA § 7-1-111(1) any power that applies to or affects any private or civil relationship

MCA § 7-1-113 (1) A local government with self-government powers is prohibited the exercise of any power in a manner inconsistent with state law or administrative regulation in any area affirmatively subjected by law to state regulation or control. (2) * * *. (3) An area is affirmatively subjected to state control if

a state agency or officer is directed to establish administrative rules governing the matter or if enforcement of standards or requirements established by statute is vested in a state officer or agency.

The whole area of illegal discrimination has been affirmatively subjected by law to state regulation and control **MCA title 49 part 2**. The Montana Human Rights Commission is directed by the State legislature to establish administrative and procedural rules in implement the act, **MCA § 49-2-204**. Therefore a self-government city is prohibited from passing any ordinance dealing with discrimination.

In further support of the position stated above I attach for your further reading a letter memorandum prepared by Michael J San Souci, that I find very well analyzed and well reasoned and with which I totally agree.

Although I recognize that this is a lot of reading I urge you to take the time because of the importance of the issue to also read the cases that have been compiled by the Alliance Defending Freedom to see that those cases clearly violate many of the rights of citizens of Montana as guaranteed by our Constitution. I attach a copy of that also.

I am not hired by anyone and am just sharing my knowledge and understanding to help put this issue in proper perspective and to shed light and sunshine on the issues.

Thank you for the opportunity to address these issues.

Very truly yours,

KENNETH D. PETERSON
Attorney at law

Kenneth D. Peterson

KDP/nc



A TALE OF TEN CASES

Rights of Conscience Cases Arising in the Context of Nondiscrimination Laws

Alliance Defending Freedom

March 11, 2014

Almost everyone agrees that discriminating against people because of things they cannot change about themselves, such as their biological sex or skin color, is wrong. The vast majority of us would agree that people should not be denied basic services, like those provided by restaurants, hotels, and stores, because of these types of immutable characteristics. Similarly, most people would say that people should not be denied basic services because of their religious beliefs or their political viewpoints. We might disagree with one another about these things. But most people would say that restaurants should not refuse to sell someone food because the owner disagrees with the customer's religion. Nor, to take another example, should hair stylists refuse to cut someone's hair because the stylist is of a different political party than the customer. Generally speaking, we almost all agree that this type of discrimination is not only morally wrong, it is harmful to our society.

There are times, however, when these general rules against discrimination should give way to more important principles against forcing someone to violate her conscience. Take, for example, the case of a printing business that is owned by a committed vegan and animal rights activist who believes that using animals for food is morally wrong. Should that business be forced to produce tee shirts printed with Chick-fil-A's slogan, "Eat Mor Chikin?," when the very notion of eating chicken is morally offensive to its owner? Or, suppose a minority-race videographer is asked by members of the Ku Klux Klan to make a documentary promoting their racial hatred. Should she have to create a positive video about the KKK? Or, suppose a baker who identifies as homosexual is asked to make a cake that says that God hates homosexuals. Should he have to do so?

Most people would agree that, in each of these examples, the business owners should be free to "discriminate" in order to avoid violating their consciences and creating messages that are reprehensible to them. So, while we tend to agree that discrimination is wrong, we also tend to recognize that sometimes there are

**Rights of Conscience Cases
Arising in the Context of Nondiscrimination Laws
Page 2**

exceptions to that general rule. And one such exception occurs when a business owner is asked to engage in conduct, or create a message, that is at odds with their deep-seated convictions of right and wrong. Or, at least, that should be an exception.

Sadly, we are increasingly seeing a tendency to refuse to grant these types of exceptions to people of faith when their religious convictions prevent them from offering services that would legitimize or promote what they believe is sinful behavior. For example, as will be discussed in more detail later in this paper, a wedding photographer was recently found to have unlawfully discriminated because she would not attend their commitment ceremony, provide photography services, and create a “wedding” photo memory book for a same-sex couple. The only reason she declined to provide her services, however, is because her church teaches that marriage should only be between a man and a woman and it would be wrong for her to use her artistic talents to promote other types of “marriages.” There are numerous examples of similar outcomes for people of faith whose consciences prevent them from participating in, or promoting, what they regard as sinful activity. They are being compelled by the government to violate their consciences and go against their religious beliefs.

Consequently, one of the greatest threats today to religious freedom and people of faith is the rapid proliferation of laws prohibiting discrimination on the basis of sexual orientation and gender identity in places of public accommodation, housing, and employment. Alliance Defending Freedom has been involved with a number of these cases in which complaints have been brought pursuant to one of these nondiscrimination ordinances. This paper first summarizes the current status of those cases, and then describes the cases that have already concluded.

Current Cases

I. Elane Photography (Jonathan and Elaine Huguenin).

- Case Name: *Elane Photography v. Willock*, 309 P.3d 53 (N.M. 2013), *petition for cert. filed* (Nov. 8, 2013) (No. 13-585).
- New Mexico Supreme Court Decision is available at: <http://www.adfmedia.org/files/ElanePhotoNMSCopinion.pdf>.
- Petition for Certiorari is available at: <http://www.adfmedia.org/files/ElanePhotoCertPetition.pdf>.
- Alliance Defending Freedom Resource Page is available at: <http://www.adfmedia.org/News/PRDetail/5537>.

**Rights of Conscience Cases
Arising in the Context of Nondiscrimination Laws
Page 3**

In New Mexico, Elaine and Jonathan Huguenin operated a company called Elane Photography, which specialized in wedding photography. Elaine, an artist with a degree in photography, is the lead photographer for the company, and she employs a photojournalistic style in her work, using her pictures to tell stories for her clients.

In going about their work, both Elaine and Jonathan were ever-mindful about the messages communicated through the photographs Elaine creates. Company policy ensured that they will never tell a story or convey a message contrary to their belief system. As believing Christians, Elaine and Jonathan believe the Bible's teaching that marriage is the union of one man and one woman.

In September 2006, Vanessa Willock asked Elaine to create pictures of her same-sex commitment ceremony. Elaine believed that the pictures she would create at the event would tell a story of marriage at odds with her religious convictions and what she believes to be God's plan for marriage. As a result, she politely declined.

Interestingly, Elaine would have gladly provided other types of photography services to a customer who identified as homosexual. For instance, she would have happily taken a portrait of such a customer, or filmed a graduation ceremony. But what Ms. Willock and her partner wanted Elaine to do was to participate in, and promote, their homosexual marriage. She was being asked to photograph the ceremony and create a memory book to tell the 'love story' of their wedding. To do that, Elaine would have to violate her conscience. She would have to act in ways her religious beliefs told her were wrong and promote a message at odds with what her faith told her was right. Elaine would have to attend a ceremony that her religious tradition teaches is immoral. She would have to pose the couple intimately. She would have to instruct them how to gaze romantically and lovingly into one another's eyes, how to caress a cheek or hand intimately and how to kiss—tenderly in this pose, passionately in that one—so as to get the perfect shots. Then, Elaine would have to take these photos, edit them, and create a memory book for their wedding, portraying it as a joyous event, when Elaine believed it was sinful and saddened God. She was not being asked to merely take a photograph of a person who identifies as homosexual, something she gladly would have done. She was being asked to participate in and use her talents to create speech that promoted something that she believed was sinful. This was far different than, say, serving someone at a lunch counter. And so Elaine declined to participate. Elaine said "no."

Ms. Willock readily found another photographer eager to help her celebrate her day, and that photographer charged less money than Elaine did to tell the story of the ceremony. But, sadly, this was not enough for Ms. Willock. Unwilling to let the Huguenins be free to conduct themselves consistently with their religious

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beliefs, Ms. Willock sued the company under the New Mexico Human Rights Act, alleging unlawful discrimination on the basis of sexual orientation.

The New Mexico Human Rights Commission used the Act to punish Elaine and Jonathan for declining to photograph Ms. Willock's ceremony, and ordered them to pay nearly \$7,000 in attorneys' fees to Ms. Willock's attorney. The New Mexico Supreme Court upheld the decision, ruling that the Huguenin's religious rights, guaranteed by the Constitution, must yield to the state's antidiscrimination law. One of the judges wrote that, while he understood that all the Huguenins wanted was to be let alone to live their lives according to their faith, they must surrender their right to freely exercise their religion as "the price of citizenship."

Alliance Defending Freedom attorneys have asked the U.S. Supreme Court to review the case.

Elaine and Jonathan spent almost a quarter of their young lives—all while trying to make a living and raise a family—trying to vindicate First Amendment rights that were given pride of place in our nation's founding and still-governing documents. And yet the courts ruled against them, ruling that their rights to act according to their faith and be faithful to their understanding of what God wants them to do are not as important as the state antidiscrimination law.

II. Masterpiece Cakeshop (Jack Phillips).

- Case Name: *Craig and Mullins v. Masterpiece Cakeshop, Inc. and Jack Phillips*.
- Jack Phillips' summary judgment motion and memorandum are available at: <http://www.adfmedia.org/files/MasterpieceSJBrief.pdf>.
- The ruling against Jack Phillips and Masterpiece Cakeshop is available at: <http://www.adfmedia.org/files/MasterpieceDecision.pdf>.
- Notice of appeal to the Colorado Civil Rights Commission is available at: <http://www.adfmedia.org/files/MasterpieceAppeal.pdf>.
- Alliance Defending Freedom media page available at: <http://www.adfmedia.org/News/PRDetail/8700>.

Jack Phillips has been using his artistic talents to design and create wedding cakes and baked goods for the last 40 years. Twenty years ago, he started Masterpiece Cakeshop, and since that time he has served thousands of customers in Colorado without regard to race, religion, sexual orientation, or any other status.

In addition to being a baker, Jack is a committed Christian who believes that he should live consistently with what he believes to be true. As a consequence, Jack seeks to operate his business in accordance with his faith, even when it costs him.

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For instance, he will not bake any Halloween-themed goods, even though Halloween typically provides bakeries increased revenue-making opportunities, because he believes that Christians should not promote Halloween. And he closes his store on Sunday, because he wants his employees to be able to go to church if they so desire.

While Jack serves all people, because of his faith he will not serve all events. Specifically, he won't serve any event that conflicts with his faith. That's why he won't serve Halloween-themed parties. It's also why he will not create wedding cakes for same-sex weddings. Jack believes that God designed marriage to be the union of a man and a woman, and that all other sexual unions are sinful. Jack further believes that for him to promote a different kind of union as a "marriage" would cause him to displease God.

In July 2012, Charlie Craig and David Mullins asked Jack Phillips, owner of Masterpiece Cakeshop, to make a wedding cake to celebrate their same-sex ceremony. In an exchange lasting about 30 seconds, Phillips politely declined, explaining that he would gladly make them any other type of baked item they wanted but that he could not make a cake promoting a same-sex ceremony because of his faith. Craig and Mullins, now represented by the American Civil Liberties Union, immediately left the shop and later filed a complaint with the Colorado Civil Rights Division.

After the Civil Rights Division found probable cause, the complaint was heard by an administrative law judge, who found in favor of Craig and Mullins and against Jack Phillips.

Jack Phillips legal defense team, which includes attorneys from Alliance Defending Freedom, have filed an appeal with the Colorado Civil Rights Commission.

III. Arlene's Flowers (Barronelle Stutzman).

- Case Name: *State of Washington v. Arlene's Flowers*.
- Washington State's complaint against Arlene's Flowers is available at: <http://www.adfmedia.org/files/ArlenesFlowersAGcomplaint.pdf>.
- Arlene's Flowers' countersuit is available at: <http://www.adfmedia.org/files/ArlenesFlowersCountersuit.pdf>.
- The ACLU's complaint against Arlene's Flowers is available at: <http://www.adfmedia.org/files/ArlenesFlowersACLUcomplaint.pdf>.
- Alliance Defending Freedom media page available at: <http://www.alliancealert.org/tag/zz-state-of-washington-v-arlenes-flowers/>.

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Sixty-eight-year-old Barronelle Stutzman, the sole owner of Arlene's Flowers in Richland, WA, has for her entire career served and employed people who identify as homosexual. One of her longtime clients, whom she had served for nine years while knowing that he identified as homosexual, asked her to design the floral arrangements for his same-sex "wedding." Ms. Stutzman had always considered him a friend. She responded by telling him that, while he knew she loved him, her religious convictions would not allow her to design floral arrangements that would support same-sex "marriage." He responded by bringing suit against her, as did the State of Washington. Both suits allege violations of Washington's state nondiscrimination law.

Alliance Defending Freedom, which represents Ms. Stutzman, filed a countersuit on her behalf against the State of Washington. The countersuit argues that the nondiscrimination law, as applied to Ms. Stutzman, is unconstitutional because it forces her to act contrary to her religious convictions and also to promote a message that she does not want to speak.

This matter is currently before the Benton County, WA, Superior Court. There will likely be a decision sometime in 2014. No matter which side wins in the state superior court, the matter will likely be appealed and the litigation will likely drag on for years.

IV. Hands On Originals (Blaine Adamson).

- Case Name: *Baker, for Gay and Lesbian Services Organization v. Hands On Originals.*
- Complaint alleging discrimination is available at: <http://www.adfmedia.org/files/HOOcomplaint.pdf>.
- Hands On Originals' response is available at: <http://www.adfmedia.org/files/HOOresponse.pdf>.
- Determination of Probable Cause is available at: <http://www.adfmedia.org/files/HOOdetermination.pdf>.
- Alliance Defending Freedom resource page is available at: <http://www.adfmedia.org/News/PRDetail/5454>.

Blaine Adamson is the managing owner of Hands On Originals, a printing company in Lexington, Kentucky that specializes in producing promotional materials. Blaine is a believing, practicing Christian who strives to live consistently with Biblical commands. He believes that God commands obedience in all areas of his life, and he does not distinguish between conduct in his personal life and his actions as a business owner. As a result, he strives to avoid using his

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company to design, print, or produce materials that convey messages or promote events or organizations that conflict with his sincerely held religious convictions.

Hands On Originals has served customers that Blaine knew identified as homosexual, and it has employed (and currently employees) persons who identify as homosexual. But Blaine does not want to produce printed materials that promote homosexual behavior. Doing so conflicts with his sincerely held religious beliefs about sex and sexuality.

In March 2012, the Gay and Lesbian Services Organization (“GLSO”), an advocacy organization that promotes same-sex relationships and homosexual conduct, asked Blaine and his company to print promotional shirts for the Lexington Pride Festival, which, like GLSO, celebrates same-sex relationships and homosexual conduct. Blaine politely declined the request because he knew that the content of those shirts and the event that they would promote would communicate messages clearly at odds with his religious beliefs.

Blaine nevertheless did offer to connect GLSO with another company that would print the shirts for the same price that Hands On Originals would have charged. Yet this courtesy was not enough for the GLSO and its members. They believed that Blaine and his business should be punished for his objection to their messages. As a result, the GLSO filed a discrimination complaint with the Lexington-Fayette Urban County Human Rights Commission, alleging that Hands On Originals unlawfully discriminated on the basis of sexual orientation.

As with the previously discussed cases, this discrimination complaint has nothing to do with ensuring access to services. GLSO could get its shirts printed, but still decided to persecute Hands On Originals for disagreeing with its message. Indeed, soon after filing its nondiscrimination complaint, GLSO filled its shirt order with little trouble when another company offered to print the shirts for free. Nevertheless GLSO continues—to this day—to press its claim against Blaine and his company by not dismissing its complaint.

To add injury to insult, upon filing its discrimination complaint, GLSO and its allies began a public campaign against Hands On Originals in the community, which included, among other things, a page on the group’s website and a “Boycott Hands On Originals” Facebook page. As a result of the public pressure created by GLSO, some of Hands On Originals’ large customers—such as the University of Kentucky, the Fayette County Public School System, and the Kentucky Blood Center—have publicly stated that they are placing a hold on further business with Blaine and his company, resulting in a significant loss of business for Hands On Originals. This unfortunate and unwarranted development has jeopardized the livelihood of Blaine’s many employees and the future of his company.

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In November 2012, the Commission found probable cause to believe that Hands On Originals violated the local nondiscrimination ordinance. By simply striving to conduct himself consistently with his faith, Blaine now faces a legal struggle that threatens to approximate in time and pain the one already endured by the Huguenins in New Mexico. The travails of Hands On Originals illustrates that living in accordance with one's religious belief is an increasingly expensive right to exercise in these times.

V. Aloha Bed & Breakfast (Don and Phyllis Young).

- Case Name: *Cervelli v. Aloha Bed & Breakfast*, No. 11-1-3103-12 ECN (Haw. Ct. of App. filed May 9, 2013).
- Alliance Defending Freedom media page is available at: <http://www.alliancealert.org/tag/zz-cervelli-v-aloha-bed-breakfast/>.

Phyllis Young is a Christian with sincerely held religious beliefs, which are shaped by both the Bible and her Church's teaching. She resides with her husband in their family home in Honolulu, HI. It has 1,926 square feet and 10 ½ rooms—4 bedrooms, 2 ½ bathrooms, a family room, dining room, living room, and kitchen. The Youngs have owned this house for 35 years. It is their family home, where they raised their children and are visited by their grandchildren.

Phyllis sometimes rents a room, or two or three, of her family home, where she resides. Because of her sincerely held religious beliefs, she does not allow unmarried opposite-sex couples or same-sex couples to rent a room with a single bed together. Phyllis believes that sexual intercourse is only proper in opposite-sex marriage, and so it is immoral for opposite-sex, unmarried couples or same-sex couples to engage in sexual behavior. She would not even allow her adult daughter to share a room with her live-in boyfriend when they visited. This might seem old-fashioned to some. But Phyllis believes what the Bible and the Catholic Church teach about sexual morality.

Phyllis calls her rental business "Aloha Bed & Breakfast." But Aloha has no checking account. All payments for rooms in Aloha are made payable to Phyllis. Unlike hotels, Aloha has no employees. There is no clerk, or office into which members of the public enter. In fact, people may not enter Phyllis's home without her permission. She generally keeps her door locked, just like other homeowners. No one has ever even knocked on her door and asked to stay in Aloha. "Aloha" is not even listed in the phone book. The residence's listing is under the name of Don and Phyllis Young. When someone phones, Mrs. Young answers with some variation of, "Hello, this is Phyllis."

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At any given time, Mrs. Young will rent between one and three rooms in her home. She gives her guests a key that opens all doors to her home. Guests use Mrs. Young's personal washing machine and dryer. She, her husband, and her guests all share the living space of the house, including the family room, bathrooms and kitchen. The Youngs and their guests "rub shoulders" in the house. For instance, sometimes they find themselves relaxing in the family room at the same time. Mrs. Young stores some of her personal belongings in the closet of each room she rents to her guests. She also allows guests to use her personal computer, located in her own bedroom. Because of the intimate living arrangements Mrs. Young shares with her guests, she is selective in determining who she will welcome into her home. And she will not allow couples to stay in Aloha if allowing them to do so would violate her sincerely held religious convictions.

Diane Cervelli and Taeko Bufford, a couple who identify as "lesbian," asked to rent a room with a single bed in Mrs. Young's home. Mrs. Young declined because allowing a same-sex couple to share a room with only one bed in her home violates her sincerely held religious beliefs. Ms. Cervellie and Ms. Bufford complained to the Civil Rights Commission, which found probable cause that Mrs. Young had violated the state nondiscrimination law, which prohibits discrimination on the basis of sexual orientation.

Mrs. Young's attorneys, which includes attorneys from Alliance Defending Freedom, appealed that decision to the state trial court. On April 15, 2013, the trial court judge found that Mrs. Young had engaged in unlawful discrimination when she declined to rent a room—in her own home!—to a same-sex couple. The case has been appealed to the Hawaii intermediate Court of Appeals.

The trial court's ill-considered ruling, if permitted to stand, will prevent Phyllis and others from choosing the people they rent rooms to in their own homes. If Phyllis does not have this freedom, she will be forced to stop renting her property. This will likely prevent Phyllis and her husband from meeting their monthly mortgage obligations, thus forcing them to give up the home in which they raised their children.

VI. Sweet Cakes By Melissa (Aaron and Melissa Klein).

Melissa and Aaron Klein own Sweet Cakes by Melissa, a bakery located in Gresham, Oregon. They declined, because of their religious beliefs, to bake a wedding cake for a same-sex "wedding." The couple filed a complaint against them, which is currently pending before the Oregon Bureau of Labor and Industries ("BOLI"). If it finds probable cause, the case will be turned over to an administrative law judge, who could then assess civil penalties against the Kleins.

The commissioner of BOLI, Brad Avakian, has been quoted as saying that "The goal is never to shut down a business. The goal is to rehabilitate."

VII. Liberty Ridge Farm (Cynthia Gifford).

- Case Name: *Erwin v. Gifford and Liberty Ridge Farm*. “Allied Attorney” Jim Trainor is the Giffords’ attorney. He is being assisted by Alliance Defending Freedom attorneys.

Liberty Ridge Farm, in Schaghticoke, NY, is the home of the Gifford family. It is a working farm that has been in the family for many years, and the main structure on the property is where the Giffords reside, raise their children, and engage in the private affairs of family life.

The Gifford family also chooses to allow people on their property for certain select events on given days at given times. Their home is not opened indiscriminately like a hotel, and although visitors pay for certain events held on the property, the Giffords determine the types of activities they will or will not allow.

The family holds deeply-held religious beliefs, and one of these beliefs is that God created the design for marriage, which is one man and one woman in a lifelong and exclusive relationship. The Giffords do not deny access to the Farm to any visitor on the basis of race, religion, sex, and other factors including sexual orientation. Everyone is welcome to attend any scheduled events on their property. They would even permit a same-sex couple to hold a reception on their property. But they will not allow same-sex a “marriage” ceremony, which violates their religious beliefs.

Melissa Erwin and Jennifer McCarthy are a same-sex couple who wanted to hold their “wedding” at Liberty Ridge Farm. The Giffords declined to allow them to do so because of their religious beliefs. Ms. Erwin and Ms. McCarthy then filed a complaint with the New York Division of Human Rights.

There was an evidentiary hearing in November 2013 before an administrative law judge. The ALJ asked both sides for briefs after that hearing. These briefs were submitted on January 7, 2014. Jim Trainor argues in his brief that Liberty Ridge Farm does not fit within the definition of public accommodation, and also that the Farm did not decline provide services because of the sexual orientation of the complainants but rather because of the Giffords’ beliefs about marriage.

Concluded Cases

In addition to the above, ongoing cases, Alliance Defending Freedom has also been involved with a number of cases that have concluded.

VIII. Wildflower Inn (Jim and Mary O’Reilly).

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- Case Name: *Katherine Baker and Ming-Lien Linsley, and Vermont Human Rights Commission v. Wildflower Inn*, Docket No. 183-7-11
- Alliance Defending Freedom media page is available at: <http://www.adfmedia.org/News/PRDetail/7601>.

In the bucolic Vermont countryside, Jim and Mary O'Reilly operate the Wildflower Inn, a family owned bed-and-breakfast. For many years operating in a State that legally recognizes same-sex unions, the O'Reillys, a committed Catholic family, had an established business practice when approached by anyone asking the inn to host an event celebrating a same-sex marriage or civil union. When presented with such a request, Jim would honestly disclose his deeply held religious conviction that marriage is the union of one man and one woman, while nevertheless maintaining that the inn will host ceremonies or receptions for same-sex unions because that is what the State's nondiscrimination law requires. Jim would disclose this information about his religious convictions because he felt compelled to be honest with potential customers. This practice was approved by the Vermont Human Rights Commission in 2005, which concluded that there were "no reasonable grounds to believe that Wildflower illegally discriminated" merely by Jim's communicating his beliefs to a potential customer who inquired about celebrating a civil union on the property.

In 2011 the ACLU teamed up with the Human Rights Commission, the same entity that had blessed the O'Reillys' conduct just six years before, in a lawsuit against Wildflower. The lawsuit began when a former Wildflower employee falsely claimed that the inn would not allow a same-sex wedding reception. But the ACLU and the government did not merely challenge Wildflower's alleged unwillingness to host a same-sex reception; they directly attacked the O'Reillys' approved practice of honestly disclosing their religious beliefs about marriage to potential customers.

The O'Reillys' expression of their religious beliefs came at great cost. The real-world implications of a protracted legal battle with the government and the ACLU (and the prospect of paying the government's and the ACLU's attorneys' fees) threatened to bankrupt the O'Reillys and shutter the business they had worked so hard to build. Although the Commission agreed that the O'Reillys acted in good-faith reliance on its 2005 ruling, the government and the ACLU demanded that the O'Reillys pay \$10,000 to the Commission as a civil penalty and \$20,000 to a charitable trust set up by the ACLU's clients. Forced with the prospect of potentially losing their business, the O'Reillys relented and agreed to these terms in August 2012.

This case was not about access to services—the ACLU's clients were easily able to find a venue for their reception, and the Wildflower's business practice did not deny services to anyone, but merely disclosed the O'Reillys' relevant religious convictions. What the government and the ACLU really objected to was the

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O'Reillys' mere mention of their views about marriage—views that conflict with the prevailing political orthodoxy in Vermont. For this, the government and ACLU insisted that the O'Reillys be punished. This case demonstrates the threat that nondiscrimination laws present to religious freedom—that those who disagree with the government's views about issues implicating a statutorily protected classification must pay dearly for the exercise of their constitutional rights.

IX. The Ocean Grove Camp Meeting Association.

- Case Name: *Bernstein v. Ocean Grove Camp Meeting Association*.
- Alliance Defending Freedom media page is available at: <http://www.adfmedia.org/News/PRDetail/7717>.

The Ocean Grove Camp Meeting Association was founded in 1869 by a small band of Methodist clergymen on the New Jersey shore. It is a religious association that provides a venue for religious services, including Sunday services, Bible studies, camp meetings, revival gatherings, gospel music programs, religious educational seminars, and other religious events. Upon its incorporation, the Association pledged that it would use its facilities for God's glory and would abstain from using them in any way "inconsistent with the doctrines, discipline, or usages of the Methodist Episcopal Church."

As part of its outreach programs to the community, the Association makes regular use of its privately owned, open-air Boardwalk Pavilion overlooking the Atlantic Ocean. Each day throughout the summer, the Association hosts overtly and exclusively religious events in the Boardwalk Pavilion, events ranging from Bible studies to worship services and revival meetings. All events held in the Boardwalk Pavilion are consistent with the religious beliefs and doctrines of the Association.

In 1997, the Association began operating a wedding ministry in many of its private places of worship, including the Boardwalk Pavilion. Because this ministry was a means of Christian outreach to the community, the Association permitted members of the public to have their weddings in the Boardwalk Pavilion.

In March 2007, Harriet Bernstein asked the Association if she could use the Pavilion for a civil-union ceremony with her same-sex partner, Luisa Paster. The Association sincerely believes, based on its interpretation of the Holy Bible and its reading of the Methodist Book of Discipline, that marriage is the uniting of one man and one woman. The Association also believes that homosexual behavior is incompatible with Christian teaching, and thus it does not condone that practice. Naturally, then, the Association denied the couple's request because the proposed use of the facility violated the Association's sincerely held religious beliefs.

In June 2007, the couple filed a discrimination complaint with the New Jersey Division on Civil Rights, alleging that the Association's denial of their

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request amounted to unlawful discrimination under the New Jersey Law Against Discrimination. As is all too common, the Division agreed, concluding in October 2012 that the Association had violated the State's nondiscrimination law, despite the fact that the Pavilion was a place of religious worship used by a religious organization.

The complaining couple neither suffered nor sought any monetary damages. Nor were they left without a suitable venue for their event, as evidenced by the fact that they held their civil-union ceremony on September 30, 2007, on a fishing pier in Ocean Grove. This case, then, like the others discussed, was not about a lack of access to services or facilities.

Instead, the couple filed their complaint to compel a religious organization to act in a manner that would violate core tenets of its religious faith. Regrettably, the government permitted the couple to use the nondiscrimination laws to prevent the Association from operating its programs and activities consonant with its religious faith.

X. Julea Ward.

- Case Name: *Ward v. Wilbanks*.
- Sixth Circuit opinion available at:
<http://www.adfmedia.org/files/WardAppellateDecision.pdf>.
- Alliance Defending Freedom media page is available at:
<http://www.adfmedia.org/News/PRDetail/141>.

Julea Ward was enrolled as a student in a graduate counseling program at Eastern Michigan University ("EMU"). As part of a practicum course, Julea was assigned a potential client seeking assistance for a same-sex relationship. Julea knew that she could not affirm the client's relationship without violating her religious beliefs about extramarital sexual relationships, so she asked her supervisor how to handle the matter. Consistent with ethical and professional standards regarding counselor referrals, Julea's supervisor advised her to refer the potential client to a different counselor. Julea followed that advice. The client was not in the least negatively impacted, and indeed never knew of the referral.

Shortly thereafter EMU informed Julea that her referral of the potential client violated the American Psychological Association's nondiscrimination policy, which mirrors many nondiscrimination laws enacted across the country. EMU also told Julea that the only way she could stay in the counseling program would be if she agreed to undergo a "remediation" program, the purpose of which was to help her "see the error of her ways" and change her "belief system" as it related to providing counseling for same-sex relationships. Julea was unwilling to violate or

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change her religious beliefs as a condition of getting her degree, and therefore she refused "remediation."

At a subsequent disciplinary hearing, EMU faculty denigrated Julea's Christian views and asked several uncomfortably intrusive questions about her religious beliefs. Among other things, one EMU faculty member asked Julea whether she viewed her "brand" of Christianity as superior to that of other Christians, and another engaged Julea in a "theological bout" designed to show her the error of her religious thinking. Following this hearing, in March 2009, EMU formally expelled Julea from the program, basing its decision on the APA's nondiscrimination policy. At that time, Julea had been enrolled in the counseling program for three years and was only 13 quarter hours away from graduation.

Julea filed suit against EMU officials. After the trial court dismissed her claims, Julea won a unanimous victory from the Sixth Circuit Court of Appeals. When ruling in Julea's favor, that court noted that "[t]olerance is a two-way street," for if it were otherwise, nondiscrimination measures would "mandate[] orthodoxy, not anti-discrimination."

The abuse of religious liberty in the name of "tolerance" that the Sixth Circuit diagnosed is the same abuse our clients regularly suffer, all over this country, and it is visited upon them by the very nondiscrimination laws that, ironically enough, purport to protect the religious from discrimination.

Lisa C. Kunz

From: Cheryl Chaon <cherylchaon@gmail.com>
Sent: Tuesday, September 8, 2020 11:47 AM
To: commission
Subject: NDO

In my opinion, the City of Great Falls does not need a Non-discrimination ordinance at this time. Thank you for your consideration.

Lisa C. Kunz

From: christen leblanc birkholz <christenleblancbirkholz@gmail.com>
Sent: Tuesday, September 8, 2020 11:49 AM
To: commission
Subject: Fwd: NDO — YES!

----- Forwarded message -----

From: **christen leblanc birkholz** <christenleblancbirkholz@gmail.com>
Date: Tue, Sep 8, 2020 at 11:47 AM
Subject: NDO — YES!
To: commission@greatfalls.net <commission@greatfalls.net>, gflgbtq@gmail.com <gflgbtq@gmail.com>

To the Great Falls City Commissioners and Mayor:

I am a Great Falls resident that believes everyone in our city deserves dignity, respect, and equality. For this reason, I support the Great Falls LGBTQ+ Center in their efforts to pass a Non-Discrimination Ordinance. Our community thrives when we uplift and support one another. I expect my representatives to uphold these values and protect our LGBTQ+ community.

It's 2020 and long overdue that we as a community stand up for all members of our community. Please choose to be on the right side of history today.

Sincerely,
Christen LeBlanc Birkholz

Lisa C. Kunz

From: Fred Brown <browningtons@yahoo.com>
Sent: Tuesday, September 8, 2020 11:51 AM
To: commission
Subject: Vote NO on NDO Bill!

To whom it may concern:

Please vote NO on Bill...it is not good at all as far as I'm concerned!

Thanks,

Fred Brown
1625 1st Ave No
Great Falls Mt.
59501

Lisa C. Kunz

From: JAMES J HECKEL <jheckel8@msn.com>
Sent: Tuesday, September 8, 2020 11:52 AM
To: commission
Subject: Non Discrimination Ordinance

I strongly support the passage of a Non Discrimination Ordinance for the City of Great Falls. I believe this is necessary in the same way that specific legislation was needed to ensure rights women and for non-white citizens, although addressed in the Constitution.

Five other Montana cities, as well as hundreds nationally, have such an ordinance to clarify and stress that we are equally supportive of all citizens.

Thank you.

Jim Heckel
3012 Carmel Dr
Great Falls, MT 59404
406-454-1465

Lisa C. Kunz

From: MARCUS Collins <pastorc21@gmail.com>
Sent: Tuesday, September 8, 2020 11:52 AM
To: commission
Subject: City NDO

To our trusted City Commission,

It is with great concern and thoughtfulness that I submit this email to the City Commission. In ministry my goal and heart is to serve all the citizens of Great Falls equally. This can be seen in the history of diversified events that our church has hosted and participated in. These events have enhanced the lives of our citizens no matter their race, color, creed, religion, sexual orientation , or gender. While I truly believe that all Great Falls citizens should never experience discrimination, I feel that this ordinance in its present form discriminates against the faith-based community. So, I would respectfully ask that the commission vote NO to this ordinance in it's present state.

Pastor Marcus Collins

Lisa C. Kunz

From: Montana Todd <toddsasek@gmail.com>
Sent: Tuesday, September 8, 2020 11:54 AM
To: commission
Subject: Non-discrimination Ordinance

Dear commissioners,

I understand the topic you are about to discuss is an emotional subject for many people on both sides of the subject. I trust you will consider the facts and needs as pertaining to the whole community.

The ordinance for non discrimination that is before you is already covered for all necessities, pertaining to the rights and needs of individuals, under current federal and state laws.

I believe the real issue is the long term goal of trying to force acceptance. God's law, His word the Bible, clearly deals with all issues of morality. Many people have convictions that are drawn from God's Word and they operate their personal lives and businesses according to those convictions. They should not be forced to go against their own convictions, for the sake of someone else's convictions.

As Commissioners representing the community as a whole, I encourage you to not install the ordinance. It is unnecessary.

Thank you for serving,
Todd Sasek
Pastor Temple Baptist Church
313 18th st sw
Great Falls

Lisa C. Kunz

From: rod chaon <chaonrod@gmail.com>
Sent: Tuesday, September 8, 2020 11:54 AM
To: commission
Subject: NDO bill

Please vote no on this bill. This is not in the best interests of the majority of residents in our city. Thank you.

Lisa C. Kunz

From: Sue Williams <wsue1129@gmail.com>
Sent: Tuesday, September 8, 2020 11:54 AM
To: commission
Subject: City ordinance worksession

As residents of the city of Great Falls, we want to give you our opinion on the non-discrimination ordinance. We favor the City attorney's opinion that this is not needed in Great Falls.

We believe another class of people would be created by this and all classes of people have ordinances that cover their freedom in the State of Montana and in the city of Great Falls.

Thank you.

--

Larry and Sue Williams
2209 6th St NW, Great Falls, MT 59404

Lisa C. Kunz

From: Quincy Hunsucker <mr_quincyh@yahoo.com>
Sent: Tuesday, September 8, 2020 11:56 AM
To: commission
Subject: NDO... please vote NO!

Please vote NO on NDO

Thank you

Lisa C. Kunz

From: Brad Smith <gbradfordsmith@yahoo.com>
Sent: Tuesday, September 8, 2020 11:57 AM
To: commission
Subject: objection to proposed non-discrimination ordinance

To Whom It May Concern,

As a resident (Gordon Smith, 1127 21st Ave SW) of Great Falls, I strongly object to the non-discrimination ordinance that is being considered by the city. There is absolutely no reason that a biological male should be allowed to share a restroom, changing room or any other location designated for female use only. I am a father of a beautiful 15 year old girl. To have her put a risk by opening this door is unacceptable. This type of ordinance allows for any sexual predator to abuse such a choice under the ruse of pretending to be female by simply wearing female clothing and granting them access to locations that all women (biological) should feel safe to conduct their private business. Of course, this can also put young boys at risk too, as the role can be reversed. As a father of 5 young boys, I continue to stress my strong objection to this ordinance and encourage the mayor and city commissioners to vote against it.

Respectfully,
Gordon Smith

Lisa C. Kunz

From: Steven Hilton <manyts1429@gmail.com>
Sent: Tuesday, September 8, 2020 11:58 AM
To: commission
Subject: Discrimination bill

You will currently be voting on a bill concerning discrimination against LGBTQ. There are already laws against discriminating against anyone so I don't believe a special bill is needed here. Otherwise you will need a special bill for native Americans, African Americans etc etc. That is over kill and overburdensome.

Lana Hilton