



WOMEN'S LEGISLATIVE COUNCIL

of Utah County

January 21, 2013

Program Topic: **“THE UTAH ANTI-DISCRIMINATION BILL, THE MARRIAGE AMENDMENT, AND RELIGIOUS LIBERTY**

Presented by: Judiciary & Law Enforcement Committee

Director: Dani Hartvigsen

Co-Chairs: Kim Grant and Carolina Herrin

**Speakers: Kim Hackford-Peer – Associate Director,
University of Utah Gender Studies Dept.
Sterling Beck – Former Councilman, Provo City
Rep. LaVar Christensen (R) Dist. 32 Salt Lake County
Gayle Ruzicka – President, Utah Eagle Forum**

Kim Hackford-Peer began by affirming that the anti-discrimination bills (*SB262 and SB100*) are about employment and housing. Stipulating that she herself has never experienced discrimination in the Utah workplace for being gay, she said her life-partner has been fired because of it. Ms. Hackford-Peer said she also has many friends who have directly experienced discrimination while attempting to find safe housing.

Same-sex marriage, she continued, is a wholly separate issue. She believes much of the rhetoric surrounding the gay marriage issue unfairly connects it with anti-discrimination in employment and housing. She believes the Utah anti-discrimination structure is currently a disjointed patchwork of city ordinances that does not offer adequate protection.

SB100 would add a needed stabilizing layer of workplace and housing anti-discrimination protection that would safeguard every person in the state, regardless of gender identity or sexual orientation. Also, Ms. Hackford-Peer believed there are adequate religious & small business safeguards in the bill itself. She cited a recent Dan Jones poll finding three out of four Utahns supportive of non-discrimination practices for employment and housing.

Responding to questions, she said Amendment 3 of the Utah Constitution is based on “relationships,” rather than identity, and noted it’s important to keep the two things separate. She believes the anti-discrimination bill (*SB100*) offers standardized protection for *all* men and women, rather than just those of a particular sexual orientation. Ms. Hackford-Peer invited all involved in this issue to do as she advises her students: “Question well, and listen carefully.”

Sterling Beck said he was the youngest member of the Provo City Council when he served there. He works for a “tech company.” Much of his job involves shaping the public’s perception about how certain technologies can benefit them. Our state, he said, is perceived by some as unwelcoming. As a state interested in bringing outside businesses to boost its economy, Utah should want to takes steps to do away with that incorrect perception. He referenced the LDS Church’s earlier (2009) support of nondiscrimination regulations in Salt Lake City that would give people with same-sex attraction protection from discrimination in the workplace and in obtaining housing.

Responding to questions, he said the current anti-discrimination bill would apply to large companies. It seems to him a fair & reasonable protection for people, and the right thing to do. It is also consistent with city ordinances already in place.

Rep. Christensen began by referring to Utah's Amendment 3 (which defines marriage as between a man and a woman) saying, "We license what we endure. We promote what we encourage." Same-sex marriage, he believes blurs an important line between what a society is willing to tolerate and what it sanctions or makes official. He read a court decision rejecting the argument in favor of same-sex marriage, stating the burden of proof did not support the argument over centuries of precedent. However, when a court in California overruled a majority vote of the people, the court cited an anti-discrimination law the state had passed. He believes the same scenario would be played out against Utah if it were to pass such a law.

With regard to legal decisions, he said, the importance of precedent can hardly be over-emphasized. He stated that if Utah adopts the anti-discrimination bill, it would provide another layer of precedent *against* marriage between a man & woman (Amendment 3) when it comes time for the state to defend Amendment 3 before the U.S. Supreme Court. This is the main reason the state should be unwilling to pass the anti-discrimination bill.

Responding to questions, Rep. Christensen said there is another unintended consequence of anti-discrimination bills. Employers or landlords have reported feeling intimidated into giving preference to gay tenants or job applicants over others, as happens when affirmative action programs go awry. Legal precedent already establishes protection for those engaged in civil unions. Hate crimes legislation and city ordinances are the better way to address discrimination.

Gayle Ruzicka said she believes private individuals and small businesses will be jeopardized by passage of the anti-discrimination bill. She offered the example of a local baker in another state who lost his business when he declined to provide a wedding cake for a same-sex wedding. She also cited the recent example of a high school in another state being required to allow access to the girls' bathroom by a male transgender student. Gender, she said, has essentially evolved into a question of, "You are who you feel you are."

Ms. Ruzicka stated that she welcomes an environment of tolerance toward the Lesbian/Gay/Bisexual/Transgender (LGBT) community in Utah or any other state. She noted that Jim Dabakis (an openly gay senator) is a friend, as are many others. She feels it essential, however, to oppose this statewide anti-discrimination bill for reasons that have nothing to do with bigotry or intolerance.

Responding to questions, she said hate crimes legislation now in effect has already been carefully crafted to apply to situations involving anyone, including the LGBT community, who may face discrimination or prejudice.

Reported by Pam Grange

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