



January 6, 2015

Via e-mail delivery

Mayor Jerry Weiers and Glendale City Council Members
City of Glendale, City Council Office
5850 W. Glendale Ave.
Glendale, AZ 85301

Re: City Council discussion of proposed non-discrimination ordinance and creation of Human Rights Commission

Dear Mayor Weiers and members of the City Council:

I write in advance of your scheduled discussion at the January 6 workshop meeting over the proposal to create a non-discrimination ordinance that includes as protected categories “sexual orientation” and “gender identity.” Passing an ordinance like this will have a serious negative impact on the religious freedom of business owners, religious ministries, and churches in Glendale. In addition, the ordinance is unnecessary and will impose additional difficulties on law enforcement personnel.

So-called “non-discrimination” ordinances that include the categories of sexual orientation and gender identity have been used to stifle and chill the free exercise of religion of people of faith across the country. On the one hand, most of the major religions in our nation—such as Christianity, Judaism, Mormonism, and Islam—hold certain precepts and convictions about sexual behavior, including the official belief that homosexual conduct is immoral. On the other hand, the proposed nondiscrimination law prohibits any religious person who holds these beliefs about homosexual behavior from acting upon their moral convictions. It is no wonder, then, that when these two hands meet, a power struggle ensues, and, troublingly, when the force of law is behind the sexual-orientation-nondiscrimination side of the struggle, religious liberty is pummeled under its weight.

Alliance Defending Freedom represents numerous business owners whose religious freedom has been trampled by non-discrimination ordinances such as the one being proposed. We represented a New Mexico photographer who, according to her religious beliefs, politely declined to photograph a same-sex “commitment ceremony.” The same-sex couple filed a complaint against her business and she was fined over \$7,000.00 for simply attempting to stand by her religious convictions.

Baronelle Stutzman is the owner of Arlene's Flowers, a small floral shop in Washington state. Baronelle could not agree to use her artistic abilities to arrange and coordinate the flowers for a same-sex wedding. Now she is being sued by the same-sex couple and by the Attorney General for the State of Washington for "discrimination" and stands to lose her business and her home if the lawsuits are successful. All Baronelle attempted to do was to stand by her religious convictions.

Alliance Defending Freedom also represents a t-shirt shop in Kentucky who was asked to print t-shirts for a homosexual pride event and is now in a lawsuit for standing by their religious convictions. We represent a bake shop in Colorado who is being sued for standing by their religious convictions to not coordinate and participate in a same-sex wedding ceremony. These are just a few examples where non-discrimination ordinances have negatively impacted people of faith.

None of these business owners seek the right to discriminate. Rather, they seek the right to live peacefully according to the dictates of their conscience as mandated by their religious beliefs. Non-discrimination laws, such as that being considered by Glendale, place these individuals in the position of being coerced by the government into violating their religious faith or of being punished by the government for their refusal to do so.


And there is no need for a proposed non-discrimination ordinance such as that being considered. There is no pattern of demonstrated and widespread discrimination sufficient to justify the proposed ordinance. In the years since the City of Phoenix passed a non-discrimination ordinance that included sexual orientation and gender identity, there have only been four complaints under the law and all four of those have been dismissed as baseless. Studies have shown that only 9% of self-identified homosexuals claim to have ever lost employment because of a decision that they thought was related to their professed sexual orientation. And in jurisdictions that have enacted statutes like the proposed law, less than 4% of the total discrimination claims involve allegations of discrimination based on sexual orientation or gender identity.

In addition, the inclusion of "gender identity" or "gender expression" in the proposed ordinance raises a host of problems for business owners, churches, and religious organizations. Would the ordinance require gender-neutral bathrooms? Would the ordinance require places of public accommodation such as the Foothills Aquatic Center to open their bathrooms and locker rooms to members of the opposite sex who present on a particular day as different from their biological sex? Ordinances that include gender identity or gender expression have been used as a ruse in other jurisdictions for men to enter women and young girl's bathrooms and locker rooms for the purpose of committing crimes.

There are also many other reasons for not passing the proposed ordinance including the increased burden of regulation it would impose on Glendale businesses, the expense of business owners required to hire attorneys to defend their business, the enforcement difficulties it will place on law enforcement in ascertaining how gender identity or expression should be interpreted, and the chilling effect the proposed ordinance would have on people of faith who would fear abiding by their religious beliefs in the face of government coercion.

For these reasons, I urge you to reject the proposed ordinance in its entirety as unnecessary and detrimental for the community of Glendale.

Sincerely,



Erik W. Stanley
Senior Legal Counsel