



# AMERICAN ATHEISTS

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March 20, 2018

The Honorable Rep. Pete Lee  
Chairperson, Colorado House Judiciary Committee  
200 E Colfax, Rm 307  
Denver, Colorado 80203

**Re: OPPOSITION for HB 1206, Testimony from American Atheists in opposition to the so-called "Live and Let Live Act"**

Dear Chairperson Lee and Members of the House Judiciary Committee:

American Atheists, on behalf of its more than 800 constituents in Colorado, writes in opposition to HB 1206, a controversial and dangerous bill which would, under the guise of religious freedom, create special exceptions to a range of neutral laws in order to privilege religious organizations and specific beliefs at the expense of all Coloradans. HB 1206 would allow individuals and organizations to evade Colorado's nondiscrimination laws and engage in invidious discrimination against LGBTQ people and others, in some cases with the use of taxpayer funds. We urge you to vote against this dangerous and unnecessary bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. Religious liberty is guaranteed by the First Amendment to protect individual beliefs; it does not create special rights for religious individuals and organizations to violate neutral laws or discriminate against groups they disfavor.

HB 1206 is unnecessary. Religious liberty is already guaranteed by the US Constitution and by Colorado's Constitution.<sup>1</sup> Moreover, Colorado's nondiscrimination laws and other relevant statutes already make very broad accommodations for religious organizations. They are allowed to prefer members of their own religion in hiring,<sup>2</sup> receive exemption from employment discrimination claims unless they receive

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<sup>1</sup> "Section 4. *Religious freedom.* The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness or justify practices inconsistent with the good order, peace or safety of the state. No person shall be required to attend or support any ministry or place of worship, religious sect or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship." Colorado Constitution, Art. II, Sec. 4.

<sup>2</sup> C.R.S. § 24-34-402(6).

public funds,<sup>3</sup> and exclude places of worship from nondiscrimination laws applying to public accommodations.<sup>4</sup>

Although the legislative declaration of this bill lays out a list of supposed infringements of religious freedom, there is no conflict between religious liberty as properly understood and nondiscrimination laws or same-sex marriage. Instead, the authors of this bill seek to privilege a particular set of religious beliefs, allowing those who hold such beliefs to freely engage in discrimination against whole categories of people they disfavor.

For example, the bill claims that “adoption and foster care agencies in Massachusetts, Illinois, and the District of Columbia were forced to close because of their sincerely held beliefs about marriage.”<sup>5</sup> But this is blatantly false – these agencies were not forced to close, they were just not allowed to carry on their activities with government funding. Religious liberty does not mean that you get to take taxpayer money and use it to discriminate against same-sex couples.

Similarly, the bill bemoans the fate of “wedding businesses” in various states, including a Colorado “cake baker”<sup>6</sup> which both the Colorado Civil Rights Commission and the Colorado Court of Appeals found to have engaged in discriminatory conduct. Just as with every other protected category, these states do not allow businesses licensed by the state to discriminate against LGBTQ people while providing services to the public. Instead, the authors are seeking to create a special right for various business owners to deny services to a particular population based upon certain specific religious beliefs.

HB 1206 is clearly intended to condone widespread discrimination against LGBTQ people by eviscerating Colorado’s nondiscrimination laws. While the sweeping, poorly drafted language of this bill would have striking unintended consequences, here are some of the things we know it will do:

- Allow state-funded foster care and adopting agencies to discriminate against would-be parents and foster youth on the basis of their religion.
- Allow religious organizations, including hospitals, schools, nonprofits, and businesses, to discriminate against or discipline employees based on their religious beliefs.
- Allow foster parents to subject foster children to religious indoctrination and abusive practices like conversion therapy without repercussion.
- Allow people and businesses to deny LGBTQ people a sweeping array of services and products that might conceivably be used for a same-sex marriage or gender transition.
- Allow people and businesses to discriminate against trans people in employment, dress, public accommodations, and sex-segregated facilities.
- Allow for workplace harassment against LGBTQ people on the basis of religion.
- Allow government officials to refuse to provide marriage licenses to LGBTQ people based on their religious beliefs.

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<sup>3</sup> C.R.S. § 24-34-402(7).

<sup>4</sup> C.R.S. § 24-34-601(1);

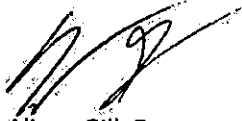
<sup>5</sup> CO HB 1206 Sec. 1 (2018).

<sup>6</sup> Referring to the ongoing *Masterpiece Cakeshop v. Colorado Civil Rights Commission* case currently before the Supreme Court.

- Allow professionals who require a state license, such as social workers, teachers, lawyers, and counselors, to violate their code of ethics and their professional rules based on their religion and still receive state licenses.

We urge you to vote against this expansive and dangerous legislation. No one should be allowed to use their religion to justify invidious discrimination. If you should have any questions regarding American Atheists' opposition to HB 1206, please contact me at 908.276.7300 x9 or by email at [agill@atheists.org](mailto:agill@atheists.org).

Sincerely,



Alison Gill, Esq.  
Legal and Policy Director  
American Atheists

cc: All members of the Colorado House Judiciary Committee