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**To: The Idaho Legislature**

**From: Focus on the Family - Government and Public Policy Division**

**Re: Analysis of House Bill 2**

**Date: January 26, 2015**

### **Introduction**

House Bill No. 2 seeks to add ambiguous concepts such as “sexual orientation” and “gender identity” (SOGI) as protected categories in Idaho’s existing statutes (§ 67-5901, § 18-7301, 67-5909). In Idaho law this would represent an unprecedented change, attempting for the first time to assign legal protections to groups whose members are required to self-identify. The other five categories currently protected: race, creed, color, sex, and national origin are either generally immutable qualities which are typically easy to visually discern, or verifiable with past evidence. Neither sexual orientation or gender identity are immutable, or in any way discernable to an outward appearances. The inclusion of these *personal preferences* as protected classes is not necessary, lacks any scientific or statistical support, creates a serious legal concern for business owners as well as the state, and runs afoul of the First Amendment of the U.S. Constitution.

### **Lacks Scientific Support**

“Sexual Orientation” is a construct that includes attractions, thoughts, desires, intentions, fantasies, actions and identity. “Gender identity” used to be as simple as whether people describe themselves as male or female. Today, however, it can include combinations of the two primary genders and an infinite number of other “genders” in-between. For example: the popular social media site Facebook now lists more than 50 identities based on combinations of sexual orientation and gender identity that people can choose to self-identify as. No scientific instrument or test can distinguish a person’s gender identity or sexual orientation as can be done with gender, race or nationality.

Defining legal protections based on individual behaviors or perceptions greatly departs from traditional nondiscrimination law and creates a system subject to easy manipulation. By including “gender identity” as a protected class in anti-discrimination statutes, Idaho would also be including “Gender Dysphoria,” also known as “Gender Identity Disorder” (GID), into the statutes. Gender Dysphoria is a



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clear and diagnosable mental disorder<sup>1</sup> and its inclusion as a protected class has created legal, safety and privacy problems for those areas that have passed SOGI protections:

1. In Washington State, a high school girls' swim team was using the pool and other facilities at Evergreen State College. There, they encountered a naked man who identifies as transgender yet still possesses a male's anatomy. The college's non-discrimination policy keeps them from barring the man from the women's facilities. As a result, the girls' swim team was relegated to using a smaller, auxiliary locker and changing room.
2. In Maine, another biological male, wearing women's clothing, makeup and jewelry started using the women's restroom at a Denny's. After patrons complained and he was told to use the men's room, he sued and won the right for himself - and any person who claims to be transgendered - to use whatever bathroom was consistent with his gender identity.
3. In New York, a woman on hormone therapy who had been living as a man attempted to use the men's locker room at a public pool in Staten Island. When asked to leave, she claimed she was "harassed and humiliated" and filed suit against the city.

Evidence demonstrates that some individuals change their "sexual orientation" over the course of a lifetime, both spontaneously and deliberately. Again, there is no scientific test or outward indication that would alert anyone as to another person's sexual orientation or gender identity, either in practice or in court.

There is also a decided lack of scientific evidence to provide a basis for sexual orientation protection. In 2008, the American Psychological Association acknowledged the absence of a biological link to homosexual behavior, and admitted that such behavior is a choice that is impacted by many factors.<sup>2</sup> To include such fluid and malleable categories in discrimination law is an invitation to abuse and manipulation by any individual. This further opens up the state to lawsuits by offended individuals whose privacy and safety have been violated.

### **Amending the Statutes is Not Necessary**

There is no evidence of a problem that needs a solution through this bill. There is a dearth of cases pending in Idaho's court system surrounding the issue presented by this proposed amendment. Further, there is no legislative showing of any evidence that "sexual orientation discrimination" is a problem in the state. As

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<sup>1</sup> "Gender dysphoria," National Institutes of Health, (<http://www.nlm.nih.gov/medlineplus/ency/article/001527.htm>) (last visited January 23, 2015).

<sup>2</sup> <http://www.narth.com/docs/deemphasizes.html>; <http://www.apa.org/topics/orientation.pdf>



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demonstrated earlier, however, the mere inclusion of this language into the Idaho statutes would open the door to such legal and legislative issues, forcing business owners and state agencies to go on the defensive against alleged offenses whether real or imagined. Current federal and state law already prohibits sex discrimination and sexual harassment. Current law prohibits business owners from allowing issues of sexuality to become relevant in the workplace. This bill would therefore be redundant of existing protections, while removing common sense elements from the treatment of sexes as unique and different.

In the free-market system, businesses respond to market pressures and adopt policies as needs arise. The Idaho legislature is encouraged to do the same, and not pass laws or amend them in the absence of a clear and present need to do so.

In addition, notwithstanding all of these problems, the state has failed to identify how it plans to implement these new categories into law with appropriate consideration for the concerns of others whose rights to privacy and other freedoms will be impacted. The citizens possess unequivocal rights of privacy as well as the right to enforce their entitlement to privacy; this is an important yet ignored consideration in the bill.

### Creates Serious Legal Concern for Business Owners

Personal privacy rights specifically protect individuals in restrooms facilities from having their bodies exposed to members of the opposite sex.<sup>3</sup> The bill purports to protect everyone on the basis of numerous sexual inclinations including that which is *perceived* to be their sex at any given time. This qualifies everyone as a potential victim and potential plaintiff with or without verifiable cause. If this bill becomes law, employers must be cognizant of their employees' varying sexual preferences, or *perceived sexual identity* in order to stay vigilant with regard to potential "sexual orientation" claims. This is an impossible task.

Given that sexual orientation and gender identity are neither immutable nor uniform; neither measureable nor discernable by physical characteristic; all private and public entities that are subject to this bill will have ***absolutely no method*** for objectively assessing an individual's "sexual orientation." As a result these business and state entities will be exposed to unfounded charges of discrimination.

Beyond opening the door to any number of potential lawsuits, amending these statutes to include SOGI protections would severely disadvantage employers and others trying to defend against such claims. An employer who has a biologically male

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<sup>3</sup> *Lee v. Downs*, 641 F.2d 1117 (4<sup>th</sup> Cir. 1981)



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employee who self-identifies as “bigender”<sup>4</sup> must allow him to use any restroom or locker room he pleases or face a discrimination lawsuit. At the same time, that employer could find itself fending off a lawsuit from female employees who object to having to expose their bodies before a man. Before attempting to provide unnecessary protections for “gender identity” and “sexual orientation” in the state’s anti-discrimination statutes, the legislature should carefully consider an answer to such legal conundrums that are likely to arise as a result.

### **Inclusion of SOGI in Anti-Discrimination Runs Afoul of the First Amendment**

The First Amendment of the U.S. Constitution protects freedom of religion, speech and association. Article I Section 4 of the Idaho Constitution provides an even greater guarantee of religious liberty. Including SOGI protections into anti-discrimination law would infringe on those rights. The United States Supreme Court has overruled decisions of states who claimed that private organizations have engaged in sexual orientation discrimination.<sup>5</sup>

There are many religious individuals who adhere to certain moral precepts regarding sexual behavior. Most of these belong to the two largest religious groups in the world comprising more than 3 billion individuals between them. Accordingly, religiously motivated business owners and individuals are constitutionally and statutorily protected from having to hire particular individuals to do certain tasks and to refrain from offering their services under particular circumstances. An example would include protecting store owners who refuse to sell sexually explicit magazines which violate their religious beliefs. Amending Idaho’s anti-discrimination statutes would bring these religious values into direct conflict with the law, and create a fundamental clash with the state’s own constitution which states in part: “[T]he liberty of conscience [...] shall not be construed to [...] excuse acts of licentiousness or justify polygamous or other pernicious practices, inconsistent with the morality of the peace or safety of the state;”<sup>6</sup>

Attempting to codify private sexual practices and preferences into the law has already created costly religious freedom issues in the state. When the city of Coeur d’Alene insisted that its new anti-discrimination ordinance required Christian owners of The Hitching Post wedding chapel to marry homosexuals despite their religious

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<sup>4</sup> “Here’s a list of 58 Gender Options for Facebook Users” ABC News, <http://abcnews.go.com/blogs/headlines/2014/02/heres-a-list-of-58-gender-options-for-facebook-users/> (last visited January 23, 2015)

<sup>5</sup> *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 557 (1995); *Boy Scouts of Am. v. Dale*, 530 U.S. 640 (2000).

<sup>6</sup> Article I Section 4 Idaho State Constitution, <http://legislature.idaho.gov/idstat/IC/ArtISect4.htm>



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opposition, a lawsuit ensued.<sup>7</sup> The lawsuit was only resolved when the city attorney determined that the chapel would be exempt under a religious exemption included in the law. The proposed amendments to Idaho's anti-discrimination statutes contain no such exemptions and would thereby place those statutes in direct conflict with Idaho's Constitution as well as the First Amendment of the U.S. Constitution.

If House Bill No. 2 becomes law, it will communicate to the citizens of Idaho that the political agenda of a few is more important than the enshrined religious freedom principles of the First Amendment and Idaho's own Constitution. It will additionally enshrine into law a simultaneously indefensible, yet unassailable privilege that anyone - whether with genuine or criminal intent - can exploit. For the foregoing reasons, it is our opinion that the Idaho State Legislature should refuse to endorse this or any bill which would include "sexual orientation" or "gender identity" protections in anti-discrimination laws.

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<sup>7</sup> "Coeur d'Alene Says Hitching Post Is Exempt From Gay Rights Law" Boise State Public Radio, <http://boisestatepublicradio.org/post/coeur-dalene-says-hitching-post-exempt-gay-rights-law> (Last Visited January 23, 2015)

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*AFFILIATED WITH THE  
NATIONAL EDUCATION ASSOCIATION*

January 26, 2015

Rep. Thomas Loetscher, Chair  
House State Affairs Committee  
Idaho State Capitol  
PO Box 83720  
Boise ID 83720-0038

Dear Chairman Loetscher,

On behalf of the members of the Idaho Education Association, I offer our organizational support for House Bill 002, which addresses adding the words "sexual orientation and gender identity" to the Idaho Human Rights Act.

One of our organization core values is the belief that America's public education system is the cornerstone of our democracy. As Idaho educators, it is our professional responsibility to advocate for a free, quality, public education for every student and for quality working and learning environments for all.

We further believe that each student has the right to a free, appropriate education that is suited to the needs of the individual. This right should be guaranteed regardless of race, color, national origin, culture, identity, accent, religious beliefs, residence, disability, political activities, size, marital status, family relationship, gender, gender identity, gender expression, sexual orientation, or perceived sexual orientation.

A safe and effective school has a positive environment in which education employees, students, parents/guardians, and community care for, communicate with, respect understand, and trust each other. We believe that passage of HB002 will further ensure that students, educators and all Idahoans will benefit.

Please support House Bill 002.

Thank you,

A handwritten signature in cursive script that reads "Penni L. Cyr".

Penni L Cyr  
President

January 25, 2015

Dear Members of the Idaho House State Affairs Committee:

The Kootenai County Task Force on Human Relations Board of Directors wishes to thank you and express our deep appreciation for your vote to introduce and hold hearings on a bill to consider adding the words "sexual orientation and gender identity" to Idaho's Civil Rights Act beginning Monday, January 26, 2015. We further wish to compliment Idaho House State Affairs Committee Chairman Tom Loertscher for setting aside enough time to hear from all Idahoans who wish to testify.

Since the founding of our organization in February 1981, we have worked tirelessly to support individuals from both discrimination and malicious harassment in our great State of Idaho. During the 1980's and 1990's, we worked closely with other organizations, state legislators and Governors' John Evans, Cecil Andrus and Phil Batt for the successful passage of a series of laws protecting our citizens from malicious harassment, hate crimes and provide a safe environment from individuals and groups who were motivated by prejudice and bigotry toward some of our citizens.

The Idaho legislature and those governors deserve the greatest praise for their positive actions in promoting the values of a democracy. Their legacy of advancing fairness, respect and protection of our people have been assured.

Now we have the opportunity to take the next major step in guaranteeing fairness, freedom and equal justice for a segment of our law abiding, tax paying and hard working citizens who presently find themselves subject to discrimination in all but 10 Idaho cities as to housing, employment and public accommodations by some individuals or groups who are free to practice segregation toward the LGBT community in housing, employment and public accommodations.

It is our deep commitment to the democratic principles of freedom, equality and fairness under the law that we whole heartily recommend and support adding the words "sexual orientation and gender identity" to Idaho's Civil Rights Act. It is our hope that soon no one in Idaho can be denied housing, employment or denied access to a public accommodation such as a restaurant due to their sexual orientation or perceived sexual status. As is now true regarding the legal protections from discrimination of other categories such as race, religion, gender, age, etc., it is so essential to end these segregation practices toward the LGBT community.

Survey after survey in Idaho confirms the desire of a great majority of Idahoans from all walks of life (between 65 to 80 percent of Idahoans) that it is time to end discrimination in housing, employment and public accommodations directed at Idahoans within the LGBT community.

It is with the greatest respect that we urge the House State Affairs Committee to approve the bill and send it to the full House with a recommendation DO PASS.

Again thank you for holding the open and free hearings.

Respectfully,

The Kootenai County Task Force on Human Relations Board of Directors

Christie Wood, president

Michelle Fink, vice-president

Ellen Stamsos, Treasurer

Tony Stewart, secretary (contact: [tony.stewart@roadrunner.com](mailto:tony.stewart@roadrunner.com) (208) 765-3932)

Good morning,

The Boise Metro Chamber of Commerce would like to submit the following written testimony on HB2:

The Boise Metro Chamber of Commerce SUPPORTS HB-2, amendments to the Idaho Civil Rights Act and Human Rights Act.

This legislation bans discrimination on the basis of sexual orientation or gender identity. When the Chamber and its economic development division sells Boise to companies across the country, we are often asked about Idaho's policies of inclusiveness and diversity. Therefore, this is a business issue.

In December 2013, the Chamber supported the City of Boise's ordinance to ban discrimination with testimony saying "discrimination is bad for business."

We urge you to support HB-2. It is truly the right thing to do. Thank you very much.

Ray Stark

Senior Vice President, Government and Community Relations, Events

We are on the bridge and we are marching together hand in hand today, to eradicate discrimination. Are you marching with us? Where are you on this bridge? Idaho IS too great to continue to protect the perpetuation of discrimination on the basis of sexual orientation and gender identity. Inform, infuse and inspire your legislative power with a love for justice and humanity, and remember, in Dr. King's words; "injustice anywhere IS a threat to justice everywhere." You have the power, apply a love for humanity to tame this threat, please ADD THE FOUR WORDS.

Thank you!

As a business owner in Boise I see only positive in having a safer and more welcoming environment for my customers and staff.

I have family, friends and customers from the LGBT community.

If you own a business in Idaho that deals with the public you have customers from the LGBT community as well. I have heard a lot of mention of special treatment. They are not asking to be treated better or differently than any other customer. They are asking to be treated with the same dignity and respect that all customers should receive.

I urge the committee to send HB2 to the floor with a pass recommendation. It should be just as illegal in Idaho to discriminate on the basis of sexual orientation as it is to discriminate based on race, sex, creed, color or national origin.

While Scripture says very little about sexual orientation, it says quite a bit about justice, about hospitality, and about welcoming the stranger.

My stance for equal treatment in society is deeply rooted in the word of God, a God who created each of us, all of us, in the very image of God and declared that creation good. A God who became human and lived among us, full of grace and truth, eating with outcasts, touching the unclean, and inviting all to join in the work of grace, mercy, and peace.

I know there are worries about how this might affect religious traditions that prohibit homosexual behavior. But equality under the law is necessary for religious freedom.

It would not be religious liberty for one religious tradition to limit another's right to worship by imposing their particular interpretation of scripture on another faith community.

It is not religious liberty to allow one group of people to cause pain to another group of people in the workplace, in schools, or in the public square because of how they interpret scripture.

My advocating for equal rights legislation is not to impose changes on how other faith communities practice. It is to allow the people in Idaho the freedom to live as I live, with the same rights I have.

I urge you not to let the continued warnings about the florists and cake bakers to distract you from the real issue here. In a civil society, with multiple religious traditions, it is incumbent on us to not let only one religious tradition dictate how we will treat each other.

Updating the law to extend protection to ALL Idahoans is an idea that is also foundational to almost all of our faith traditions. Concern for the neighbor. Hospitality for the stranger. The flourishing of the community. These behaviors are all grounded in our holy documents and traditions.

Thank you.

None of the people speak for this bill. I have asked for the freedom to sue florists. They just want to live freely and safely.

Dear Members of the committee,

**Thank you** for the opportunity to share with you this morning my opposition to House Bill 2. I want you to know that many are praying for you. You sit in a position of great responsibility. The decisions that you make have a very real and very direct impact on the lives of the citizens of the state of Idaho.

**Today you** are in grave danger. By considering the passage of House Bill 2 you are in danger, not only of trampling on the constitutional rights of citizens of this state, their freedom of religion and their right to free speech, but more importantly, you are in danger of trampling on the Word of God... and that is sacred ground.

**We elected you.** We endowed you with the power to create laws, and we expect you to establish moral laws. Webster's 1828 Dictionary defines moral as, "Relating to the practice, manners, or conduct of men as social beings in relation to each other, and with reference to right and wrong." While it is true that this bill is about the practice, manners, or conduct of men as social beings in relation to each other, this bill is missing a critical element, the reference to right and wrong.

**Webster goes** on to state, "The word Moral is applicable to actions that are good or evil, virtuous or vicious, and has reference to the law of God as the standard by which their character is determined." So to determine the morality of this bill, both the morality of the actions of men it seeks to control as well as the morality of the bill itself, you must hold it up to the standard of God's law.

**When you** do that, you will clearly see that House Bill 2 threatens to tread on this moral standard, a law that is rooted not only in God's word, but in the law of nature. In Genesis 1:27, God's Word tells us, "So God created man in his own image, in the image of God he created him; male and female he created them." So from the beginning God created two genders, and two genders only, male and female. That is the standard and House Bill 2 seeks to break this moral standard.

**Scripture is clear.** Heed it's warning. Isaiah 5:20 says, "Woe to those who call evil good and good evil, who put darkness for light and light for darkness, who put bitter for sweet and sweet for bitter!" That is what this bill seeks to do. I implore you, as those who bear the responsibility of establishing laws, that you consider no immoral law, nor consider any law that protects or promotes immorality. Please, do not pass this bill. Thank you.

Mr. Chairman and dear committee

I am Aaron Abbott

And would humbly ask that you vote no on the house bill#2

Freedom of religion and freedom of speech mean we all have the right to have our moment in the town square and to voice our opinion. It also means to practice these things openly. No one's voice is to be suppressed. It's a true and everlasting principle and I would defend it for anyone.

**Relating to business:**

\*I would not want someone to be forced to serve or not serve me. This is slavery and/or segregation.

Ex: The segregation laws in the south were wrong, but also it was wrong to make the opposite law to force a business to serve someone. There needs to be a freedom of choice and of conscience. It would be wrong and destructive to force a company owner to serve someone against the owner's will or to not serve someone against their will. It is the same coin; one or the other is discriminated. It is suppression of rights of an individual, belief, and society at large. It has always been a right for a company owner to refuse service to anyone and it is a correct principal.

We see the signs in company windows all the time that say they reserve the right to refuse service to anyone for any reason. To this point in my life I have yet to see a lawsuit for refusal of service, except for recently when a company was singled out for prosecution for exercising their right to refuse service to host a wedding service? The fines placed upon them were a slap to the constitution. Which begs the question, why is an unconstitutional bill even being considered in the first place among this body? If a group demands respect then they must give it as well, otherwise it's a double standard. There will be people who refuse service and that needs to be respected. We just will never find everyone agreeing with everyone else's view, that's marvelous, that's life, and it's okay.

Further, economically speaking, voting 'no' causes greater growth. If someone refuses to provide a service, that's fine, it's their right. It will only cause an increase in the general economy as others soon will provide the service causing more competition forcing higher quality, more choices, and lower prices for the consumers.

**Relating to employment:**

\*Everyone should have a job based on their skills, but with one caveat, if the job seeker will abide by the goals, vision, policies and procedures of that work place. It's a two way road.

**In relation to public sanitation:**

Having two restrooms for males and females only is the correct method for public sanitation. Any other course will lead to problems too numerous to fathom, not to mention a huge safety concern. It would be a breeding ground for crimes we cannot now imagine and it will be this law that will put people in compromising situations, not protect them. The ones who may suffer the most are those from the gay and transgender communities. There are just too many factors of which can be taken advantage. It's a door once opened we will not be able to close and will lead to many potential casualties.

**A point on moral legislation:**

It's a slippery slope. History has shown that when a people endeavor to legislate morality that the opposite is achieved. In my personal experience, having lived some time, after the wall came down, in the former soviet union where I learned what happens first hand. There was a culture of fear where people are even afraid to smile at each other where it's a very real possibility that you are being watched. You are not sure if the person who decides to strike up a conversation with you is actually a plant in your life. How do I know some of this, a friend now passed on and former KGB agent did just that for part of his life; watching, listening to everyday people to make sure they were part of the government morality. He was appalled at the system and got out the first chance he could. It produces a

drab society devoid of self-worth. A society were it was taught at all levels that as long as you have enough money you get the grades you want and you can run into people with your car and crush their pelvis and leg and just pay the right people and walk way. Or have your children taken from you form months and months, to who knows where, and taught who knows what morals - for all of which you feel greatly honored. I visited one of those camps, now dilapidated beach resort, and talked to the adults who were children there, they spoke of the propaganda they received which they now see as garbage. While there I got to know, personally, what it's like to have the government watch your every move and listen to every call. It's not right. Lastly, I am grateful that our hospitals do not have whole wings dedicated to abortions. History has limitless examples to which I can add many stories of what happens with legislating morality, but are too graphic for this venue.

The tighter a legislative grip the more the life breath is squeezed from the body of society. It will destroy the heart of society and the peoples' will for an intrinsic moral center. And if such things continue all of us in this room (even those with wildly differing views) may find ourselves struggling shoulder to shoulder to have our right of conscience back. We need freedom not controls.

\*We need to be inclusive with laws not exclusive. We can't take rights from one and give them to another and call ourselves equal, just, and fair. Such a course leads eventually to no protections and no rights. Laws shouldn't dictate morality. We need laws of broad principles that allow people their conscience to govern themselves. This breathes life into society and places responsibility on the shoulders of the people.

**\*In closing:**

As a fellow human being and having traveled over the world I have seen we are all the same and I strive to have love for all people. And I want everyone here to know that I understand persecution. I have been persecuted for speaking Russian (while abroad); for being a statesmen and patriot of this The United States (while abroad); for my religion; for being male; persecuted for honesty and integrity in the work place for actually wanting to put in an honest 8 hour day; and yes, even though I am not gay I have been persecuted, because people thought I was, only because I wanted to live (and do live) a chaste life and wanting to be kind to people and eliminate cliques and boundaries in my life. Such ignorance is sad, but you move on and create great friends in all walks of life. Everyone here has had some experience with persecution. This is a part of life and consequence of freedom of choice, which requires great draughts of patience and forgiveness with one another.

*Not to demean the tragic stories which I have heard, and in some ways,* (C)

Honestly, it feels silly being here; childish, like we are tattling on each other for something that happened in the sand box. As if we are rewarding bad behavior. These issues should not, and actually cannot, be solved here. This is the wrong venue; these issues are for a mature, conscientious, and wise society to discuss outside of these walls. We need to learn to solve our own problems by looking inward first and then being knit together as caring neighbors. And although I don't believe in everything everyone else believes, it doesn't mean I don't try to love them.

To protect each one of us and encourage maturity in society, I ask you to vote in favor of the views I have expressed here today and vote no.

Dear Chair Person and members of the committee,

One question that has been ask in years past is, is there really enough prejudice in our state to need this bill of protection. If the last two days of testimony have taught us nothing else, it has taught us how rampant LGBT prejudice is among residents of this state. The hateful testimonies you have heard should leave not a shadow of a doubt in your minds that indeed, we do need this bill to protect the LGBT members of our community.

I know passing this bill will take great courage on your part. I know it won't be popular with some. But I also know that you are strong leaders who care about all the people you serve so I know that when the time comes you will have the courage to do the right thing and vote for this bill. Thank you for your time.

Julie Anderson  
Life long resident of Idaho

Julie Anderson IACP-CDT  
Dog Behavior Specialist/Trainer  
Owner of Bad Behavior/Good Dog  
208-340-2824  
badbehaviorgooddog.com

I am writing you today to ask that you support HB2 and add the words “sexual orientation and gender identity” to the Idaho Human Rights Act. As a long time Idahoan, I appreciate your dedicated public service. I hope you agree that to represent Idaho, is to ensure that all Idahoans enjoy the same opportunities to earn a living, be safe in their communities and take care of their families. This includes those who are gay or transgender.

The American dream is for all. I urge you to pass HB2 out of the State Affairs committee so that it can have a full vote.

Add the Words. No more, no less.

Respectfully,

Alice Anderson  
2105 W Hillway Dr.  
Boise, Idaho 83702  
208 890-2991

# Add the Words

Thursday, January 22, 2015

8:18 PM

Esteemed Chairman, and members of the House State Affairs Committee:

My name is Christine Antoniuk, and I have lived in Boise, Idaho for 7 1/2 years. My family loves Idaho, and we have immersed ourselves in the gamut of wonderful offerings that are unique to this area, from the Idaho Shakespeare Festival, to the Snake River Stampede.

Just this past fall, we discovered that our eldest child is transgender. What does this mean? In nearly all respects, nothing out of the ordinary. My child is healthy, happy, engaged, confident, bright, cherished and loved. My son, just like some of your sons, loves to snow board. My son, just like some of your sons, plays piano. And my older son, just like most teenagers, prefers to sleep until noon on non-school days.

It also means that our child has come to us for support at a time where he has no protection under state law in Idaho. He has had the courage to confide in us, when our society is still on the brink of accepting him as the person he is, rather than what he has been shoe-horned into. As a result, he is one of my heroes.

I am sure that you are also incredibly proud of your children, and would do anything to help them succeed. All of our children deserve nurturing environments that encourage their self-esteem.

And yet, in the case of our son, we worry about his safety. We worry that he will be bullied, ostracized or even worse. My stomach lurches when I think about his prospects, in a world where being different is still frowned upon. This is not to say that we expect everyone to understand him. But we do hope, nay demand, that he will be treated with dignity and acceptance. And until Idaho law changes to incorporate basic human rights for transgender and other LGBTQ groups, we do not feel that a decent quality of life can be guaranteed him in this state.

Currently, there is no provision at a state level that will afford him those rights. Our son could be denied service in a restaurant, be singled out in school, or prevented from joining sports teams based on his gender identity. He does not have any recourse against discrimination. And once he grows up, unless our laws change, he may experience difficulty finding housing, or even employment. That is not a fate that any Idahoan deserves. I am positive that if you were to imagine a perfect future for your children, it would be one where they are treated with respect, and not turned away from a job or an apartment because of factors having nothing to do with their ability to perform work or pay rent.

It's time to get past the fear of people who do not fall into traditional, pigeon holed neat boxes, and to understand that humanity is a continuum. It is time that everyone is treated fairly and equally regardless of color, race, religion, sexual orientation, or gender identity.

I truly believe that I can count on each of you to make an enlightened decision. Therefore, I respectfully request that you add the words "Gender Identity" and "Sexual Orientation" to our Idaho human rights laws. Add my son to the Idaho Human Rights Act. Thank you for your time.

My personal and heartfelt request goes to the team of people representing our citizens in Idaho.

Please demonstrate a vision and understanding that all of the people on this planet deserve respect by helping to formally protect all of the rights that we've grown to know is a unique strength of the United States of America.

Please add the words for all of us and make it clear to my son that Idaho should be a place he can always consider as his welcoming home. Since he's a teenager, now is the perfect time for you to demonstrate leadership via action that represents unbounded, open minded humanity.

*Still learning,*

Newton Antoniuk  
3117 S Temperance Way  
Boise, ID 83706  
[newtsail@yahoo.com](mailto:newtsail@yahoo.com)

I want to thank you in advance for voting yes on HB 2.

As a high school teacher here in Boise, I spend all of my work day (and many hours outside of it) with the young people of our community. I see firsthand their intellect, compassion, grit, and kindness-- they are capable people who, by and large, believe without question that they will go out into the world, find their place in it, and leave an indelible mark upon it. Many of them will.

I remain deeply concerned, however, about those students whose gender identity or sexual orientation continues to put them at risk for state-sanctioned discrimination and mistreatment here in Boise, Idaho. I think less about the mark they will leave upon our community once they leave the walls of our school, and more about the mark(s) our community may leave upon them if our state's anti-discrimination laws continue to reflect the belief that they are less valuable, less worthy of protection than their peers.

As you vote on HB2, please remember that these young people are counting on you to make their home state a safe place in which to grow up, and a desirable place to stay once they are grown.

Best,

McCale Ashenbrenner  
Secondary Language Arts and Spanish teacher  
Sage International School of Boise  
Fulbright Distinguished Awards in Teaching recipient

“Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wildness is a necessity; and that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers, but as fountains of life.”

- *Our National Parks, 1901*

As a life long (68 years) Idahoan I ask you to please add the words sexual orientation and gender identity to our Human Rights Act. I'm proud that my city, Pocatello, passed an antidiscrimination ordinance but strongly feel that we need statewide legislation.

Thank you,  
Virgie Arambarri  
59 Mar vista, Pocatello

Mr. Chairman and Members of the Committee,

I was born in the mountains of Idaho in 1934. I taught in Idaho for 33+ years and am a Korean War Vet. I am here to support HB-2 which affects all the people of Idaho whether you are a new arrival, have been here all your life, are straight or gay, young, or just old like me. This is a human rights issue that affects us all. If one person is not free to live and work without fear, then none of us are free. To put this on a personnel level, my gay granddaughter is a third year student at ISU. I don't want her to feel like a second class person in Idaho, so I ask you to add just 4 words to Idaho's Human Rights Act.

Thank you for your time,  
R C Axtell  
Boise, Idaho

Mister Chair, members of the House State Affairs Committee,

My name is Adriane Bang. I am a heterosexual, cisgender woman. I'm a social worker, a practicing Roman Catholic, and an ally.

My life is impacted when people I love, know, and care about are discriminated against, threatened, and living in fear that they may lose housing, their jobs, or be in danger for simply using a restroom or being who they are. In fact, all of our lives are impacted.

Not only is it written on my heart that all people deserve to be treated with respect, to live freely, and to be their true selves, it is written in a guiding document for my faith, the Catholic Catechism. In part three, section two, chapter two, article six, it states, 'They (lgbtq identified people) must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided.'. The Pope has made similar comments, and his words not surprisingly echo Catholic Social Teaching, which provides guidance as to how all Catholics should approach social issues.

Mister Chair, Members of the Committee, you have heard from many Idahoans about how our LGBTQ identified brothers and sisters have been harmed by our current laws. You have also heard about the despair of our youth who have been so plagued by our hateful neighbors that they have seen no other option but to take their lives. It doesn't have to be this way.

Mister Chair, members of the committee, I ask you to make your mark on the history of social justice in our state. Please, vote in favor of HB.2 And add the words.

Thank You,  
Adriane Bang  
Nampa Idaho

Dear Committee Members:

I would like to submit the following statement for your consideration regarding House Bill 2:

Christians who are worried that serving LGBT people would violate their religious beliefs would benefit from pondering the New Testament parable of the "Good Samaritan." This parable of Jesus followed a discussion of the "greatest commandment." Jesus had just said the first commandment was "Thou shalt love the Lord thy God...And the second is like unto it, Thou shalt love thy neighbor as thyself...There is none other commandment greater than these." (See Matthew 22:35-40, Mark 12:28-31 and Luke 10:25-29).

The account in Luke says someone asked a follow up question: "And who is my neighbor?" Jesus then gave the story we know today as "The Good Samaritan," indicating the Samaritan was a neighbor deserving of love and respect.

Why did Jesus use a Samaritan for his example? And, who were the Samaritans? They were the people who inhabited Samaria. They were the descendants of Israelites who had married other people from the Middle East, and their religion was also of a mixed character. We learn from John 4:9 that the Jews of Jesus's time had "no dealings with the Samaritans." I'll bet the Jews did not approve of the Samaritans' lifestyle, and dealing with them would have violated their religious principles.

Yet, these are the people Jesus included as neighbors that the Jews should love "as themselves" and treat with dignity and respect. I wonder if Jesus were here in Idaho and gave us this lesson, if the parable might be called the parable of the good gay, lesbian, bisexual, or trans-gender person.

Thank you for your consideration,

A J Balukoff  
4621 Hillcrest View Dr.  
Boise, ID 83705

208-345-8620  
[ajbalu@gmail.com](mailto:ajbalu@gmail.com)

I would like to make known my opposition to HB2. This is a un-needed bill. We can't start making special exceptions for special interest groups. I'm left-handed and overweight and feel discriminated against, can I have a special law to make it against the law to have restaurant benches that are too close to the table, or fine people for commenting on my waistline? Or require businesses to accommodate me being left-handed by having doors that open with knobs on the left side too. Once you start thinking about all of the various "special interests" that could be specified you realize that that this bill is wrong.

I ask that you vote no on HB2.

Sincerely,

Evan Bastow  
3017 Sonora Dr.  
Idaho Falls, ID 30404  
Phone 208-557-8799

Hi there,

I support House Bill 2, Add the Words.

Thank you  
Kealy Baughman

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ADA COUNTY ASSOCIATION of REALTORS

Kealy Baughman P: 208.724.0048 1043 E Park Blvd #110

Licensed Realtor F: 208.639.6291 Boise, Idaho

WendyWorks Realty E: [kealyb@kealyb.com](mailto:kealyb@kealyb.com) 83712

# Poll: Idahoans Think It Should Be Illegal to Discriminate Against LGBT Residents (/politics/16-poll-idahoans-think-it-should-be-illegal-to-discriminate-against-lgbt-residents)

## Details

Written by Bob Bernick

Category: [politics \(/politics\)](#)

 Published: 04 January 2015

Two-thirds of Idahoans believe it should be against state law to discriminate against gays, lesbians and transgender people in housing, employment and business, a new poll by Idaho Politics Weekly shows.

Idaho is among two dozen states that do not specifically protect homosexuals and transgender people from such discrimination.

And the Idaho Legislature, which saw half a dozen [protests \(http://en.wikipedia.org/wiki/Add\\_The\\_Words\\_Idaho\)](http://en.wikipedia.org/wiki/Add_The_Words_Idaho) by gay rights advocates during its 2014 general session, has refused to pass such legislation before.

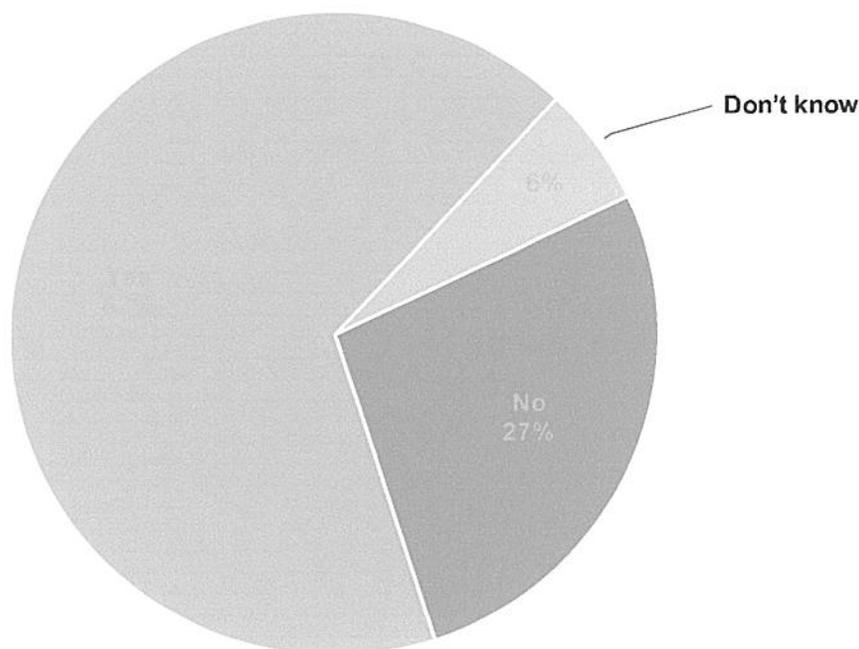
The GOP-controlled House and Senate have even refused to hear such an anti-discrimination measure.

The 2015 general session starts Jan. 12.

The new poll, conducted by Dan Jones & Associates in late December, finds that 67 percent of Idahoans believe it should "be illegal to discriminate in housing, employment, and business based on sexual orientation and gender identity."

## Should it be illegal to discriminate in housing, employment, and business based on sexual orientation and gender identity in Idaho?

Survey conducted 12/18-12/29, 520 Idaho residents. Margin of error +/- 4.3%



The poll is of 520 adults and has a margin of error of plus or minus 4.3 percent.

Only 27 percent of Idahoans said it should not be illegal and 6 percent told Jones they didn't know.

Since the 1960s Idaho has had a human rights law.

And gay rights advocates – under that banner Add The Words and Add The 4 Words – have been asking the Legislature to add four words to that law, including “sexual orientation” and “gender identity” which in effect would make such discrimination illegal.

A dozen ([http://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Idaho](http://en.wikipedia.org/wiki/LGBT_rights_in_Idaho)) Idaho cities have such anti-discrimination ordinances now. But so far gay rights advocates have not been able to convince the Legislature to pass a statewide measure.

Republicans make up more than two-thirds of both the Idaho House and Senate. And Idaho is, by and large, one of the more conservative states in the nation.

But most Republicans, even most “very conservative” Idahoans, favor making such gay and lesbian discrimination illegal.

Jones found:

- 58 percent of rank-and-file Republicans said they believe such discrimination against homosexuals should be illegal.
- 87 percent of Democrats said so.
- 72 percent of political independents agree.
- 52 percent of classified themselves as “very conservative” believe such discrimination should be illegal.

As one's political leanings move to the left, even greater majorities said it should be illegal in Idaho to discriminate against gays and lesbians in housing, employment and business.

Many Idahoans are members of the LDS Church.

And several years ago Mormon Church leaders came out in favor of such an anti-discrimination ordinance for Salt Lake City, headquarters of the worldwide church.

Yet the Utah Legislature, which is dominated by members of the LDS faith, has also failed to pass such a statewide anti-discrimination law.

Jones found that among Idaho Mormons who said they are “very active” in their church, 64 percent said they favor making such discrimination illegal statewide.

Twenty-eight percent of “very active” Mormons said they oppose such a legal protection for gays and lesbians.

The “somewhat active” Mormons favor such an anti-discrimination law, 68-26 percent; “not active” Mormons favor it, 80-20 percent; Catholics favor it, 71-27 percent; Protestants favor it, 57-27 percent; members of other denominations favor it, 73-21 percent; and those with no religion favor it, 75-19 percent.

To whom it may concern:

Please receive as my written testimony for the records. I support House Bill 2. Thank you.

My name is Carolyn Blackhurst, and I am an ordained Elder and Deacon at Southminster Presbyterian Church. We are a Bible believing church. Southminster became involved in the Boise Pride Festival 4 years ago. We wear shirts that say "Jesus loves you, we think you're fabulous" and also "Hurt by the church? Get a straight apology here" and we hand out bottled water, and back packs. We listen to stories of hurt , offer an apology, hold hands, give hugs. Over the years of attending Pride and Add The Words Rallies, I have made many good friends who are Lesbian, Gay, Bisexual, and Transgender.

I wrote emails to most of you last week asking you to vote in favor of HB2, and I heard back from one person saying "I will not vote to support this bill, period.". I wrote back asking you to please wait to make your decision until you had heard everyone speak at the hearing. Talking about HB2 as an "issue", or an "agenda", even as a bill, removes the humanity from the conversation. It becomes a thing. What are we considering, and talking about are people. Human beings. Fellow children of God. Someone's mother, father, brother, sister, son, daughter. People who have been hurt and discriminated against, not because of a lifestyle, but because of the way they were born.

Change feels scary. Today I respectfully ask you to be brave, to vote to protect my Lesbian, Gay, Bisexual and Transgender brothers and sisters.

I ask you with open hearts and open minds to vote in favor of HB2.

William L. Bones

We want people to be SAFE, and that includes safe from discrimination.

A community that values safety and security for ALL is a safer community –  
period.

In my ten years as Boise's Police Chief, I heard concerns from hundreds of people about just as many topics. But one of the most concerning to *me* was an email I received in 2012 from an individual whose friend was the victim of a crime. There was evidence the victim was targeted because of sexual orientation.

That crime went unreported. That victim lacked trust that the crime committed against them would be investigated as the hate crime it appeared to be.

Unreported crime perpetuates crime. It nurtures a culture where offenders believe crime is tolerated and accepted. That leads to increased fear which creates a less-safe environment.

That is not what we want. In another recent email, a person described how they were beaten in the face and back one day in Boise but was afraid of being

"outed" because of the circumstances surrounding the attack. The reporting officer stated a suspicion the victim was not being completely forthright. Sad but true as the victim felt compelled to lie about who did this and where it happened because they had a greater fear of being outed as gay - and specifically worried about being fired from my job.

If you've paid attention to recent headlines, here in Boise, officers have made several arrests in major cases... serious crimes of violence... thanks in large part to information provided by victims and witnesses who trusted my officers and the justice system enough to come forward.

Safety and Security for ALL of us depends on ALL having trust that police and our justice system is here for us... yes, to enforce laws, but, more importantly to protect our civil and constitutional rights.

In December, 2012, the City of Boise passed an ordinance that banned discrimination in employment, housing and public places for reasons of sexual orientation or gender identity. Nine other cities have created similar laws with more to come in 2015. We had 2 formal complaints in 2013 and ZERO last year.

The message is getting out and people are listening. We create laws to send a clear message to society on how we are expected to treat each other and not to measure numbers. You have to admit though, Zero is an impressive number.

Zero is success. ZERO discrimination, ZERO complaints; ZERO lawsuits; ZERO BUSINESSES adversely impacted; ZERO complaints against Faith based community.

I believe that ordinance has increased public safety in our city.

Again, a community that values safety and security for ALL is a safer community – period.

Most of us were raised to use the principles of justice ... what is fair and lawful, equitable and moral to guide our daily conduct and how we treat each other.

Justice for me must also include protecting all citizens against becoming the victim of a crime, including the injustice of being denied housing or employment or refused a service based solely on sexual orientation or gender identity.

As a police officer, my heart and my experience tells me, we will all enjoy a safer community if we “Add the Words” ...to include sexual orientation and gender identity protections in our state's Human Rights Act.

Thank you.