

Commission on Human Rights

KY Human Rights Commission concerned House Bill 279 would have unintended consequence of jeopardizing civil rights enforcement

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The Kentucky Commission on Human Rights today sent a letter to Governor Steve Beshear offering him support in vetoing House Bill 279.

The commission believes that House Bill 279, called, 'The Religious Freedom Act,' could jeopardize enforcement of the Kentucky Civil Rights Act (KCRA) and other civil rights laws. "If passed into law, this legislation has the potential to have the unintended consequence of undermining the hard-won protections that ended legalized racial segregation, sexual discrimination, discrimination against people based upon their religions, and more," says commission Chair George W. Stinson.

Today's letter to the governor, signed by Executive Director John J. Johnson and Stinson, said: "Potential House Bill 279 claims and defenses are virtually endless. The Muslim landlord who refuses to rent to Christians in violation of the KCRA may claim that he was justified by a sincerely held religious belief. The Christian employer who refuses to hire a Muslim in violation of the KCRA may claim that she was motivated by a sincerely held religious belief. The African American restaurant owner who refuses to serve white customers in violation of the KCRA may assert his right to discriminate because of his sincerely held religious belief. One thing is certain, if HB 279 becomes law, all of these claims and defenses will be raised, litigated and appealed through the judicial system. Much of the costs of this litigation will necessarily be borne by the taxpayers of the commonwealth."

The bill was presented by its sponsors as a measure to protect religious freedom, but because of its broad language, individuals and religious organizations may claim a right to engage in discrimination made unlawful by the Kentucky Civil Rights Act on the grounds that a perpetrator's actions of discrimination are 'motivated by a sincerely held religious belief...' Such a law could similarly block the enforcement of local civil rights ordinances by Louisville,

Lexington, Covington and Vicco, Ky., which protect people from discrimination based on sexual orientation and identity, Stinson said.

The letter said: "House Bill 279, as written, will not serve the cause of protecting religious freedom. Rather, it will threaten the religious freedom of all, by giving special protections to those few who may claim that their otherwise unlawful actions are nevertheless justified by a 'sincerely held religious belief.' In effect, HB 279 makes persons a law unto themselves, providing a convenient justification for infringing on the civil rights of others in violation of the Kentucky Civil Rights Act."

The bill recently passed the Kentucky House of Representatives and Senate and now resides with Gov. Beshear who may sign it into passage, veto the bill, or allow it to become law without his signature.

The Kentucky Commission on Human Rights urges Kentuckians to support Gov. Beshear vetoing this bill and letting him know of their support by calling the Kentucky Governor's Office at 1.502.564.2611. The commission further urges Kentuckians to tell their state representatives and state senators not to override a veto from the governor. Kentuckians may convey this message to the General Assembly by calling the state Legislative Message Line at 1.800.372.7181.

The state human rights commission along with the Louisville Human Relations Commission and the Lexington-Fayette Human Rights Commission on March 5 issued a statement urging the senate to amend House Bill 279 to affirm the authority of the Commonwealth of Kentucky and local governments with civil rights ordinances to fully enforce civil rights laws. However, the bill passed the senate without such an amendment on March 7 with a vote of 29-6. The commission sent a previous letter to the governor offering him support in vetoing the legislation on March 8. The bill passed the House on Feb. 27 with a vote of 82-7.

The Kentucky Commission on Human Rights is the state authority that enforces the Kentucky Civil Rights Act. The act prohibits discrimination against persons in employment, public accommodations and housing because of their race, color, religion, national origin, sex, age, or disability. For help with discrimination or for more information, contact the commission at 1.800.292.5566. The TDD number is 502.595.4084.