



Michigan House Speaker Jase Bolger seeks to pair gay rights bill with 'religious freedom' act

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House Speaker Jase Bolger, R-Marshall (*File Photo | MLive.com*)

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LANSING, MI — Republican House Speaker Jase Bolger on Wednesday proposed a Michigan Religious Freedom Restoration Act, calling it a necessary companion to new gay rights legislation designed to prohibit discrimination on the basis of sexual orientation.

Both bills were **met with immediate opposition** from advocates pushing for broader LGBT protections and face an uncertain future in Michigan's Republican-led Legislature.

"I believe workers should be hired and fired based solely on their work ethic and their work experience," Bolger told reporters during a media roundtable. "And nobody should be discriminated against based on their sexual orientation or their religious beliefs."

The proposed Michigan RFRA is believed to be similar to the federal version signed into law by President Bill Clinton in 1993. The federal act, which the Supreme Court later ruled does not apply to states, was designed to limit laws that substantially burden a person's free exercise of religion.

Bolger wants to pair a RFRA with separate legislation introduced Wednesday by Republican state Rep. Frank Foster of Petoskey that would amend Michigan's Elliott-Larsen Civil Rights Act.

Foster's bill would prohibit discrimination on the basis of sexual orientation in work places, housing markets and places of public accommodation. But LGBT advocates are lining up to oppose the bill because it does not also include "gender identity and expression" language to protect transgender individuals.

The religious right fears any kind of gay rights amendment could negatively impact business owners who might object to providing services that violate their beliefs.

Bolger, offering an analogy, said he does not think a baker should be able to fire an employee for being gay or refuse to make a birthday cake for gay customer.

But that same baker should not be forced to make a cake for a same-sex wedding if such a union would run counter

to his or her religious beliefs, according to Bolger, who said courts would ultimately draw that line.

“This does not presume an outcome, and it clearly does not provide a license to discriminate,” Bolger said. “It provides a test of balance.”

The Elliott-Larsen Civil Rights Act of 1976 prohibits discrimination based on a variety of factors — including religious beliefs — and includes certain exemptions for religious institutions.

State Rep. Jeff Irwin, D-Ann Arbor, said additional religious protections could provide a “huge loophole” for discrimination against LGBT residents.

“If you’re going to act in the public space, you must act in a way that is fair and equal to all citizens regardless of skin color, national origin, religion and hopefully sexual orientation and gender expression,” Irwin said. “If they don’t believe in that compromise, they don’t believe in it. They can’t have it both ways.”

The Michigan Catholic Conference, meanwhile, praised the religious freedom proposal, saying it would support the legislation on its own but believes it is equally important in the context of the Elliott-Larsen debate.

“It’s a pretty good balance, to make sure that if you’re going to look at one side to make sure you look at the other to protect people of faith,” said Tom Hickson, vice president of public policy for the Catholic group. “They’re claiming discrimination, but that can go both ways.”

Michigan is one of 29 states without any specific anti-discrimination protection for gay or transgender residents. The Michigan Competitive Workforce Coalition — a group of large employers and advocacy organizations — argues that makes it harder to attract top talent to the state.

Republican Gov. Rick Snyder has encouraged the Legislature to discuss an Elliott-Larsen update this year during the lame-duck session, but he has not specified what that discussion should look like.

While the religious freedom proposal could complicate the debate, the decision to **exclude gender identity and expression language** from the anti-discrimination bill may prove to be the primary sticking point.

Bolger, noting that the federal Equal Employment Opportunity Commission now considers anti-transgender bias a form of sex discrimination, said he believes Elliott-Larsen already covers those cases.

“It is not necessary, therefore it should not be included,” Bolger said. “Gender identity is already protected by having ‘sex’ in Elliott-Larsen.”

State and national LGBT groups were quick to condemn the bill, and transgender individuals gathered outside of Bolger’s chamber to offer their side of the story to reporters leaving the media roundtable.

“There is a mishmash of court rulings, but that does not protect people,” said Allison VanKuiken, a Michigan native

who moved to Maryland with her partner but is back here working on behalf of the Human Rights Campaign.

“If I experience discrimination here, I can’t afford to go get a lawyer and challenge the system. It’s not realistic. This is an opportunity that we could get done in the next 36 days that securely and definitively puts an end to discrimination in Michigan.”

Foster, who lost his Republican primary in August, said earlier Wednesday that he anticipated opposition to his bill from the political right and left but believes it is a good starting point for further discussion.

“Not everyone is going to be happy, but I still believe we’re moving an issue forward that’s been a long time in the making,” Foster said.

The legislation will be referred to the House Commerce Committee, which Foster chairs. He plans to hold a public hearing on the bill — along with a Democratic version that includes transgender protections — at some point after Thanksgiving.

Bolger said he could not support the Democratic version, but Democrats have made clear they will not support the GOP version, setting up a legislative stalemate with less than a dozen session days remaining on the schedule this year.

“No Michigander deserves to be denied employment or housing because they are lesbian, gay, bisexual or transgendered, and the civil rights of all of them must be protected,” Minority Leader Tim Greimel, D-Auburn Hills, said in a statement.

“We can’t support any bill that falls short of that. Justice demands that we stand up for the rights and equality of all people, not just some of them.”

*Jonathan Oosting is a Capitol reporter for MLive Media Group. **Email him**, find him on **Facebook** or follow him on **Twitter**.*

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