



February 24, 2014

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The Honorable Bert Stedman, Chair  
The Honorable Peter Micciche, Vice-Chair  
Senate Health and Social Services Committee  
Alaska State Senate  
State Capitol  
Juneau, AK 99801

**by email: [Senator.Bert.Stedman@akleg.gov](mailto:Senator.Bert.Stedman@akleg.gov)  
[Senator.Peter.Micciche@akleg.gov](mailto:Senator.Peter.Micciche@akleg.gov)**

**Re: Senate Bill 131—Sexual Orientation Discrimination  
ACLU of Alaska's Review**

Dear Chair Stedman and Vice-Chair Micciche:

Thank you for the opportunity to testify in support of Senate Bill 131, which would add “sexual orientation, gender identity or expression” to Alaska’s nondiscrimination law.

The American Civil Liberties Union of Alaska represents thousands of members and activists throughout the State of Alaska who seek to preserve and expand individual freedoms and civil liberties guaranteed by the United States and Alaska Constitutions. In that context, we appreciate the opportunity to support this Bill, which would help protect more Alaskans from discrimination.

Alaska’s nondiscrimination law and the State Human Rights Commission, Alaska Stat. § 18.80 *et seq.*, help guarantee that Alaskans will be judged on who they are, by their individual talent and skills, and not on what they are, such as their sex, religion, or national origin. We are pleased that this Bill, if passed and signed into law, will help ensure that lesbian, gay, and transgender individuals will be judged on the content of their character.

Official discrimination and animus against LGBT persons is unconstitutional,<sup>1</sup> and we have seen that it is similarly impermissible to

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<sup>1</sup> *Romer v. Evans*, 517 U.S. 620 (1996).

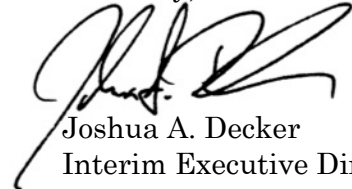
deny them the benefits of marriage<sup>2</sup> or employment,<sup>3</sup> or other civil rights, such as the right to sit on a jury.<sup>4</sup>

By helping LGBT Alaskans avoid discrimination on the basis of an immutable—and to an employer, landlord, or business, irrelevant—characteristic, this Bill will further align Alaska with these important constitutional decisions. We hope that the Committee and the Legislature will pass this Bill.

We hope that this letter of support aids the Committee in its evaluation and passage of this Bill. If you have any questions or if you want any additional information, please feel free to contact us. We are always happy to answer any questions through written or oral testimony, or to answer informally any questions that Members of the Committee may have.

Thank you again for the opportunity to testify.

Sincerely,



Joshua A. Decker  
Interim Executive Director

cc: Senator Kevin Meyer, Senator.Kevin.Meyer@akleg.gov  
Senator Pete Kelly, Senator.Pete.Kelly@akleg.gov  
Senator Johnny Ellis, Senator.Johnny.Ellis@akleg.gov  
Senator Berta Gardner, Senator.Berta.Gardner@akleg.gov  
Senator Hollis French, Senator.Hollis.French@akleg.gov

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<sup>2</sup> *United States v. Windsor*, 133 S. Ct. 2675 (2013); *Kitchen v. Herbert*, No. 2:13-cv-217, 2013 WL 6697874 (D. Utah Dec. 20, 2013), *appeal docketed*, No. 13-4178 (10th Cir.); *Bishop v. United States*, No. 04-cv-848, 2014 WL 116013 (N.D. Okla. Jan. 14, 2014), *appeal docketed* (10th Cir.); *Bourke v. Beshear*, No. 3:13-cv-750, 2014 WL 556729 (W.D. Ky. Feb. 12, 2014); *Bostic v. Rainey*, No. 2:13-cv-395, 2014 WL 561978 (E.D. Va. Feb. 13, 2014); *Garden State Equality v. Dow*, 434 N.J. Super. 163 (N.J. 2013); *Griego v. Oliver*, 316 P.3d 865 (N.M. 2013).

<sup>3</sup> *Alaska Civil Liberties Union v. State*, 122 P.3d 781 (Alaska 2005).

<sup>4</sup> *SmithKline Beecham Corp. v. Abbott Laboratories*, 740 F.3d 471 (9th Cir. 2014).