

April 23, 2018

The Honorable Sen. Vicki Marble
Chairperson, Senate Committee on State,
Veterans, and Military Affairs
200 E Colfax, Rm 3046
Denver, Colorado 80203

Re: OPPOSITION for SB 241, Testimony from American Atheists in opposition to the so-called "Colorado Children First Act"

Dear Chairperson Marble and Members of the Senate Committee on State, Veterans, and Military Affairs:

American Atheists, on behalf of its more than 800 constituents in Colorado, testifies in opposition to SB 241, a controversial bill which would, under the guise of religious freedom, harm at-risk young people and allow for discrimination in foster care and adoption placement. Every young person in Colorado deserves a loving, permanent home. However, this legislation would reduce the number of available foster and adoption families, leading to more young people without suitable placement. Moreover, this bill allows for unconstitutional religious coercion against young people. We urge you to vote against this unnecessary and harmful 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.

This bill is unnecessary. Although this bill is couched in terms of religious freedom, there is no conflict between religious liberty as properly understood and laws prohibiting discrimination. Proponents of these types of bills in various states have claimed that religious exceptions in foster care and adoption are necessary because placement agencies in Massachusetts, Illinois, and the District of Columbia have been forced to close because of their sincerely held beliefs about marriage. However, this is blatantly false – these agencies were not forced to close, they were just not allowed to carry on their activities in a discriminatory manner with government funding. Religious liberty does not mean that you get to take taxpayer money and use it to discriminate against people you dislike.

Unfortunately, however, this bill would allow just that. Child placement agencies which receive state funding would be permitted to freely discriminate based on their religious beliefs. For example, these agencies could discriminate against would-be parents because they are (or the agency representative assumes them to be) atheists or religious minorities, unmarried, LGBTQ people, or basically anyone else they dislike. Instead, placement should be based on the best interest of the child, regardless of the agency's religious beliefs.

In every state that has passed these types of bills, the number of adoptions is decreasing because discrimination reduces the number of potential adoptive parents. Please do not reduce the chances of these at-risk youth to find a loving, permanent home – please oppose this harmful legislation.

Even compared to similar bills in other states, SB 241 is particularly appalling. This bill would prohibit the state from taking any action against a foster or adoptive parent when that person “guides, instructs, or raises” a child based upon a religious belief. This provision excuses all kinds of outrageous and dangerous behavior, including physical punishment, proselytization, or even conversion therapy. Colorado should not fund or allow coercive religious practices against children.

Finally, we note that this legislation is likely to conflict with federal law, which prohibits discrimination in child welfare activities on the basis of race, color, national origin, sex (gender), age, and disability. Passing this bill would put Colorado at odds with federal rules and best practices, potentially putting the state at risk for liability and disqualification from relevant federal funding.

We urge you to vote against this unnecessary and harmful legislation. No one should be allowed to use their religion to justify invidious discrimination or to harm at-risk young people. If you should have any questions regarding American Atheists' opposition to SB 241, please contact Alison Gill, American Atheists Legal and Policy Director at 908.276.7300 x9 or by email at agill@atheists.org.

Sincerely,

/s/ David Romer

David Romer
Member, American Atheists
3138 Josephine Street
Denver, CO 80205

cc: All members of the Colorado Senate Committee on State, Veterans, and Military Affairs and staff