

October 23, 2014

Dear Mayor Steve Widmyer and the Coeur d'Alene City Council:

Our KCTFHR Board of Directors met today and agreed to forward this letter to you regarding the issue of the Hitching Post Chapel and the City of Coeur d'Alene's Anti-Discrimination Ordinance that provides protection from discrimination for members of the LGBT/Gender Identity and Expression community.

As the initiator of the proposed ordinance beginning on February 4, 2013, we were and continue to be committed to its purpose and enforcement in preventing discrimination that targets this particular minority in our community. We commend the Coeur d'Alene City Council for meeting their constitutional and moral responsibilities on June 4, 2013 with the adoption of this ordinance removing the second-class status of this sexual minority.

It has always been our position that the ordinance would exempt religious institutions recognizing their First Amendment rights when it comes to establishing facilities or sanctuaries where they conduct religious services, practice their faith, study and advocate their religious tenants, hire and supervise the employees for example at their church, temple, synagogue, or mosque. They are also free to establish and operate a religious school for their families. We respect and defend those religious freedoms.

Having said that, we oppose the argument that one can use one's religious beliefs to discriminate against, for example a sexual minority, in the public secular arena in housing, businesses/employment and public accommodations. For government to allow such exceptions based on religious grounds, would literally open the door to all forms of discrimination in violation of the U. S. Constitution's Fourteenth Amendment.

We find the question of the Hitching Post Chapel and the city ordinance a more complex question. That being the case, we have spent the past few days in discussion with some prominent national organizations and constitutional lawyers. The facts seem to be that there are two ordained ministers solely providing a service limited to wedding ceremonies at the Hitching Post Chapel.

With these facts in mind, we received the following opinion and advice from our constitutional experts:

“When they are performing a religious activity like marrying people, ministers have the right to choose which marriages they will solemnize. That's why we don't think the public accommodation law applies to ministers making choices about

performing marriages. So, if the only service offered is a religious wedding ceremony performed by a minister, then the law would not apply. But that reasonable exception doesn't change the general rule that businesses that open their doors to the public to provide **services**, including services related to weddings, cannot turn people away just because of who they are."

Based upon these facts and findings, we believe the City of Coeur d'Alene Anti-Discrimination Ordinance due to the religious exemption is not at issue and is not impacted regarding performing weddings by ordained ministers at the Hitching Post Chapel in Coeur d'Alene.

Sincerely,

Kootenai County Task Force on Human Relations

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