

February 21, 2024

Hon. Warren Limmer  
[Sen.Warren.Limmer@senate.mn](mailto:Sen.Warren.Limmer@senate.mn)

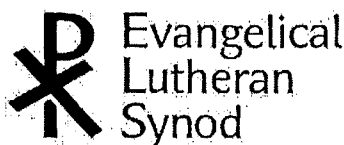
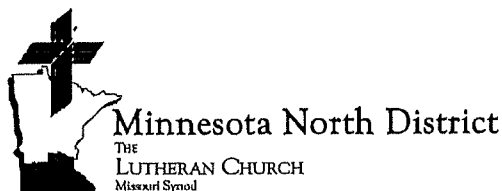
Hon. Harry Niska  
[Rep.Harry.Niska@house.mn.gov](mailto:Rep.Harry.Niska@house.mn.gov)

Dear Sen. Limmer and Rep. Niska,

Thank you for authoring S.F. 3848/H.F. 3926, a bill to restore a religious exemption in the Minnesota Human Rights Act for religious organizations (including individual congregations) and religiously affiliated nonpublic schools, and to protect them from claims against discrimination based on gender identity and expression. We were disappointed that the Department of Human Rights declined to include this legislation in their legislative proposals for 2024 and appreciate you stepping in to work with your colleagues to *restore* this important statutory protection of faith-based organizations and schools. We hope you will work proactively to get this legislation passed.

Questions of gender identity and expression are difficult ones generating much discussion in the culture at large. The undersigned organizations hold diverse theological views and may take different approaches about how to handle these questions as a matter of governance and pastoral care. But they are united by the principle that faith-based organizations should have autonomy in their governance decisions and be able to hire both ministers and teachers consistent with their mission and values. Indeed, such rights are protected by both the Minnesota and U.S. Constitutions and should be reflected in the Minnesota Human Rights Act as well. The law should be clear in this regard, and faith-based organizations should be insulated from complaints and litigation related to matters of gender identity.

The Minnesota Human Rights Act is a tool for legislators to draw lines among compelling but sometimes competing interests at the intersection of nondiscrimination law and rights of speech, religion, and association. The pluralism of values protected by the statutory framework on this matter prior to 2023 (and what would be restored by this bill) worked well for 30 years, and can continue to guide a diverse community to live out their differences in an equitable and inclusive manner. Thank you for your support.



Contact: Jason Adkins, Minnesota Catholic Conference ([jadkins@mncatholic.org](mailto:jadkins@mncatholic.org))

February 15, 2024

Hon. Warren Limmer  
[Sen.Warren.Limmer@senate.mn](mailto:Sen.Warren.Limmer@senate.mn)

Hon. Harry Niska  
[Rep.Harry.Niska@house.gov](mailto:Rep.Harry.Niska@house.gov)

Dear Sen. Limmer and Rep. Niska,

I write to you as president of Agudath Israel of Minnesota – a branch of Agudath Israel of America, a broad-based, national Orthodox Jewish organization. Since it was founded in 1922, one of Agudath Israel's primary functions has been to serve as an advocate on behalf of the religious rights and interests of the Orthodox Jewish community.

Thank you for authoring S.F. 3848/H.F. 3926, a bill to restore a religious exemption in the Minnesota Human Rights Act for religious organizations (including individual congregations and religiously-affiliated nonpublic schools), and to protect them from claims against discrimination based on gender identity and expression

Faith-based organizations should have autonomy in their governance decisions and be able to hire both religious leaders and teachers consistent with their mission and values. Indeed, such rights are protected by both the Minnesota and U.S. Constitutions and should be reflected in the Minnesota Human Rights Act as well. The law should be clear in this regard, and faith-based organizations should be insulated from complaints and litigation related to matters of gender identity.

Thank you for your support.

Sincerely,

Rabbi Joshua "J.B." Borenstein  
President, Agudath Israel of Minnesota  
Executive Director, Torah Academy of Minneapolis

September 15, 2023

Hon. Ron Latz  
Chair, Judiciary and Public Safety Committee  
Minnesota Senate  
95 University Ave. W  
St. Paul, MN 55155

Hon. Jamie Becker-Finn  
Chair, Judiciary Finance and Civil Law Committee  
Minnesota House of Representatives  
559 State Office Building  
St. Paul, MN 55155

Dear Chair Latz and Chair Becker-Finn,

Peace be with you.

We undersigned faith-based communities and organizations write to urge you to correct what appears to be a drafting error in the amendments passed to the Minnesota Human Rights Act (see H.F. 1655/S.F. 1886) that created a definition for gender identity (Minn. Stat. 363.03, subd. 50) separate from its former location within the definition of sexual orientation (Minn. Stat. 363A, subd. 44).

In short, the accommodations in Minn. Stat. §§ 363A.20, subd. 2 and 363A.26(2) from the MHRA related to sexual orientation for, among others, religious associations and nonpublic schools, should also have been clarified to include an exemption for gender identity now that they have separate definitions. Doing so would have allowed the pluralism at the heart of the MHRA to continue. We assume this was a drafting error because there was no attempt to strike the accommodation related to sexual orientation for those entities.

Fortunately, fixing this matter requires the addition of only three words in Minn. Stat. §363A.26(2) after the term sexual orientation: or gender identity.

Similarly, Minn. Stat. § 363A.20, subd. 2 should also be amended to read:

**Subd. 2. Religious or fraternal organization.** The provisions of section 363A.08 shall not apply to a religious or fraternal corporation, association, or society, with respect to qualifications based on religion, ~~or~~ sexual orientation, or gender identity, when religion, ~~or~~ sexual orientation, or gender identity shall be a bona fide occupational qualification for employment.

When the MHRA amendments related to sexual orientation (and gender identity) were passed, it was through Sen. Allen Spear's work to bring together a broad coalition in support. *See generally* Joshua Preston, "Senator Allan Spear and the Minnesota Human Rights Act," *Minnesota History*, Fall 2016. The accommodations in the MHRA, specifically sections

363A.20-.26 were necessary to secure passage of the legislation and brought with it the non-opposition of both key faith communities, as well as Republican legislative leaders.

The accommodations helped ensure that the MHRA would be used as a shield to protect people from discrimination in the basic necessities of life, and not be turned into a sword against people of faith and others with different worldviews and values related to sexual orientation and gender identity. In short, the MHRA protects pluralism and allows Minnesotans who hold different values to live well among each other. That compromise has held together fairly well for thirty years, and it should continue.

We apologize that we did not bring this matter to your attention sooner. It is our understanding that there are a number of similar “clean up” bills that need to be addressed, and believe the statutory fix proposed here is relatively straightforward during a special session or when the regular session resumes on Feb. 12.

Thank you for your consideration and for your service to all Minnesotans.

Evangelical Lutheran Synod

Islamic Center of Minnesota

Lutheran Church—Missouri Synod, Minnesota North and South Districts

Minnesota Catholic Conference

Transform MN—the Evangelical Network

Church of Jesus Christ of Latter-Day Saints

Contact: Jason Adkins, Executive Director, Minnesota Catholic Conference,  
[jadkins@mncatholic.org](mailto:jadkins@mncatholic.org)

CC: Rep. Leigh Finke

Sen. Clare Oumou-Verbeten

Rep. Peggy Scott

Sen. Warren Limmer



Islamic Center of Minnesota  
Jewish Community Relations Council  
Minnesota Catholic Conference  
Minnesota Council of Churches  
www.jrlc.org  
info@jrlc.org

October 16th, 2023

**Via Electronic Enclosure**

Dear Chair Latz and Chair Becker-Finn,

Greetings; I hope you are well.

The Joint Religious Legislative Coalition (JRLC) is an interfaith partnership between leading organizations in the Jewish, Christian, and Muslim community. We work to build common ground for the common good and focus our efforts primarily on anti-poverty legislation, such as childcare assistance, the Minnesota Family Investment Program, and shelters for the chronically homeless.

One of our shared priorities is to promote civility in public life. Despite having major differences about both theology and political issues, we try to learn from each other and promote constructive conversations around difficult questions.

Issues related to sexual orientation and gender identity are no exception. Each of our groups have their own unique perspective about how we are best to promote the shared value of the dignity of the human person.

In 1993 when a nondiscrimination provision related to sexual orientation and gender identity was added to the Minnesota Human Rights Act, it was done so in conjunction with religious liberty accommodations for faith-based organizations. The inclusion of those exemptions allowed the nondiscrimination language to pass and garner bi-partisan support. *See generally* Joshua Preston, "Senator Allan Spear and the Minnesota Human Rights Act," *Minnesota History*, Fall 2016.

The JRLC's support was noted by Senator Allen Spear to give comfort to those who were concerned about sexual orientation and gender identity being added to Human Rights Act. To quote Sen. Spear:

*The religious exemption that's in the bill was worked out with the joint religious legislative coalition and other interested religious groups. Since then we've had more discussions, and have decided to broaden the amendment and make it absolutely clear that religious organizations would not be forced to hire people who adhere to a lifestyle that is contrary to their religious beliefs.*

Floor Debate on S.F. 444, 86th Legis. (Mar. 18, 1993) (quoted in *Thorson v. Billy Graham Evangelistic Association*, 687 N.W. 2d 652 (Minn. App. 2004).

Notably, the accommodation was not without its limits and would not apply to "secular," for-profit activities of religious associations. *Id.* Further, our request does not extend to instances of public accommodation.

The JRLC and other faith communities supported the inclusion of the new nondiscrimination law because they believed it would be used as a shield against unjust discrimination in the basic necessities of life for

all persons. The protection for religious pluralism in the activities of religious associations and others ensured it would not be used as a sword against people of faith.

Unfortunately, this balance of interests was upended when the Legislature created a separate definition of gender identity in the MHRA (*see* H.F. 1655/S.F. 1886); it neglected to also update the religious accommodations related to sexual orientation to also include gender identity.

It is for this reason that we write to ask you to update the amendments passed to the Minnesota Human Rights Act that created a definition for gender identity (Minn. Stat. 363.03, subd. 50) separate from its former location within the definition of sexual orientation (Minn. Stat. 363A, subd. 44).

In short, the accommodations in Minn. Stat. §§ 363A.20, subd. 2 and 363A.26(2) from the MHRA related to sexual orientation for, among others, religious associations and nonpublic schools, should also have been clarified to include an exemption for gender identity now that they have separate definitions. We assume this was a drafting error because there was no attempt to strike the accommodation related to sexual orientation for those entities.

Fortunately, it requires the addition of only three words in Minn. Stat. §363A.26(2) after the term sexual orientation: or gender identity.

Similarly, Minn. Stat. § 363.20, subd. 2 should be amended to read:

Subd. 2. **Religious or fraternal organization.** The provisions of section 363A.08 shall not apply to a religious or fraternal corporation, association, or society, with respect to qualifications based on religion, or sexual orientation, or gender identity, when religion, or sexual orientation, or gender identity shall be a bona fide occupational qualification for employment.

The MHRA protects pluralism and allows Minnesotans who hold different values to live well among each other. That compromise has held together fairly well for thirty years, and it should continue.

We apologize that we did not bring this matter to your attention sooner.

Thank you for your consideration and for your service to all Minnesotans.

Respectfully yours,



Leah Patton  
Executive Director  
[leah@jrlc.org](mailto:leah@jrlc.org)

CC: Rep. Leigh Finke, Sen. Claire Oumou-Verbeten (bill authors); Commissioner Rebecca Lucero