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Gays urge Human Rights Act changes

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By: **Janel Cole**, Fargo Forum

BISMARCK – Several years ago, Sherri Paxon of Mandan decided she would no longer hide from her co-workers that she is in a committed relationship with another woman.

Despite previously good job reviews and a positive atmosphere, “The climate quickly degenerated into instances of harassment and barely disguised workplace bullying,” she told a Senate committee Tuesday, in support of a bill to add sexual orientation to the protected classes in the state Human Rights Act.

Paxon was one of several who testified that Senate Bill 2278 is needed because it’s not fair that North Dakotans can be fired, denied housing and excluded from public accommodations just because they are gay or transgendered.

Paxon said she put up with a hostile atmosphere at her job until “it was clear nothing I could do would improve these work conditions. Because I had no legal recourse and in order to protect my mental and physical health, I felt I had to resign.”

If SB 2278 had been in state law at the time, she said, “I truly believe the outcome would have been different.”

Another, Gina Powers of Fargo, who was at the hearing with her partner and their daughter, pleaded with the Senate Judiciary to “have us emerge from this legislative session a better North Dakota.”

A bill sponsor, Rep. Kathy Hawken, R-Fargo, said everyone should have the same rights.

“It is really somewhat sad that we need to be here today with this bill. In a perfect world, there would be no need for protected classes of any sort,” she said.

But opponents told the Senate Judiciary Committee that the bill would unjustly protect people who have chosen a lifestyle that deserves no special rights.

Fargo’s Tom Freier, executive director of the North Dakota Family Alliance, said the definition of sexual orientation is “subjective and vague ... and can only invite litigation.”

The committee chairman, Sen. David Nething, R-Jamestown, asked Freier if the definition of sexual orientation is any more subjective than the definition of mental disability, which is a protected class under the existing Human Rights Act. Freier said that is a medical determination.

If passed, the bill would go against the rights of other people's religious liberty and their rights to run their businesses and raise their families as they see fit, Freier said.

Janne Myrdal of Park River, state director of Concerned Women for America, agreed.

"The bill has no exemptions for those with personal convictions, thus forcing individuals to accept and support sexual behaviors with which they disagree," she said. "SB 2278 actually creates discrimination ... against people with traditional views of morality."

She said "facts show that sexual behavior is changeable" and not immutable like race and color.

Christopher Dodson, lobbyist for the North Dakota Catholic Conference, also opposed the bill, saying it was "flawed in its scope and reach."

Freier and another opponent, Minot lawyer Reed Soderstrom, argued that gays and lesbians already have all the legal protections they need in state law and constitution, statements that brought challenges from the Judiciary Committee.

"Can you direct us to the specific sections (of law)?" Sen. Curt Olafson, R-Edinburg, asked Freier and Soderstrom. He noted that the bill's prime sponsor, Sen. Tom Fiebiger, D-Fargo, testified that, as an attorney, he has to repeatedly advise gays and lesbians who've lost their jobs that there are no legal remedies in North Dakota law or federal law.

The committee will act on the bill next week, Nething said.

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