



To the Senate Committee on Families, Seniors, and Human Services:

I am writing on behalf of the Secular Coalition for Michigan to urge your opposition to House Bills 4188, 4189, and 4190. These bills, which claim to take positive measures to protect children and religious liberty, are actually a license to engage in religious discrimination against certain classes of prospective adoptive parents. Upon a superficial reading, these bills seem to provide a compromise between the religious rights of adoption agencies and the rights of prospective adoptive parents by giving adoption agencies the right to deny services to certain classes of parents but requiring them to refer the prospective adoptive parents to an agency that will provide services. Several important rights issues and hypothetical situations, however, are conveniently ignored.

First, when agencies are supported by public money they become, at least in regards to whatever operations they are using public money for, agents of the State. As agents of the State, they cannot and should not be allowed to engage in discriminatory behavior based on purely religious principles. To do so violates the Establishment Clause of the First Amendment.

Secondly, public money comes from the pockets of taxpayers. Non-heterosexuals and non-Christians, two classes of prospective parents who are most likely to have their rights violated if HB 4188, 4189, and 4190 become law, pay taxes just like heterosexuals and Christians do. Twenty-four percent of Michigan taxpayers are not affiliated with any particular religion, many more subscribe to faiths other than Christianity, and an estimated 3-4% of the population identifies as non-heterosexual.

Money taken from citizens in the form of taxes should never be used to discriminate against them. Furthermore, non-religious parents and same-sex parents are as qualified as their religious and heterosexual counterparts to raise children. Denying these couples publicly funded adoption services is not only unconstitutional, but also a decision based in prejudice.

Do these bills allow for religious discrimination due to race? Would it be allowable for an adoption agency to deny services to a mixed-race couple if doing so violated the agency's sincere religious beliefs? How about denying a white child to a black couple due to sincerely held religious beliefs against transracial adoption? What if an atheist adoption agency existed and denied services to Christian parents due to sincere belief that children are harmed by a religious upbringing?

Finally, and perhaps most importantly, these bills violate the rights of children waiting to be adopted into loving homes. Being raised in a single-family household by loving, devoted parents (regardless of the religion, race, or sexual orientation of such parents) is statistically much more conducive to a happy life than being raised in even the most well-run group homes.

When potential adoptive parents, who are suitable caregivers by all standards outside of an agency's religious preference, are prevented from adopting a child, that child's rights are violated by being left in the agency's care rather than being made whole by being provided with a loving family.

On behalf of the Secular Coalition for Michigan, I urge you to oppose House Bills 4188, 4189, and 4190.

Sincerely,
Andrew Franks, Ph.D.
Chair, Secular Coalition for Michigan

For more information about the Secular Coalition for Michigan please visit states.secular.org/states/michigan.

Secular Coalition for America, 1012 14th St, NW, Suite 205, Washington, D.C. 20005