



FOR IMMEDIATE RELEASE

October 30, 2020

For more information, please contact:

Philippa Guthrie, City of Bloomington Corporation Counsel, guthriep@bloomington.in.gov

Bloomington's Human Rights Ordinance Stands After Constitutional Challenge

Bloomington, Ind. - Bloomington's Human Rights Ordinance, which includes protections against discrimination based on gender identity and sexual orientation, stands strong after the deadline for filing a petition for transfer to the Indiana Supreme Court has lapsed. The lawsuit (Case No. 19A-MI-02991) is now at an end. As a result, the Court of Appeals opinion of September 10, 2020 finding in favor of the cities of Bloomington, Carmel, Columbus, Indianapolis, and the State of Indiana stands as precedent.

"Bloomington is proud of our legacy as a human rights leader in the state, and we're gratified that this misguided and scurrilous attempt to erode our Human Rights Ordinance, and those of other cities, has been soundly dispatched," said Mayor John Hamilton. "Cities around the nation need tools such as Bloomington's Human Rights Ordinance to continue the work of undermining a long legacy of discrimination."

In December of 2015, Indiana Family Institute, Indiana Family Action, and the American Family Association of Indiana filed suit against Bloomington, Carmel, Columbus and Indianapolis alleging that the the cities' ordinances that included protections against discrimination based on gender identity and sexual orientation violated the organizations' religious liberties and free

speech rights. The organizations also sued the State of Indiana challenging the State's Religious Freedom Restoration Act (RFRA) because it did not explicitly cover similar organizations and included the so-called "RFRA fix" provisions that prohibited using RFRA to justify discrimination based on race, age, sexual orientation, and gender identity.

On November, 2019, a Hamilton County judge ruled in favor of the Bloomington, the State of Indiana, and the other cities by finding that IFI and the other organizations could not prove that they were likely to face any harm from the ordinances or the RFRA fix, and therefore the organizations lacked standing to proceed with their lawsuit. IFI, IFA, and AFA then appealed to the Indiana Court of Appeals.

In an opinion published on September 10, 2020, the Court of Appeals unanimously affirmed the trial court and found that the organization's claims were "wholly speculative and hypothetical." The Court held that even by their own evidence the organizations failed to show that they faced imminent threat of harm or that their speech was in any way chilled by the cities' ordinances.

Under the Indiana Rules of Appellate Procedure, the organizations had 45 days to file a petition to the Indiana Supreme Court to appeal the Court of Appeals decision. That deadline expired on Monday, October 26, 2020, and the organizations did not file a petition. Because the organizations did not seek transfer, the lawsuit is concluded, and the cities' ordinances and RFRA continue in full force and effect.

###