



Prepared Remarks
Christopher Bruce
Political Director, ACLU of Georgia
Georgia House Higher Education Committee
Georgia State Capitol, Room 341
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9:00 a.m.

Good morning.

My name is Christopher Bruce, and I am the Political Director for the American Civil Liberties Union of Georgia. Thank you for the opportunity to speak to you today about HB 1. House Bill 1 is nearly identical to two bills this committee worked on during the 2020 Legislative Session-. Those were House Bill 995 and Senate Bill 318. I want to thank Chairman Martin and this committee for your hard work to address the very grave and valid concerns with those bills, and it is my hope that the committee will do that with House Bill 1.

The ACLU of Georgia OPPOSES HB 1 [[LC 49 0277](#)]. Although we have a variety of concerns with House Bill 1, I will focus on one of our concerns in particular as this section of the bill would permit state-sanctioned discrimination at our public colleges and universities.

This bill, as currently worded, would roll out the red carpet for student organizations at Georgia's PUBLIC colleges and universities to discriminate in their membership and leadership. This provision was addressed in changes this committee made last legislative session, and again, I'm hoping the committee will rectify the concerns with this provision in House Bill 1.

Specifically, I'm referring to [Section 20-1-33 (e); lines 130-137].

Currently, the University System of Georgia and many of Georgia's public colleges and universities have policies that prevent student organizations from discriminating in their membership and/or leadership. These policies are designed to protect the civil rights and civil liberties of students regardless of whether those students are a federally protected class. Nondiscrimination policies promote equal protection under the law for all students at Georgia's public colleges and universities. AND these policies foster an open, safe, and invigorating environment in which students can learn and grow while attending the state's public colleges and universities, institutions that are among the best in the nation.

Current policy allows public colleges and universities to withdraw official recognition and funding of student organizations if they are found to discriminate on the basis of sex, religion, national origin, ethnicity, color, age, gender, gender identity or expression, marital status, citizenship, sexual orientation, or disability.

But the passage of HB 1 would permit — and even sanction — discrimination under the guise of the First Amendment. In particular, Section 20-1-33 (e) lines 130-137 of the bill would prevent Georgia's public institutions of higher education from withdrawing funding and other benefits for certain student organizations even in the case of membership-based discrimination. This language severely undermines the important policy currently in place, opens the door for widespread discrimination within our state's public colleges and universities, and essentially forces public institutions to condone discrimination at the expense of vulnerable students and taxpayers.

Students at our public universities maintain their right to freedom of expression, and University anti-discrimination policies do not violate the First Amendment. In 2010, the U.S. Supreme Court ruled in *Christian Legal Society v. Martinez* that public colleges and universities are within their rights to require student organizations seeking school recognition and funding to adhere to the school's non-discrimination policy as long as the policy is applied equally.

But HB 1 seeks to circumvent that ruling and the University nondiscrimination policies currently in place. By alleging that the act of withdrawing funding and recognition from discriminatory student organizations is discrimination in and of itself, this bill twists, obscures, and ultimately contradicts the true purpose of non-discrimination policies. Section 20-1-33 (e) lines 130-137 of the bill attempts to put the sheep's clothing of free speech over the wolf of discriminatory conduct.

HB 1 would have a chilling effect on the important protections Georgia's public colleges and universities have to bar discrimination. The American ideals of free speech must never be used as a sword for discrimination.

The ACLU of Georgia believes this legislation is unnecessary and that this committee should not pass this legislation. At the very least, this committee must revise the aforementioned section. Thank you.