

**Prepared Testimony of
Distinguished Professor Emeritus William Wagner**

**Before the Michigan Senate
Committee on Civil Rights, Judiciary, and Public Safety
March 15, 2023**

Distinguished Chair and Distinguished Members of the Committee: Thank you for providing me the opportunity to provide testimony on Senate Bill 147.

INTRODUCTION

My name is William Wagner and I hold the academic rank of Distinguished Professor Emeritus (Law). I served on the faculty at the University of Florida and Western Michigan University Cooley Law School, where I taught Constitutional Law and Ethics. I currently hold the Faith and Freedom Center Distinguished Chair at Spring Arbor University. Before joining academia, I served as a federal judge in the United States Courts, as Senior Assistant United States Attorney in the Department of Justice, and as a Legal Counsel in the United States Senate. I am also the Founder and President Emeritus of the Great Lakes Justice Center.

I am here to testify in my personal capacity before you today and share some thoughts and concerns about Senate Bill No. 147, opposing passage as currently written.

BAD PUBLIC POLICY

SB 147 is bad public policy. Going even further than the earlier amendments to Michigan's Civil Rights law, SB 147 now adds abortion of an unborn human child, unconscionably forcing people holding sincerely held religious beliefs about the value of human life, to violate that conscience. Amending Elliott-Larsen as currently proposed in SB 147 will inevitably collide with the constitutionally protected conscience held by religious people in Michigan who acknowledge the inviolable value of human life. "So God created mankind in his

own image, in the image of God he created them; male and female he created them.” *Genesis 1:27*.. For people of faith, the “Imago Dei” is the source of the inherent worth and dignity of all persons. It is *not* invidious discrimination, therefore, to value the protection of unborn human life.

If enacted, SB 147 will likely result in government actions against Christian and other religious people in ways that violate: 1) the First Amendment and 2) the fundamental constitutional liberty interests judicially recognized by the U.S. Supreme Court in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015) (i.e., the personal identity rights of citizens who find their personal identity not in their sexuality but in Jesus Christ or other faith orientation).

CONCLUSION

For these reasons, I recommend this bill be rewritten in a way that accommodates the fundamental constitutional rights of all citizens, and not just those encouraging its passage.