

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

THE DOWNTOWN SOUP KITCHEN d/b/a
DOWNTOWN HOPE CENTER,

Plaintiff,

v.

MUNICIPALITY OF ANCHORAGE,
ANCHORAGE EQUAL RIGHTS
COMMISSION, and PAMELA BASLER,
Individually and in her Official Capacity as the
Executive Director of the Anchorage Equal
Rights Commission,

Defendants.

Case No. 3:18-cv-00190-SLG

**DECLARATION OF
SHERRIE LAURIE**

1. I am a citizen of the United States and a resident of the State of Alaska. I am competent to make this declaration and, in addition to my sworn testimony in the Verified Complaint, make this declaration based on my personal knowledge.

2. I am the Executive Director of The Downtown Soup Kitchen, also known as the Downtown Hope Center ("Hope Center").

3. Hope Center is a religiously affiliated, private nonprofit Section 501(c)(3) organization. Exhibit J is a true and correct copy of Hope Center's 501(c)(3) certificate from the Internal Revenue Service, and Exhibit K is a true and correct copy of Hope Center's Biennial Report.

4. Hope Center was formed over thirty years ago in a garage and originally operated as "The Downtown Soup Kitchen."

5. Hope Center was prompted by the vision of a few Anchorage church leaders who wanted to share the love of God with Anchorage's homeless.

6. Operating out of a little red house on Fourth Avenue in downtown Anchorage, Hope Center provided nearly 300 free cups of soup each day to homeless and low-income families. In addition, it offered free showers and free clothing handouts from a yellow A-frame located next door.

7. In 2012, Hope Center moved into its new facility on Third Avenue in downtown Anchorage.

8. On December 1, 2015, Hope Center's soup kitchen expanded its mission to include assisting the Brother Francis Shelter ("Brother Francis"), a program of Catholic Social Services that provides free emergency shelter for men and women in Anchorage who are without a home.

9. Brother Francis often had to shelter more homeless than it could accommodate and struggled to provide safe shelter for women, many of whom had been abused by men. So Hope Center agreed to assist Brother Francis as an emergency cold weather overflow shelter by taking in and providing safe and sober shelter to Brother Francis's overflow of homeless women who presented themselves at Brother Francis and who otherwise qualified for shelter.

10. Originally, Brother Francis would check individuals in and then Hope Center would transport the overflow of women from Brother Francis to Hope Center. But the homeless community learned of Hope Center's "shelter" and began going to it directly.

11. The relationship between Brother Francis and Hope Center was formalized in December 2017, resulting in payments of around \$50,000 from Catholic Social Services to Hope Center. Hope Center did not receive, and has never received, any funds directly from the Municipality of Anchorage or the United States Department of Housing and Urban Development for its shelter.

12. While the written agreement between Brother Francis and Hope Center is no longer in force, Hope Center today accepts both an overflow of women from the Brother Francis, as well as some women who appear at or are referred to it. Hope Center has the ability to provide overnight shelter to as many as 50 women at any given time.

13. Hope Center's women's shelter receives no government funds directly, but instead receives private donations from individuals, businesses, foundations, and churches. Hope Center's women's shelter operates exclusively on a charitable basis for nonprofit charitable purposes. It does not conduct commercial transactions or other forms of "for profit" activities, and it does not cater to, or offer goods or services to, "the general public" for profit.

14. Hope Center exists to serve the homeless (men and women) of Anchorage, and it shelters only the homeless women of Anchorage. Hope Center does not provide food or shelter to the general public.

15. Hope Center continues to operate a soup kitchen to feed homeless and needy individuals in Anchorage. It serves around 450-600 cups of soup daily and prepares 142,000 meals annually. Hope Center's soup kitchen is open to any homeless or needy individual. Hope Center also provides any homeless or needy individual shower services, laundry services, clothing handout, and some job skills training.

16. Hope Center's purpose is religious. Its mission statement, "Inspired by the love of Jesus, we offer those in need support, shelter, sustenance, and skills to transform their lives" is shown on its website located at <https://www.downtownhopecenter.org/>. Hope Center lives out that religious mission through acts of service and the instilling of Christian beliefs and values to its guests and workers. Those beliefs include that God creates people male or female, that a person's sex is an immutable God-given gift, and that a person should not deny his or her God-given sex.

Genesis 1:27, which says in part that God created us in His image, male and female, makes that clear.

17. Hope Center also believes that women should be cherished, respected, and protected. Providing shelter to women in need not only demonstrates that belief, it plays a critical role in developing their guest's understanding of God's design for them.

18. Guests at the women's shelter are offered Christian counseling, teaching, and advice provided by Hope Center staff and leaders associated with Hope Center. Guests are also invited to participate in group prayer before meals, Bible studies, and group devotions. Exhibit L is a true and correct copy of the Hope Center's November 2018 schedule from its website.

19. The November 2018 schedule shows that Hope Center provides two different Bible studies each week. These Christian counseling, teaching, and advice opportunities are offered throughout the year at Hope Center.

20. Hope Center's physical facility underscores its religious mission. Hope Center not only hosts church services, but it plays Christian music and television, and has signs and décor with Christian messages throughout. By loving, serving, and teaching homeless women in this environment, Hope Center seeks to encourage their guests to put their faith in Jesus Christ and free themselves from destructive addictions, habits, or situations. Exhibit M are true and correct copies of pictures taken at Hope Center's facility.

21. To gain entry to the women's shelter, Hope Center guests must first participate in a check-in procedure and meet many conditions. Guests must be 18 years of age or older, not demonstrate dangerous behavior, be clean and sober, be able to meet their personal needs without assistance, and must respect shelter guidelines. Those shelter guidelines include prohibitions

against smoking, fighting, foul language, and wandering, as certain areas of the facility are off limits.

22. In addition, all guests of the women's shelter must sign up for a chore, assist with clean-up at the facility, and adhere to a schedule. Individuals who have not been admitted and not qualified to stay the night at Hope Center have no access to the facilities. The women's shelter also gives priority to the elderly and disabled. Exhibit N is a true and correct copy of the Hope Center's Shelter Guest Schedule and Requirements. Exhibit O is a true and correct copy of the Hope Center's Operational Policies, Procedures, and Information, including its admittance policy.

23. Hope Center has one large open room wherein it provides dinner to homeless women. After dinner, the homeless women who have signed up and qualify are permitted to stay for the night, based upon space availability and priority at sign-up time.

24. Those women who stay for the night at the Hope Center are given mats, along with a bag of blankets and a sheet so that they can sleep in one large open room. These mats are situated along the floor three to five feet apart from one another. Exhibit P is a true and correct copy of a photograph showing the room where women sleep in the women's shelter. Some women change their clothes in this large room when they are getting ready for bed.

25. Showers and laundry are also provided to those women who have signed up and qualified to stay the night at the Hope Center's women's shelter, and breakfast is provided in the morning to those who stayed the previous night.

26. Because Hope Center shelters homeless women who have been raped, battered, sex- trafficked, or escaped domestic violence, Hope Center believes that biological males should not sleep with and disrobe next to females. It therefore only accepts biological women to its women's shelter to protect the physical, psychological, and emotional safety of its guests.

27. On January 26, 2018, at about 6:00 p.m., Anchorage police officers dropped “Jessie Doe” off at Hope Center.¹ I was called to the dining hall, which also serves as the sleeping area for our homeless, abused women's shelter, to discern the course of action to be taken. Doe smelled strongly of alcohol, and was obviously inebriated, and had an open wound above the eye. Doe acted very agitated and was aggressive in body language towards Hope Center’s staff.

28. Hope Center’s women’s shelter is a sober and clean shelter. I explained to Doe that Hope Center did not accept individuals who were inebriated or under the influence of alcohol or drugs, and that Doe could not stay at the shelter for that reason. I then recommended that Doe go to the hospital to receive medical care. After much resistance, Doe agreed, and I paid for a cab to take Doe to the emergency room.

29. After further conversation, I learned that Doe had been involved in a fight at Brother Francis and had been removed from Brother Francis by the Anchorage Police Department. Investigating further, I called Brother Francis and inquired about Doe. A Brother Francis representative informed me that Doe had initiated a very disruptive fight at Brother Francis, the police had been called to handle the situation, and that Doe had been banned from the Brother Francis property until July 4, 2018.

30. On Saturday, January 27, 2018, around 2:00 p.m. Doe tried to be admitted at Hope Center’s women’s shelter again. But Doe was not admitted because Doe had not stayed the previous evening, which is required by shelter policy, and because Doe sought entry at a time when the shelter was not accepting new guests.

¹ The real name of the complainant is not disclosed in this filing to address privacy concerns.

31. On Saturdays, shelter guests are monitored by volunteers. Hope Center's Saturday shelter policy is that no one is allowed in the building to participate in the day shelter unless they have stayed in the shelter the night before, having filled out the necessary paperwork and gone through a bag check. For safety reasons, Hope Center does not have its volunteers handle bag checks—trained staff handle all bag checks. Each week, around 160 individuals volunteer at Hope Center.

32. Saturday check-in time for new guests is 5:45 p.m. Doe was not admitted on January 27, 2018, around 2:00 p.m. because he had not checked in the previous evening. Doe left Hope Center and did not return.

33. On February 1, 2018, Doe filed a complaint with the Commission claiming sex and gender identity discrimination ("First Complaint"). The Commission also notified Hope Center of a fact finding conference.

34. Hope Center initially hired attorney Kevin Clarkson of Brena, Bell & Clarkson, P.C. in Anchorage to defend it against Doe's complaint. On March 6, 2018, Clarkson sent a letter to the Commission, denied that Hope Center was a public accommodation and explained that Hope Center referred Doe elsewhere because of inebriation and timing, both non-discriminatory reasons.

35. When Hope Center answered the First Complaint, Anchorage residents were about to vote on Proposition 1, an initiative dealing with the issue of bathroom access and gender identity. Anchorage media took interest in the Commission's action against Hope Center, and Hope Center received interview requests, including from the *Anchorage Daily News*. Mr. Clarkson responded the *Anchorage Daily News* orally. The *Anchorage Daily News* and other media outlets then published stories about the First Complaint, none of which were solicited by Hope Center.

36. On April 23, 2018, Hope Center moved to dismiss the First Complaint. But rather than consider that motion or issue a determination, the Commission sent an unreasonable “settlement offer” to Hope Center. Acceptance of this offer would have required Hope Center to violate its religious beliefs, so it was declined.

37. On May 15, 2018, Pamela Basler, Executive Director of the Commission, filed a second complaint against Hope Center and its counsel, Brena, Bell & Clarkson, P.C. (“Second Complaint”). This Second Complaint alleged that Hope Center violated the Anchorage Municipal Code when Mr. Clarkson spoke to the media about Hope Center shelter policies.

38. Kevin Clarkson was Hope Center’s attorney—not an “agent” of real property. I am not aware of any written statements made by Mr. Clarkson concerning Doe, nor did Hope Center provide any written or printed statements to the media regarding Doe.

39. When the Commission filed the complaint against Hope Center’s counsel, it created a potential conflict and forced us to hire new counsel, Alliance Defending Freedom.

40. The First Complaint filed against Hope Center was filed over 270 days ago.

41. On October 2, 2018, the Commission settled with Brena, Bell & Clarkson, P.C. and agreed to dismiss the Second Complaint against Hope Center. We have not been sent a copy of such settlement by the Commission.

42. Prior to filing the First Complaint, Doe visited Hope Center seeking food and a shower. The Hope Center provided Doe with food and use of their shower facilities, as it does anyone who comes in seeking those services. The Hope Center served Doe then, and the Hope Center would serve Doe in the future with food and a shower. But the Hope Center, now and

in the future, will have to refer Doe to another shelter to sleep because the Hope Center cannot allow Doe to sleep with biological females in the women's shelter.

43. Hope Center wants to continue to allow only biological females into its women's shelter. The Hope Center also desires to make its policies clear by posting them both at the women's shelter and Hope Center's website located at <https://www.downtownhopecenter.org/womensshelter>. It believes that by doing so it can fulfill its religious belief to be upfront and honest with individuals seeking refuge from the harsh conditions of homeless life, and to let women who need their help know that there is a safe place to sleep where they will not be confronted with a biological male. Exhibit Q is a true and correct copy of the statement Hope Center desires to publish both at its women's shelter and online.

44. Hope Center cannot allow biological males to sleep in its shelter because it places women at risk, defies common sense, and violates the Hope Center's religious beliefs. Women at Hope Center would feel unsafe if they had to sleep and undress next to men. They have a reasonable expectation of privacy when they enter the women's shelter.

45. I spend a significant amount of each day in the women's shelter and I speak with the women who stay in the shelter. These women tell me their stories. Many tell me how they have been raped, beaten, trafficked, and threatened by men. Some of these things happened to these women while they were in other shelters. One woman recently told me that she was beaten so badly at a shelter that the police had to be called. Another woman recently shared with me that she had been brutally raped and that because of it she cannot be in a private place, like sleeping quarters, with a biological man. She explained that merely seeing a biological male in a private setting sets off a severe physical and emotional reaction for her. She cannot breathe. She feels like she cannot catch her breath and she has to leave the location to calm down. She shared that if a

biological man were provided entrance to the women's shelter, she would have to leave and sleep in the woods because of her anxiety. And she is not alone. Many other women have shared similar stories with me.

46. That is why it is so critical that Hope Center is allowed to run its shelter according to its beliefs. I am not aware of any woman at the shelter who has not been a victim of rape, sex trafficking, domestic violence, or other physical and emotional abuse. And sadly, each night more women seek admittance to our shelter, than we can house. There is great need for what the shelter provides. The women we serve need a safe place to be. They need a private place to be. And they tell me they need a Christian place to be where Bible studies, devotions, and church services are available to them to help them heal from their past abuse.

47. Other shelters in the Anchorage area provide overnight shelter to biological males. And the Hope Center is actively involved in working with those shelters to collectively address the needs of all homeless people in Anchorage. The Hope Center's part is to provide a safe place, consistent with its religious beliefs, to serve women who have suffered physical and sexual abuse.

48. Hope Center cannot pursue its religious mission or teach its religious beliefs about loving those in need and about the difference between men and women if it is forced to put homeless women at risk.

49. Hope Center has refrained from posting statements about its policies and beliefs on sex and gender identity. And the reason it has temporarily done so is to avoid violating Anchorage laws and suffering its penalties. But that means it is harder for the women's shelter to let women in need know that a safe place is available for them where they will not encounter a biological male while they sleep.

50. Hope Center feels an obligation to follow God's calling to foster a safe environment for women seeking refuge.

51. The Commission's enforcement of the Anchorage Municipal Code ("Code") against Hope Center has come at a great cost. Due to Anchorage's interpretation of the Code, Hope Center has not been able to speak to any media outlets or share its side of the story to the public.

52. Recently, several negative media stories have been published about Hope Center, hindering its ability to raise funds. Some of those articles include the following: <https://bit.ly/2yEOfXP>, <https://bit.ly/2QMzgTk>, <https://bit.ly/2ERCiE1> and <https://bit.ly/2Oc8GjK>. In sum, Hope Center is in a very tenuous financial state because of Anchorage's actions and its inability to defend itself in the public square.

I hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 31st day of October, 2018, in Anchorage, Alaska



SHERRIE LAURIE