



The Equality Act Issue Brief

BACKGROUND:

Introduced by Rep. David Cicilline (RI), the Equality Act would add sexual orientation and gender identity (SOGI) to the Civil Rights Act. Although proponents say the Equality Act is necessary to ensure LGBT-identifying people have equal rights under the law, elevating SOGI to federal civil rights law would mandate a single ideological viewpoint, distort the purpose of protected classes, and irreparably damage America's unique system of charitable civic organizations.

WHY THE EQUALITY ACT HURTS ALL AMERICANS:

The Equality Act would mandate a single ideological viewpoint. The First Amendment guarantees that citizens have freedom of conscience to hold differing views without fear of government suppression. However, the Equality Act would codify a single government-mandated ideological viewpoint of human sexuality and prohibit by force of law any other viewpoint. Already in states that have passed SOGI nondiscrimination laws there are cases of prosecutions of citizens exercising their religious and free speech rights; expanding SOGI to federal civil rights law would only exacerbate these prosecutions and work to silence all dissent.

Additionally, the Equality Act would distort the very basis for determining what constitutes a protected class. The Civil Rights Act of 1964 was first passed to correct systemic discrimination of black citizens, protecting immutable and identifiable characteristics such as age, national origin, religion, and sex. Unlike those characteristics, SOGI exists by definition on a spectrum, is self-identifiable, and fluid. Also, SOGI laws fail to meet the historic standards of necessity because there is no systemic or systematic discrimination of homosexual or queer citizens in culture, business, media, and entertainment. Instead, our culture is widely affirming of LGBT citizens. Adding SOGI to civil rights law would only affect those whose beliefs differ from that of popular culture, people whose religion, dependence on science, or philosophy prevent them from affirming SOGI ideology.

IMPLICATIONS FOR CHRISTIAN EDUCATION:

The Equality Act would irreparably damage charitable civic organizations, including Christian schools. The Equality Act specifically excludes religious exemptions in current federal law, thereby forcing all Christian schools and churches to affirm same-sex marriage and transgender ideology. Schools would no longer be free to teach the belief in a biblical sexual ethic or maintain a cohesive religious identity among students and faculty. The reason parents choose Christian education in the first place is that Christian schools are free from government entanglement that dictates what they can and cannot teach. In the end, children would suffer as they are deprived of quality education and instruction in the morals and doctrines that have been taught by faithful Christians for millennia.

LEGISLATIVE ACTION:

Forcing the American people to choose between their religious beliefs and government retaliation is blatantly unconstitutional and denigrates our Republic to the rule of the powerful perceived majorities. Congress should abandon the Equality Act and refrain from seeking compromise legislation. As Speaker Pelosi revealed, passage of the Equality Act would only be the beginning. When compromise legislation has been suggested, it always fails to protect religious freedom adequately; when it actually passes, its promises of religious freedom are soon forgotten in the effort to enforce universal affirmation of one sexual ideology. Compromise legislation being proposed (such as Fairness For All) still would fail to protect the conscience of every American, instead trading the religious freedom of the individual for that of the institution. This is a compromise that would diminish the freedoms of everyone, whittling away the cornerstone upon which all other liberties stand. We urge Congress to defend the First Amendment and not pass this bill.

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