

Reflections

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Promoting Equality Through Coercion

The misnamed *Equality Act of 2019* -- perhaps the most egregious and far-reaching assault on religious freedom, individual conscience, and free speech ever put forth in this nation – was passed by the U.S. House of Representatives on May 17.

The bill, if enacted, would make sexual orientation and gender identity equivalent to existing protections for race, color, national origin, sex, disability and religion under the *1964 Civil Rights Act*, while negating the free exercise protections of the First Amendment as reaffirmed in the *Religious Freedom Restoration Act (RFRA)*. It would affect virtually every aspect of American society, as it would apply to “any establishment that provides a good, service, or program,” including those engaged in public education, lending, housing, employment, federal assistance, health care, transportation, entertainment, recreation, exercise, public facilities, and more.

The title, Equality Act, is an alluring bromide, meant to disarm a not-very-aware public. It illustrates the hypocrisy of a government that proclaims the absolute equality of all its citizens, but gives special privileges to a small segment. To paraphrase George Orwell in his novel *Animal Farm*, under the Act, "All people are equal, but some people are more equal than others."

Perhaps, the most publicized provision of the bill is its mandated access to communal facilities “in accordance with an individual’s gender identity.” Women and girls would be required to share restrooms, locker rooms, dressing rooms, and even showers, in schools, university dorms, retail stores and other venues, with biological males.

A sampling of current government overreach foreshadows an ominous future, if the Act becomes law.

The federal government, for example, would be able to dictate the hiring and firing of staff and the admissions policies in Catholic schools. In 2018, a Catholic elementary school in Florida fired a female teacher for marrying another woman. A kindergarten-aged child in Kansas was recently denied admission to a Catholic school because his parents are in a same-sex union. In both of these cases, the schools would have been forced to take the opposite actions, in spite of Church teaching.

The legislation would encourage LGBTQ-inclusive educational curricula for children in public schools. When accrediting agencies follow suit, will Catholic schools be able to resist including material about same-sex lifestyles? A few days before the House passed the Equality Act, the popular PBS television cartoon series *Arthur*, which receives significant federal funding, showed Arthur and his classmates joyously attending their male teacher’s marriage to another male. And, there currently are numerous examples of “drag queens” holding story hours in libraries, schools and book stores to affect the minds and imaginations of young children with glamorous, positive role models of gender fluidity.

Catholic adoption ministries could be shut down nationally. Pennsylvania, Illinois and Massachusetts have already effectively closed Catholic adoption agencies in those states by requiring them to place children with same-sex couples, which violates Catholic convictions about marriage and family.

Last year, a girl was removed from her parents' custody when they refused to have her medically transition to a male, but instead wanted her to receive counseling for her gender confusion and remain a girl. Under the Equity Act, government agencies could take children from their parents, if they refuse to provide transitional treatment.

Retail service companies, such as florists, bakers, caterers, photographers, and event consultants, that willingly serve all customers, but will not in good conscience help celebrate same-sex weddings, will be driven out of business. Jack Phillips, owner of Masterpiece Cakes, legally fought the Colorado Civil Rights Commission for several years before the U.S. Supreme Court ruled that the Commission had acted prejudicially in upholding the complaint of a gay couple that he refused their request for a specially-designed wedding cake.

Even though the Supreme Court legalized same-sex marriage in 2015, the Equality Act goes beyond mere approval to require total acceptance of these unions. It defines belief in traditional marriage as a "sex stereotype" and makes a sex-stereotype illegal under federal law. If churches do not at least recognize, if not celebrate, same-sex marriages, it is possible that they could be sued or lose their tax-exempt status.

The claim that the Act will create equality in athletics is a sham. When Title IX, which prohibits sex discrimination in education programs, was enacted, women's sports at the high school and collegiate levels expanded enormously. Then, in 2016, the Obama administration interpreted the term "sex" under Title IX to include "gender identity," which allowed any male who claimed to identify as female the right to participate in women's sports. The result was inevitable. Biological males, who have natural physical advantages in size, strength and speed, dominated events when competing against females. Although President Trump revoked the Obama policy, the Equality Act would write gender identity into law. The many legal protections women now enjoy would be effectively eliminated, with the result that women's athletics would be essentially destroyed.

In the health sector, the ramifications of the Act would be enormous. Puberty-blocking hormonal treatments for children could be deemed necessary and standard health care. Doctors and nurses would be required to provide gender transition treatments and sex-change surgeries, even if these procedures violated their medical judgments and religious beliefs. Further, the language in the Equality Act is general enough so that courts could interpret it to mandate taxpayer funding for abortions and to nullify conscience protections for medical providers who object to performing these procedures.

Inevitable conflicts will arise between those who wish to adhere to their religious beliefs and advocates for LGBTQ "rights." Persons and groups holding traditional Christian beliefs about marriage, the distinction between sexes, and gender being determined at birth would be marked as bigots and exposed to legal action. Without the protection provided by RFRA, the Equality Act would tip the judicial scale against religion. In essence, the Act would criminalize Christianity and persecute Christians for their beliefs on sexual morality and gender issues.

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