



## The Equality Act H.R. 5

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### **BACKGROUND AND STATUS:**

The Equality Act, a bill that would add sexual orientation and gender identity (SOGI) to the Civil Rights Act, was reintroduced in the 117<sup>th</sup> Congress on February 17. This bill passed the House last May by a vote of 236-173, although the Republican controlled Senate refused to take it up last year. Although the Equality Act is currently proposed as a comprehensive bill, if it fails to pass both houses of Congress, SOGI language could be scattered in otherwise unassuming legislation, requiring the utmost vigilance on behalf of lawmakers. Passage of Equality Act provisions in any form would cause irreparable damage to nonprofit organizations, such as Christian schools, and religious freedom in America.

### **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 the 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 is fluid. Also, SOGI laws fail to meet the historic standards of necessity because there is no systemic discrimination of homosexual citizens in culture, business, media, and entertainment. Instead, our culture is widely affirming of LGBT citizens. Adding SOGI to civil rights law would affect only those whose beliefs differ from that of popular culture, people whose religion, dependence on science, or philosophy prevent them from affirming SOGI ideology.

By forcing the affirmation of SOGI ideology, the Equality Act would hurt medical and creative professionals, women, charitable civic organizations, churches, employers, and individuals. The rights of women and girls in athletics, education, and business would be undermined and their privacy and safety put at risk. Furthermore, medical professionals would be forced to administer experimental puberty blockers and cross-sex hormones to children and to perform sex reassignment surgery on teenagers and adults who experience gender dysphoria despite the available evidence indicating that such treatments do more harm than good.

### **IMPLICATIONS FOR CHRISTIAN EDUCATION:**

The Equality Act would irreparably damage charitable civic organizations, including Christian schools. The legislation excludes religious exemptions that are found in current federal law and would thereby force all Christian schools and churches to affirm same-sex marriage and transgender ideology. Additionally, the bill partially repeals the Religious Freedom Restoration Act (RFRA), which was adopted by overwhelming bipartisan majorities and signed by President Bill Clinton in 1993. This is an unprecedented attack on religious liberty that deprives our member schools and others from even asserting that particular applications of the Equality Act substantially burden their religious exercise without adequate justification.

Because the legislation does not include any religious exemption, schools would no longer be free to teach 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

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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 ASK TO CONGRESS:**

**Congress should abandon the Equality Act and refrain from either adding SOGI language to various bills or seeking compromise legislation.** 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. As Speaker Pelosi revealed, passage of the Equality Act would only be the beginning. Compromise legislation being proposed (such as Fairness for All) fails to protect religious freedom adequately because it fails to protect the conscience of every American, instead trading the religious freedom of the individual for that of the institution. In places where this type of bill has passed, its promises of religious freedom are soon forgotten in the effort to enforce universal affirmation of one sexual ideology. 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 or any bill that contains SOGI language.**

To read the text of the Equality Act and to find a list of cosponsors of the bill, click [here](#).