



FAMILY RESEARCH
COUNCIL

801 G STREET NW
WASHINGTON DC
20001

(202) 393-2100

ORDER LINE:
1-800-225-4008

WWW.FRC.ORG

OPPOSE SPECIAL PROTECTIONS FOR HOMOSEXUALS AND TRANSGENDERS

Peter Sprigg

“Civil rights” laws protecting against “discrimination” in employment, housing, and public accommodations have historically granted protection based on characteristics which are inborn, involuntary, immutable, innocuous, and/or in the U. S. Constitution. While all of those criteria apply to characteristics like race or sex, none of them apply to the choice to engage in homosexual conduct or to deny one’s biological sex. Yet homosexuals and transgenders are seeking such protection through laws at the local, state, and national level (the latter in the form of the proposed “Employment Non-Discrimination Act,” or ENDA) that add “sexual orientation” and “gender identity” as protected categories.

Such laws violate employers’ and employees’ Constitutional freedoms of religion, speech and association. The proposed legislation would prohibit employers from taking into account their most deeply held beliefs about what is appropriate conduct when making hiring, management, and promotion decisions. This would pose an unprecedented intrusion by the federal government into people’s lives.

“Religious exemptions” can leave unprotected Americans who are people of faith. While such laws may contain “religious exemptions” (which would, for example, prevent churches from being forced to hire homosexual clergy), these may still fail to protect individual Christians, Jews, Muslims and others who are owners of private businesses, and for whom certain moral values are integral to the operation of their business. For example, wedding-related businesses and matchmaking organizations could be forced to hire or provide services to homosexuals, even if such conduct offends their beliefs. In fact, it is questionable whether any profit-making corporations would qualify for the exemption, meaning that Christian bookstores, religious publishing houses, and religious television and radio stations could all be forced to compromise their principles.

Such laws would mandate the employment of homosexuals in inappropriate occupations. These laws disregard the fact that sexual conduct may in fact be relevant to employment. Under such legislation, employers in the area of education and childcare would be denied the right to refuse to hire homosexuals, even if they consider such persons to be inappropriate role models for children and young people.

Such laws would destroy employers' rights to set dress and grooming standards for their employees. Such bills sometimes contain provisions purporting to protect such rights. But requiring an employee to be dressed and groomed in a way that is culturally appropriate for the employee's biological sex is the most fundamental "dress or grooming" standard there can be – yet holding to that standard would be forbidden under laws barring "gender identity" discrimination.

Such laws would pave the way for legalization of counterfeit same-sex "marriage." State courts which have ordered the legalization of same-sex "marriage" in Massachusetts, California (since overturned by the people), Iowa, and Connecticut have cited the existence of "non-discrimination" laws at the state level as establishing a principle regarding the legal irrelevance of "sexual orientation," which they have then applied to the institution of marriage. Passage of ENDA at the national level could give fuel for a similar decision by the U.S. Supreme Court, forcing same-sex "marriage" on every state in the union, at some time in the future.