



ISSUE BRIEF

The Government Nondiscrimination Act: Preventing Government Discrimination Against Supporters of Natural Marriage

Why is the Government Nondiscrimination Act (“GNDA”) needed?

Before the Supreme Court case, *Obergefell v. Hodges*, we saw states discriminate against those who believe in natural marriage. For instance:

- California judges were barred from joining organizations that affirm natural marriage.
- A Washington state judge was admonished by the state judicial commission for saying, in an administrative meeting, he was “uncomfortable” with performing same-sex marriages due to his religious beliefs, and was ordered to not make such statements in the future.
- Governments cancelled contracts to Christian-run adoption agencies because they only place a child with a married mother and father, referring other adults elsewhere.

Then, during oral arguments in *Obergefell*, the Solicitor General admitted that the future tax-exempt status of religious institutions that define marriage as the union of one man and one woman would “be an issue” if the Supreme Court found a constitutional right to same-sex marriage – which it did.

Now, after the *Obergefell* ruling, the pressure to approve of same-sex marriage is continuously increasing for religious schools, nonprofits, public employees, private employees, small business owners, and entities interacting with the government via grants, contracts, or other means (including obtaining tax exemption from the government). All of these individuals and entities (and more) should be protected from government coercion that would make them violate their consciences.

What does the Government Nondiscrimination Act do?

The Government Nondiscrimination Act prohibits the state government from penalizing individuals and entities for their moral or religious beliefs that marriage is the union of one man and one woman. It also protects individuals and entities who believe that sexual relationships are properly reserved for such marriages – such as a religious school requiring students to refrain from engaging in any sexual activity outside of marriage. GNDA also protects individuals and entities from being penalized for believing that “man” and “woman” are biologically based. States should not be in the business of forcing individuals and entities to affirm same-sex marriage or other sexual conduct against their beliefs.

What does the Government Nondiscrimination Act *not* do?

The Government Nondiscrimination Act does not:

- Change the definition of marriage.
- Affect the provision and recognition of marriage licenses to same-sex couples.

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- Prevent the government from providing benefits or services authorized under state law.
- Create a “license to discriminate.”

The Government Nondiscrimination Act is focused on preventing government discrimination. Our government should never discriminate against, punish, or penalize people based on their sincerely held belief that marriage is the union of one man and one woman. Like the First Amendment Defense Act at the federal level, states need to pass legislation now to protect individuals and entities from state discrimination on the basis of their beliefs in natural marriage.