



Written by [Hunter Pribyl-Huguelet](#) on April 2, 2021

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## Equality Act

On St. Patrick's Day, the Senate Judiciary Committee, chaired by Senator Dick Durbin (D-Ill.), began deliberations on the Equality Act, which threatens religious freedom, the safety of women and children, and the unborn. Yet, to kick off the debate, the senators watched a sentimental propaganda video about the struggles and progress of the LGBTQ movement and the supposed need for the proposed federal legislation to end discrimination and injustice against LGBTQ people.



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The Equality Act passed the House on February 25 with the votes of all Democrats and even three Republicans. If it passes the Senate and is signed into law, federal mandate will force women to allow men into their bathrooms and shelters, and likely into their sports and dorms. Christian charities almost certainly would be forced to hand children over to LGBTQ couples, and Christian hospitals could be forced to perform abortions and sex changes — or close down. And this barely begins to scratch the surface of the destructive mischief this legislation could cause.

The militant LGBTQ lobby and its political and media allies say that these concerns are exaggerated, the result of right-wing fearmongering. According to the left-wing Center for American Progress, “The Equality Act would benefit many religious people and would not undermine existing religious exemptions in the amended civil rights laws, despite the suggestions of opponents of LGBTQ equality.” However, as we show below, the Equality Act does indeed represent a deadly blow aimed at American institutions and the very heart of American society.

## Recent Supreme Court Background

Proponents of the Equality Act claim that it will prevent people from being fired just because of their sexual orientation. Case law already does that. The Equality Act comes in the wake of, and goes beyond, Supreme Court decisions that have ruled that the 1964 Civil Rights Act covers sexuality. *Bostock v. Clayton County* and two other cases were decided collectively on June 15 and held that “An employer who fires an individual merely for being gay or transgender violates Title VII” of the Civil Rights Act.

The *Bostock* case involved a man who was fired from a job in juvenile court working with vulnerable and abused children. He was investigated for using \$12,294 of court fees on his gay softball league and related activities at restaurants and bars under the auspices of recruiting volunteers to work with juvenile prisoners. Local media from the time of the investigation, such as WSB-TV's June 4, 2013 story, “Clayton court official under investigation over misused money,” did not refer to his sexual orientation, but rather to his lavish use of court money on food, alcohol, and “his Atlanta softball team.” Allegations of discrimination based on sexual orientation arose later. After finding out about the softball team and the use of court funds to support it, his office got suspicious and started looking into *Bostock's* use of



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money. Bostock's counsel in the case portrayed the suspicion as arising from coworkers finding out that he was gay. His attorney admitted in a petition that the audit for misuse of funds occurred, but dismissed it as "a pretext for discrimination against him because of his sexual orientation." According to the *Atlanta-Journal Constitution*, Bostock's former boss applauded the Supreme Court's anti-discrimination ruling, but maintained that Bostock was fired for the misuse of funds, not for being gay. Nevertheless, mainstream sources and even the opinion of the court cast the situation as Bostock being fired simply for being gay and joining the gay softball league. Seemingly, not only are homosexuals protected from being fired due to their homosexuality, but, much more than that; homosexuality seems to provide a legal defense for wrongdoing.

## Religious Freedom

The Equality Act would change the wording of the Public Accommodations section of the Civil Rights Act of 1964 to read [in Sec. 3 (a)(1)] that "All persons shall be entitled to the full and equal enjoyment of the goods, services, ... and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, sex (including sexual orientation and gender identity) or national origin." "Public accommodation" would now apply not only to public spaces and private businesses, but also to "any establishment that provides a good, service, or program, including a ... service or care center, shelter, ... funeral parlor, or establishment that provides health care, accounting, or legal services" and to any "establishment that provides ... public gathering."

Churches notably do offer public gatherings, at least during normal times. By legally equating noncompliance with gender ideology to racial discrimination, the act could potentially be used to force churches to either host gay functions or stop hosting functions entirely. The text of the Equality Act is specifically inimical to religion, stating, "The Religious Freedom Restoration Act ... shall not provide a claim concerning, or a defense to a claim under, a covered title, or provide a basis for challenging the application or enforcement of a covered title."

The act also defines that "The term 'sex' includes ... a sex stereotype." Though phrased opaquely, this seems to suggest that any establishment affirming the traditional definition of marriage could run afoul of the act. Such a definition of marriage is elsewhere in the act labeled a "sex stereotype," with the findings section stating that "discrimination against a married same-sex couple could be based on the sex stereotype that marriage should only be between heterosexual couples." Despite specific language in the act overriding religious freedom, proponents continue in the usual pattern of accusing right-thinking people of lying and inventing conspiracy theories for pointing out that freedoms will be curtailed. For instance, a recent NBC opinion piece said that "the idea that LGBTQ nondiscrimination protections undermine protections for religious Americans is an egregious mistruth."

## Restrooms

Regarding the restroom question, the answer is yes, the Equality Act would make it federal law that, everywhere in America, "an individual shall not be denied access to a shared facility, including a restroom, a locker room, and a dressing room, that is in accordance with the individual's gender identity." Democrats once again belie their claim to be the protectors of women, placing ideology as a higher good than protecting women and young girls from sexual abuse in bathrooms.



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## Adoption, Foster Care, and Child Welfare

Some Christian adoption and foster care agencies cannot hand children over to homosexuals due to the religious conviction that, in the words of Pope Francis, “Children have a right to grow up in a family with a father and a mother capable of creating a suitable environment for the child’s growth and emotional development.” The act could force the closure of such agencies. This has already happened on the state and local level, from Massachusetts to San Francisco. A Heritage Foundation report states that “Catholic Charities alone provided adoption services to over 82,000 children from 2006-2016,” and estimates that “2,000-3,000 children were displaced” by Illinois’ 2011 order that adoption and foster care agencies be willing to hand children over to homosexuals regardless of religious compunctions. This was reported on in *The New American* in August and November of 2011.

In the pending Supreme Court case *Fulton v. Philadelphia*, foster parents and foster children came forward in favor of Catholic Social Services (CSS) when the city took action against them for anti-LGBTQ discrimination. Sharonell Fulton, the named plaintiff in the suit against the city, was a foster parent through CSS. The story of her and her foster son, and others like it, is available in an amicus curiae brief. *USA Today* also published a piece by a woman who found “a loving home” through CSS Philadelphia, and who was shocked that it may be closed “in the name of equality.”

These stories highlight the importance of a Christian childcare agency in turning these children’s lives around and connecting them with loving new homes, often while facilitating good relationships with the biological families. The author of the *USA Today* piece even recalls CSS helping her foster-to-adoptive parents solve a marital spat. Christian agencies take a loving and personalized approach, and they often prioritize keeping children with relatives if possible. They work closely with birth mothers, and are concerned that “birth mothers’ wishes and children’s best interests” will not be taken into account if the Equality Act passes.

Tens of thousands of children currently relying on the compassionate and personal care of Christian organizations could be harmed by the Equality Act. It is not some small boutique charitable organization that hangs in the balance, but instead “the largest non-governmental provider of human services in the United States.” Ironically, some of the main groups served by Christian foster care services are refugees, asylum-seekers, and immigrants, groups whom the Left constantly virtue-signal about supporting, yet whom they may deprive of necessary services for the sake of ideology.

Potentially even worse, Christian sources warn that the Equality Act could ban adoption agencies from adopting to couples who are not “LGBT-affirming,” effectively barring many Christians, who are among the most likely to adopt and to provide a happy home, from adopting. The “Findings” section of the act even laments “the difficulty of finding affirming foster placements.”

## Women’s Shelters and Prisons

Shelters are specifically listed as accommodations to be desegregated under the Equality Act. Women’s shelters would almost certainly be forced to close if they do not place female-identifying males in the same facilities as women, putting women at risk. Men are already housed in women’s shelters in Department of Housing and Urban Development-funded facilities in accordance with the 2016 Gender Identity Rule. Even in red-leaning Alaska, the Anchorage Civil Rights Commission attempted in 2019 to force the Hope Center, a Christian women’s shelter, to admit men identifying as women.



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When a drunk and injured man dressed in drag showed up one night, having been kicked out of another homeless shelter, the Hope Center did what any compassionate person would do: paid for his ride to the hospital. The next day, he came back, was told that it was not yet check-in time, and left peaceably. However, local authorities said that the Hope Center should have immediately admitted the man to their shelter. The Civil Rights Commission even filed a complaint against the Hope Center's attorney for press comments in defense of the shelter, violating freedom of speech. A *National Review* article points out that the shelter was not in fact discriminating against those identifying as transgender: They have previously allowed "transgender men" (biological women identifying as men) to stay in the shelter. They had also fed the man in question on other occasions, and even let him shower there alone. This incident was about protecting abused women from the possibility of more abuse at the hands of men, not about discrimination. Luckily, the Hope Center won the day, and even a countersuit for legal fees, taken up by the Alliance Defending Freedom. However, if the Equality Act is passed, the Hope Center and others like it nationwide will likely be forced to admit men identifying as women or shut their doors.

Additionally, there is the possibility of men identifying as women being allowed into women's prisons. This has already happened in at least a few cases, though not often enough according to NBC, which featured a sympathetic report in 2020 pleading the case that transgender convicts should be assigned to institutions according to their gender identification. In her written testimony on the Equality Act for the Senate Judiciary Committee, Abigail Shrier, a journalist who fights against trying to transition kids to the opposite sex, documents that rape has already occurred as women's prisons have been allowing biological men. As she stated in her March 17 oral testimony, "You don't need to be transgender to take advantage of this act. This is not about transgender people being violent. They aren't violent. That would be a libel against them. This is about the fact that the law is so over-broad that any male felon can announce he's a female, make absolutely no changes, and transfer to a woman's prison."

The threat to women is exacerbated by the fact that the Equality Act would write the academic fad of relativism into federal law, redefining race and sex to include "a perception or belief, even if inaccurate, concerning the race, color, religion, sex (including sexual orientation and gender identity), or national origin, respectively, of the individual." In other words, to be admitted to women's prisons, dorms, and shelters, men would not even need to pass any reasonableness test to demonstrate that they are, at the very least, legitimately confused about their gender. Rather, any man could gain access to women in their beds simply by expressing "a perception or belief" that he is a woman.

## Education

Neither your daughters nor their curriculum will be safe at school if progressives get their way.

The U.S. Conference of Catholic Bishops website points out that "Title IV of the Civil Rights Act, on public school desegregation, was used by some courts to require curricula to undo the harms of racial discrimination. The same logic could apply" to sexual orientation after the passage of the Equality Act, mandating pro-LGBTQ curriculum in public and perhaps even private schools. Mainstream media sources including *USA Today* assert that students are not receiving enough "positive representations of LGBTQ+ people, history or events in their schools," but are optimistic that "The Equality Act might change that."

The act could be used to force teachers to present pro-LGBTQ content to their students, and could become another means of firing and blacklisting conservative or Christian teachers, yet another step in



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the transformation of the history classroom into a leftist indoctrination chamber. Religious schools would be bludgeoned by this act, with Catholic bishops and Protestant leaders warning, “The Equality Act also threatens the withdrawal of financial aid like Pell grants to the neediest students and federal research grants to any religious educational institution.”

Also on the education side, the already-mundane reality of men identifying as transgender besting women in women’s sports could be spread nationwide by federal mandate. The Trump-era Department of Education’s Office for Civil Rights defended the original sense of Title IX by attempting to prevent Connecticut from allowing two men identifying as females to continue accruing women’s track victories, as they had been doing for a couple of years. However, as previously covered in *The New American*, one stroke of President Biden’s pen reversed the federal stance on this issue and allowed this to continue. The Equality Act would enshrine in law that all states must allow men to compete in women’s sports.

Maxing out the creep factor, the act could force colleges to allow men identifying as women in girls’ dorms. Especially given the current outrage surrounding rape culture and toxic masculinity on campuses, surely any reasonable parent would be concerned for their teenaged daughter’s safety knowing that she might have to spend every night of her freshman year sleeping inches away from a strange man. Again, this is not so much about the danger of people who are actually gender-confused. They too are victims of the Left’s gender ideology. The danger is from that minority of men who might pose as trans to gain sustained access to women in their most intimate spaces.

## **The Unborn and Healthcare**

Another disturbing part of the act is the fact that it may increase the number of babies murdered per year through abortion. The current official numbers from the CDC stand at 619,591 “legal” abortions in the last reported year (2018), not including those in some states such as California, which infamously does not report abortions to the CDC, and not including morning-after-pill abortions. The act states that “pregnancy, childbirth, or a related medical condition shall not receive less favorable treatment than other physical conditions,” and includes them in the protected category of sex. The act also applies to “any ... establishment that provides health care.” As discussed in a Lozier Institute report, the Equal Employment Opportunity Commission and the U.S. Third Circuit Court of Appeals in *Doe v. C.A.R.S. Protection Plus* already ruled, “We now hold that the term ‘related medical conditions’ includes an abortion.” Therefore, the Equality Act could force Christian hospitals to perform abortions or shut down, while also leading to the nullification of the Hyde Amendment, resulting in taxpayer-funded abortions.

Given the act’s purpose of promoting LGBTQ, doctors and facilities could similarly be forced to perform or support gender reassignment surgeries in violation of both their consciences and the best interests of the patient. n

*To urge your U.S. senators to reject the anti-religious freedom “Equality Act,” visit The John Birch Society’s legislative alert: <https://jbs.org/alert/oppose-the-equality-act/>.*



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