



Written by [Dave Bohon](#) on April 8, 2011

Nashville Passes Controversial “Sexual Orientation” Ordinance

Of course, the “sexual orientation” element of the law means that firms will be forced to hire qualified homosexual applicants, even if business owners view homosexuality as morally wrong. As for the “gender identity” issue, it took the high-profile homosexual activist group Human Rights Campaign to explain that the term “refers to a person’s innate, deeply felt psychological identification as male or female, which may or may not correspond to the person’s body or designated sex at birth.”



Critics point out that among the other awkward and bizarre realities of the new measure is the contingency that a man claiming to identify inwardly as a female would have to be allowed to use the women’s rest room—and vice versa.

Chris Sander of the pro-homosexual [Tennessee Equality Project](#) announced that the new ordinance sends the unmistakable message that “if you’re talented and willing to work, you’re welcome in Nashville, Tennessee.” The underlying message, however, is that if you are a business owner who cares deeply about issues of morality — or who simply does not want your customers served by a man in a dress and heels — Music City may not be the place to set up shop.

The New American earlier reported that the ordinance was proposed “after last December’s sudden departure of Lisa Howe from her job as head coach of the women’s soccer team at Belmont University, the state’s largest Christian university and second largest private university.” According to an article on [Bizjournals.com](#), “The departure came shortly after Howe told her team that she was gay, and that she and her partner were expecting a baby.”

Opponents of the measure testified that it would force some companies that contract with the city to make a tough choice between compromise and losing important business. While the ordinance does include an exemption for some religious-oriented businesses, critics said the exception is not enough, with *Baptist Press News* quoting local pastor David Shelley as warning concerned citizens that the new law would “force businesses and other organizations who provide a service to Metro to either a) change their own private organization’s personnel policies to a pro-homosexual position or b) lose their opportunity to do business with the city.” Shelley said he knew “several business owners who will lose business with the city over this and will have to lay off employees as a result.”

Council member Phil Claiborne, who voted against the ordinance, said the policy sends the message that business owners with strong Christian convictions would have to “abandon their core beliefs” in order to do business with the city of Nashville. “Let’s not punish folks that are needed to make this



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city's growth successful by putting additional burdens on them," Claiborne pleaded before the fateful vote.

According to the *Tennessean* newspaper, however, the ordinance might not yet be a done deal, with the paper reporting on April 7 that a state legislative subcommittee had approved legislation that would not only nullify the Nashville ordinance, but would "make it illegal for local governments to prohibit discrimination by businesses based on sexual orientation or gender identity, which are not protected classes under state law."

The bill is being sponsored by State Representative Glen Casada, who pointed out that local governments "don't have the option of requiring the business community to perform certain social functions. We're putting so many requirements on businesses that we're making them be the social police of the community. That's not their role."

David Fowler of the Family Action Council of Tennessee said that Casada's legislation is "about protecting intrastate commerce, encouraging competition for government contracts, and reducing regulation and risk of litigation. I think the legislature will see this as a very positive step for our business environment here. I think businesses, if they're honest, will see that as well."



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