



Written by [Michael Tennant](#) on November 19, 2015

Federal “Equality Act” Takes Houston’s “Bathroom Bill” National

Americans with common sense celebrated the [success](#) of a recent Houston referendum repealing an ordinance that would, among other things, have forced private-property owners to permit an individual to use the restroom of his choice rather than the one assigned to his genetically determined sex. But those celebrants might want to put the corks back in their champagne bottles for the time being: A bill currently in Congress and endorsed by President Barack Obama could impose that same policy on the entire country.



The Equality Act, a version of which has been introduced in both houses of Congress, “would add ‘sexual orientation and gender identity’ (SOGI) to more or less every federal law that protects on the basis of race,” [reported](#) the Heritage Foundation’s Ryan Anderson. The bill vastly expands the number of establishments classified as “public accommodations” — and therefore subject to federal antidiscrimination law — to include “any establishment that provides a good, service, or program, including a store, shopping center, online retailer or service provider, salon, bank, gas station, food bank, service or care center, shelter, travel agency, or funeral parlor, or establishment that provides health care, accounting, or legal services,” plus transportation providers and any “establishment that provides exhibition, entertainment, recreation, exercise, amusement, gathering, or display.” That covers just about everything, with the possible exception of family dwellings.

As if that weren’t bad enough, the bill explicitly states that “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.” In other words, practically no one would be allowed to prohibit a man who claims to be a woman from using the women’s restroom or locker room (or a woman who claims to be a man from using the men’s facilities).

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“So it would be a bathroom bill on a national level being forced on all 50 states,” the Family Research Council’s (FRC) Peter Sprigg told [OneNewsNow](#).

This is not mere speculation or alarmism. Even the bill’s supporters proudly admit this to be the case.

Lambda Legal, which advocates for special privileges for individuals with deviant lifestyles, states on its [Equality Act: Frequently Asked Questions](#) page: “Under the Equality Act, companies with sex-segregated facilities including restrooms and locker rooms must provide access to gender-appropriate facilities for individuals in accordance with their gender identity.”

The bill also expressly prohibits people from claiming exemption from its provisions under the Religious Freedom Restoration Act of 1993. “Thus,” FRC wrote in an [Issue Brief](#), “the Act would force people to affirm homosexuality, same-sex marriage, and transgenderism, despite their religious objections in



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various situations, including the provision of public accommodations.”

The ramifications of the Equality Act, which FRC more accurately dubs the “Inequality Act,” are enormous. As Anderson put it, laws such as the Equality Act

threaten small-business owners [and, for that matter, large-business owners] with liability for alleged “discrimination” based not on objective traits, but on subjective and unverifiable identities. They expand state interference in labor markets, potentially discouraging job creation. They endanger religious liberty and freedom of speech. And they mandate employment policies that, with regard to many workplace conditions, violate common sense.

In short, SOGI laws regulate commercial decisions that are best handled by private actors, and they regulate educational decisions best handled by parents and teachers, not bureaucrats.

If the Equality Act becomes law, schools will face the unenviable task of accommodating all varieties of confused students and employees, potentially introducing children to subjects they are not mature enough to handle or to which their parents might prefer they not be exposed — not to mention giving pedophiles easier access to children of the opposite sex. Moreover, observed Anderson, “an employer would be negligent to ignore the concerns of female employees about having to share a bathroom with a biological male who identifies as female. The same is true for students. The implications for the privacy rights of adults and children are extremely serious.”

There are those such as Anderson and Sprigg who argue that there is nothing wrong with antidiscrimination laws per se. Such laws, Sprigg told OneNewsNow, should simply be restricted to protecting people with “characteristics like race which are inborn, involuntary, immutable, innocuous, and/or in the U.S. Constitution.”

Such an argument, however, yields too much ground. Once one agrees that the government has the authority to tell private citizens that they must associate with certain groups of people and acquiesce to those groups’ demands on their person, labor, and property, he has given up on the principle of private property. Henceforth, all property rights are exercised at the sufferance of those groups with political clout.

There is also the matter that federal antidiscrimination law is largely unconstitutional. The feds have the power to ban discrimination by their own agencies, and maybe, under the 14th Amendment, by state and local governments; but they have no authority to interfere with the freedom of association of private citizens, businesses, and organizations. Most of the laws that the Equality Act amends ought to be repealed, not merely maintained in their present form, and they certainly should not be expanded to cover even more people.

While dozens of bills get introduced into Congress each session only to die without attracting much attention, the Equality Act has a great deal of support among liberal lawmakers. The House bill, introduced by Representative David Cicilline (D-R.I.), has 170 cosponsors, all Democrats. The Senate bill, introduced by Senator Jeff Merkley (R-Ore.), has 39 cosponsors, all Democrats or independents, including Senator Bernie Sanders (I-Vt.), who is seeking the Democratic Party’s presidential nomination. In addition, White House Press Secretary Josh Earnest told reporters last week that [“the administration strongly supports the Equality Act.”](#)

The only thing standing between Americans and a national “bathroom bill,” therefore, is the GOP. Since Republicans control both houses of Congress, they can effectively block the Equality Act from ever coming to a vote, let alone being passed.



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Constitutionalists — and everyone else who cares about liberty and decency — must hope that Republicans prove equal to the task.



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