



Written by [Jack Kenny](#) on July 20, 2014

Obama to Sign Ban on Anti-LGBT Discrimination

President Obama will sign an executive order on Monday forbidding both federal agencies and companies that contract with the federal government from discriminating against employees on the basis of sexual orientation or “gender identity,” White House officials told reporters Friday. Officials said the change for federal contracting will impact some 24,000 companies with 28 million workers, or one-fifth of the U.S. workforce.



The order will protect employees who are lesbian, “gay,” bisexual, or transgender, described by the *New York Times* as a “crucial Democratic constituency.” In the wake of last month’s Supreme Court ruling upholding on religious grounds the right of privately held companies to exemptions from ObamaCare’s “contraceptive mandate,” the president appears to be inviting further litigation, since Monday’s executive order will not make exceptions for religious organizations that contract with the federal government.

The order is also likely to be another charge in the lawsuit being prepared by House Speaker John Boehner (R-Ohio) against the administration for attempting to bypass Congress to enact by executive order initiatives the legislative branch won’t pass. Obama warned last month he would sign such an order if a bill called the Employment Nondiscrimination Act, passed by the Democratic majority in the Senate, has not been acted on by the Republican-controlled House. The bill, if enacted, would cover nearly all employers, not just federal agencies or companies that contract with them.

Earlier this year, Obama ordered an increase in the hourly minimum wage, from \$7.50 to \$10.10, for employees of federal agencies and contractors after the House refused to pass the same increase for all minimum-wage employees.

Boehner and House Republicans have also charged Obama with usurping legislative authority by unilaterally altering portions of the Affordable Care Act (ObamaCare) and suspending enactment of the nation’s immigration laws to prevent deportation of people who were brought here illegally as children prior to 2002. The president has frequently expressed his frustration with Congress for refusing to act on proposed “comprehensive immigration reform.”

Monday’s order will be latest in a series of executive actions based on the president’s pledge to advance by “pen and phone” initiatives Congress refuses to enact.

“With the strokes of a pen, the president will have a very real and immediate impact on the lives of millions of L.G.B.T. people across the country,” Chad Griffin, the president of the Human Rights Campaign, said in a statement on July 18. Obama was criticized by “gay rights” groups for backing a religious exemption provision in the Senate bill last fall.

“We’re so proud today of the decision made by the Obama administration to resist the calls by a small number of right-wing conservatives to insert religious exemptions into civil rights protections,” said Heather Cronk, director of a group called Get Equal. Other individuals and groups were not cheering.



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Galen Carey, vice president of government relations for the National Association of Evangelicals, predicted the executive order would lead to a long and expensive legal fight.

“It would be better if the president could provide leadership that promotes tolerance all the way around, rather than use the force of the state,” he told the *Times*.

White House officials said the president’s action would amend two executive orders, one signed by President Lyndon Johnson in 1965 that prohibits federal contractors from discriminating based on race, religion, gender, or nationality in hiring. The other, signed by President Richard Nixon in 1969, added disability to the those same categories. President Clinton amended that order to include sexual orientation. Obama’s order will add gender identity and require the Labor Department to carry out the order. The change is expected to become effective early next year.

The new order will not affect President George W. Bush’s 2002 amendment to Johnson’s order, allowing religious groups to employ only those of their own religion, the officials said. The rub is that it will not allow religious groups to fire or refuse to hire persons whose advocacy of or engagement in aberrant sexual conduct they regard as sinful and a violation of moral principles and practices that are at the core of what the religious organizations are established to promote. Upholding and defending those principles might be considered as much a part of the constitutionally protected free exercise of religion as the proclamation of a creed or the preaching of a Sunday sermon.

“And so Christian and other religious groups that receive federal money to do things like feed the poor will have to decide between Christ and Caesar,” wrote the *American Conservative*’s Rod Dreher in an article entitled [“Obama to Religious ‘Bigots’: Drop Dead.”](#)

“The march to progress continues,” wrote Dreher. “Traditional religious believers are pushed ever more fully out of the public square. Your president, speaking on behalf of your government, thinks you are too tainted by bigotry to be trusted with government contracts.”

Photo of President Obama: AP Images



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