



Written by [Christian Gomez](#) on March 5, 2021

Schumer Moves Anti-Religious Freedom “Equality Act” to Senate Floor

The so-called Equality Act, [H.R. 5](#), could be voted on by the U.S. Senate at any moment as Senate Majority Leader Chuck Schumer (D-N.Y.) has utilized a special legislative provision to push it to the floor, forgoing its referral to any committees, as is customary with most bills. On March 2, 2021, H.R. 5 was read for the first and second time in the U.S. Senate and placed on the Senate calendar, bringing it closer to a vote at any time. The Equality Act passed the House of Representatives by a [vote of 224-206](#) on February 25.



AP Images

The same day that the Equality Act passed in the House, Senate Majority Leader Schumer promised, before an LGBTQ audience in New York, to give H.R. 5 a floor vote — in contrast to the previous Congress, in which then-Majority Leader Mitch McConnell (R-Ky.) refused to bring it to the floor for a vote, allowing it to instead die in committee. “McConnell created the legislative graveyard and anything the House passed with a Democratic majority he wouldn’t bring to the floor,” Schumer was [quoted](#) as saying, according to *Newsday*.

If passed in the Senate and signed into law by the president, H.R. 5 would amend the Civil Rights Act of 1964 to “prohibit discrimination on the basis of sex, gender identity, and sexual orientation, and for other purposes,” [according to the bill](#). The bill aims to expand federal protections in education, housing, employment, and more to lesbian, gay, bisexual, transgender, and queer, or LGBTQ, people.

With respect to “gender identity,” the bill also 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,” thus allowing biological boys to enter and use restrooms and locker rooms of biological girls in schools, gyms, churches, and other establishments.

The Equality Act would also prohibit all businesses and establishments *including* Christian and Jewish companies, religious institutions such as private religious schools and colleges, and churches, synagogues, and other Judeo-Christian ministry organizations from refusing to hire anyone who identifies as LGBTQ.

In fact, under “SEC. 1107. Claims,” the bill [states](#): “The Religious Freedom Restoration Act of 1993 ([42](#)



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[U.S.C. 2000bb](#) et seq.) 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.” In other words, the bill specifically prohibits Christian, Jewish, and other religious organizations, businesses, and institutions from claiming religious exemptions.

Instead, the Equality Act will embolden the radical LGBTQ lobby to go after Judeo-Christian institutions, ultimately forcing them to shut down and pay heavy fines if they refuse to conform to their anti-Biblical agenda. Additionally, the bill would also make abortion a federal right, according to [Liberty Counsel](#). They [explain](#) on their website:

The “Equality Act” not only threatens the free exercise of religion and free speech, but the bill will force health care providers and hospitals to perform, participate in, refer abortions and require taxpayer funding of abortion. It will also force faith-based pregnancy centers to promote abortion.

[HR 5](#) amends many federal laws by striking the word “sex,” and inserting “sex, sexual orientation, gender identity.” In addition, the bill’s use of the words “pregnancy, childbirth, or a related medical condition” includes chemical and surgical abortions, and abortion referral.

Any time “sex” has been previously added to federal law, Congress exempted abortion. HR 5 now includes abortion. The bill also prohibits the Religious Freedom Restoration Act as a claim or defense. That means there is no religious or conscience protection against forcing a health care provider, pharmacist, hospital, religious organization, or pro-life crisis pregnancy center participation in chemical or surgical abortions or abortion referrals.

The Equality Act is a completely unprecedented, egregious, and total assault on religious freedom and the sanctity of pre-born human life, and it violates the First Amendment — criminalizing speech that promotes Biblical views on sexuality and marriage.

Christian Gomez explains the dangers of the Equality Act in the March 4, 2021 episode of The John Birch Society’s “Constitution Corner.”

Overall, this bill is blatantly unconstitutional. “Equality” has often been used by the Left as a Trojan Horse for socialism and, in this case especially, for cultural Marxism — undermining and attacking the God-ordained nuclear family and traditional Western values rooted in the Bible.

Regardless how “well-intended” either the Civil Rights Act of 1964 or the Equality Act of 2021 may be, according to its advocates, the truth is that federal anti-discrimination laws are not one of the enumerated, or specifically listed, powers given to Congress, which are found in [Article I, Section 8](#) of the U.S. Constitution. In fact, the [10th Amendment](#) clearly states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In other words, anything the federal government isn’t specifically authorized to do, or anything the States are not specifically prohibited from doing in [Article I, Section 10](#) of the Constitution, is left up to the States or the people to decide — not Congress. Therefore, both the Civil Rights Act of 1964 *and* the proposed Equality Act also violate the 10th Amendment.



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Furthermore, Article VI, Clause 2 of the Constitution clearly states that only those laws that are “made in Pursuance thereof,” or in accordance to, the Constitution are the supreme law of the land, which also means that any laws that are *not* “made in Pursuance” of the Constitution are not true laws.

This was further affirmed early on by Supreme Court, in *Marbury v Madison* (1803), in which the Court declared: “All laws which are repugnant to the Constitution are null and void.”

The so-called Equality Act is blatantly unconstitutional — violating Article VI of the Constitution and the First and 10th Amendments of the Bill of Rights — and it attacks religious freedom like no other law in U.S. history by virtually criminalizing Judeo-Christian beliefs.

The John Birch Society has prepared a federal legislative alert, titled “[Stop the Anti-Religious Freedom ‘Equality Act,’ H.R.5](#),” that you can use to send a pre-written, editable e-mail message, make phone call, and record a short 30-second video to send to your U.S. Senators and the White House urging them to oppose H.R. 5.

However, if it passes in the Senate and becomes enacted by the president, then it will be up to the state legislatures — in accordance with Article VI and the 10th Amendment — to interpose by way of [nullification](#).

This article is modified from the script for the March 4, 2021 episode of The John Birch Society’s “Constitution Corner,” which is embedded above.



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