



Written by [Warren Mass](#) on November 13, 2015

White House Backs Changing Civil Rights Act to Ban LGBT Discrimination

Answering a question posed by a reporter at a press briefing on November 10, White House Press Secretary Josh Earnest confirmed that “the administration strongly supports the Equality Act.” The reporter had described the legislation as “a federal anti-discrimination bill against anti-LGBT discrimination known as the Equality Act.”

Earnest elaborated further:

It is now clear that the administration strongly supports the Equality Act. That bill is historic legislation that would advance the cause of equality for millions of Americans. And we certainly are pleased with the many legislators in Congress that have stepped forward to try to advance a bill that would deliver comprehensive equal rights for LGBT Americans. And we look forward to working with Congress to ensure that the legislative process produces a result that balances both the bedrock principles of civil rights, like those I’ve just described, with the religious liberty that we hold dear in this country.



Earnest also stated that “the Equality Act would have an impact on a substantial number of government policies” and that “the administration does look forward to working with Congress to try to advance this legislation consistent with the values that we have articulated about the importance of equal rights and making sure that people can’t be discriminated against because of who they love, while at the same time making sure that we can protect religious liberty at the same time.”

Setting aside the ongoing debates about same-sex “marriage” for a moment, it is important to note that the quest for “equal rights” for homosexuals has now escalated to include also “transgendered” individuals — the “T” in LGBT. Though the definition of “transgender” may vary, it generally means an individual who views his “gender” as being different from his sexual orientation — for instance, a biological male who identifies as a female.

Whichever one of the letters in the LGBT acronym (Lesbian Gay Bisexual Transgender) a person chooses to identify with, however, his biological gender is an integral part of his DNA and can never be changed, with all males having an X and a Y chromosome and all females having two X chromosomes. Nothing can change this — not even so-called sex-change operations.



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Therefore, Ernest's statement that "people can't be discriminated against because of who they love," misses the point entirely. No one has ever presumed to discriminate against another person because of whom they love, although some people may choose to discriminate whether they want to participate in a person's behavior that violates their religious principles. Earnest asserted that the Equality Act "balances both the bedrock principles of civil rights, like those I've just described, with the religious liberty that we hold dear in this country."

Many people doubt that religious liberty will be preserved if social engineering legislation such as the Equality Act is passed, however.

The day after the legislation ("The Equality Act of 2015," H.R. 3185 and S. 1858) was introduced in both houses of Congress on July 23, the Witherspoon Institute's online Public Discourse published an online essay by Andrew T. Walker (the director of Policy Studies for the Ethics and Religious Liberty Commission of the Southern Baptist Convention) entitled: "[The Equality Act: Bad Policy that Poses Great Harms.](#)"

In his essay, Walker wrote:

The Equality Act represents the most invasive threat to religious liberty ever proposed. Were it to pass, its sweeping effects on religious liberty, free speech, and freedom of conscience would be historic.

Aside from the enumerated protections that give rise to conflict between sexual identity and religious liberty, by elevating sexual orientation and gender identity to the level of race, the law's effect would functionally equate those who don't agree with it with racists and label them perpetrators of irrational bigotry.

Among the insightful points that Walker made to bolster his position were:

- "To favor the Equality Act is to oppose and actively stigmatize the moral convictions that millions of Americans adhere to with abiding sincerity and deep religious precedent."
- "Passing anti-discrimination statutes on the basis of sexual orientation and gender identity lacks both the philosophical warrant and the cultural necessity of protections based on race."
- "Unlike race, sexual orientation and gender identity are known through conduct, which can and should be ethically evaluated."
- "There has never been a systematic regime of laws aimed at demeaning the existence of LGBT individuals comparable to Jim Crow."
- "Consider the cases of florists, photographers, and bakers who have had no problems serving gay customers for years, but have objected to providing their services for gay weddings. The Equality Act leaves these individuals defenseless by failing to accommodate their sincere religious beliefs and by failing to distinguish between the dignity of gay individuals and the particular conduct (such as wedding ceremonies) in which some cannot in good conscience participate."

The Equality Act of 2015 would amend the Civil Rights Act of 1964 (which outlawed discrimination based on race, color, religion, sex, or national origin) to replace the word "sex" with "sex," "gender identity" and "sexual orientation." While some who object to the current proposed change still uphold the original 1964 legislation, a look back in history reveals that constitutional conservatives of that day did not accept that bill's violation of states' rights and increase in the power of the federal government without objections.



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Among the most famous opponents of the 1964 legislation was that year's Republican nominee for the presidency, Sen. Barry Goldwater (R-Ariz.). Goldwater voted against the bill, explaining afterwards that the reason for his opposition to the bill was Title II of the legislation (which outlawed discrimination based on race, color, religion, or national origin in hotels, motels, restaurants, theaters, and all other public accommodations engaged in interstate commerce). The Arizonan said that, in his opinion, that section violated individual liberty and states' rights. Most Democrats from the Southern states opposed the bill and led an unsuccessful 83-day filibuster to stop it. These included Senators Albert Gore, Sr. (D-Tenn.), father of the future Vice President, J. William Fulbright (D-Ark.), and Robert Byrd (D-W.Va.) who personally filibustered for 14 hours straight.

There are essentially two different issues at stake with this year's Equality Act of 2015 under consideration. The first is the potential threat to religious liberty, as mentioned by Andrew Walker. The other is the historic assault on states' rights by a federal government that strives to go beyond its constitutional bounds to regulate every aspect of life in the United States — the same reason constitutional conservatives opposed the Civil Rights Act of 1964.

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