

Talking Points on the Equality Act H.R.5
For Discussion or Presentation to Your U.S. Senators
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- I. The Equality Act Accelerates Anti-Christian Bias**
 - a. The bill’s provisions add the categories of “sexual orientation” and “gender identity” to the list of protected classes in the 1964 Civil Rights Act.
 - b. The bill represents the most invasive threat to religious liberty ever proposed in America. Given that it touches areas of education, public accommodation, employment, and federal funding, were it to pass, its sweeping effects on religious liberty, free speech, and freedom of conscience would be both historic and chilling.
- II. The bill represents the most invasive threat to religious liberty ever proposed in America.**
 - a. Its passage would sound the death knell for hopes of détente in the culture wars that pit conservative Christians against their LGBT neighbors.
 - b. For progressives, it would be winner-takes-all. Virtually no area of American life would emerge unscathed from the Equality Act’s reach.
 - c. No less significant would be the long-term effects of how the law would shape the moral imagination of future generations.
- III. Supporting the Sexual Revolution**
 - a. To be clear, Christians reject all forms of invidious discrimination. We believe all persons, including those who identify as LGBT, are made in God’s image and deserve respect, kindness, and neighborliness. But this truth does not necessitate Christian capitulation to the sexual revolution.
 - b. No Christian who believes that the Bible’s depiction of created reality is both sacred and authoritative can accept the Equality Act’s underlying tenets.
 - c. By codifying the ideas that (1) sexuality has no core ethical limits other than consent, and that (2) male and female definitions are psychologically based, rather than biologically based, the Equality Act must be interpreted as an assault on Christian institutions and especially on parental rights—since public education will be transformed to follow the law’s provisions.
 - d. It will further lead to the corrosion of our public discourse, the type of discourse that breeds zero-sum outcomes. One only has to look to Tim Gill (who infamously remarked that he intends to “punish the wicked”—those who fail to endorse LGBT politics) or Harvard law professor Mark Tushnet (who compared those who fail to endorse LGBT policies to Nazis) to see how fraught this conversation has become.
- IV. For progressives, the Equality Act is the rallying cry that would forever cement the legitimacy of sexual-revolution ethics into federal law.**
 - a. For progressives, the Equality Act is the rallying cry that would forever cement the legitimacy of sexual-revolution ethics into federal law. The Equality Act will not only accelerate the number of conflicts pitting Christians against their conscience, it will also shift the Overton Window to accelerate the pace of anti-Christian bias in society.

- b. The tragedy of the moment is that many progressives, sensing the cultural winds at their backs, have signaled no interest in playing nice with those who disagree with them when it comes to matters of sexuality and gender.
- V. **Culturally Disfavored ≠ Morally Repugnant**
- a. But at the level of public policy, why is support for the Equality Act completely unacceptable? Here’s why: It’s not viewpoint neutral. It communicates that Christian beliefs about what it means to be male and female, and how marriage ought to be defined, are incompatible with what U.S. law considers to be decent, reasonable, goodwill convictions.
 - b. The Equality Act fails to make meaningful status/conduct distinctions. It treats the Christian baker who objects to using her creative talent to design a same-sex wedding cake the same as an individual who would stupidly, and bigotedly, deny an LGBT person a booth at a restaurant.
 - c. In short, the Equality Act equates Christian ethics with hatred and bigotry.
 - d. Moreover, it has a specific—and stunningly audacious—provision that guts the Religious Freedom Restoration Act from being appealed to in situations where the Equality Act applies.
 - e. It specifically defenestrates and subjugates constitutional and statutory precedent beneath the ever-evolving norms of “gender identity” and “sexual orientation.”
- VI. **The Equality Act equates Christian ethics with hatred and bigotry.**
- a. Christians need to do a much better job of explaining the rationale and merits of their beliefs around gender and sexuality. We do not believe these are sectarian truths applicable only to Christians. Rather, we believe how God patterned creation in Genesis is the blueprint for human flourishing. If we don’t contend for the legitimacy and rationality of our views, they’ll end up being sidelined as intolerant and harmful—to the detriment of *all*.

Some beliefs and viewpoints within a society—for example, racism—are morally repugnant. Even so, our constitutional framework allows such attitudes to exist on the margins of society where they belong, and when deemed necessary, impeded upon for the sake of equal treatment under the law. There are also viewpoints, held in goodwill, by millions of Americans that are culturally disfavored, especially views concerning the definition of male and female and the definition of marriage. But what is culturally disfavored is not necessarily synonymous with what is morally repugnant. Opinions or viewpoints that don’t enjoy cultural support can be held with sincere goodwill. It’s important that legislation that aims to protect all sides understand this point. Any piece of federal legislation that fails to differentiate culturally disfavored views from morally repugnant views, or implies that culturally disfavored views are necessarily morally repugnant, is legislation that evangelicals cannot support. The Equality Act not only fails to do so, it also contributes to the decline of understanding and civic pluralism.

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The concerns expressed here say nothing of the absurdities of the bill itself. As one panelist at the Heritage Foundation suggested, the Equality Act should be called the “Female Erasure Act,”

since in codifying the transgender worldview into law, it defines womanhood (and manhood) as little more than psychological fantasy.

Opposing the Equality Act

The Equality Act must be opposed. Any Christian legislator or conservative legislator who understands the vital urgency of religious liberty must oppose it. Or else, with the stroke of a pen, pillars of human history—the ideas that marriage is a complementary union of a man and a woman, and that male and female are immutable, biological realities—would be thrown into the dustbin of history. If progressives get their wish, the Equality Act would usher in “the Right Side of History” to which they constantly appeal.

The timing of the Equality Acts release comes at a providential time. Just in the recent past, Christian baker Jack Phillips—of the infamous “Masterpiece Cakes” legal case—had complaints of discrimination against him dismissed in Colorado. The reason? Colorado’s Civil Rights Commission was deemed as treating Phillips’s religious convictions with contempt. Just as one hopes that government would learn a lesson in refusing to punish individuals like Phillips, who hold their faith with charity and goodwill toward all, the Equality Act is coming along to cement the same type of anti-Christian bias into American law.

In addition, this is crucial: The Act forbids appeal to the 1993 Religious Freedom Restoration Act (RFRA) on the part of individuals or organizations. Here’s what this means in practice:

- Faith-based hospitals and insurers could be forced to provide gender-transition therapies that violate their religious beliefs.
- Children could seek to change their gender without parental knowledge or consent.
- Faith-based adoption and foster care agencies could be forced to place children with same-sex couples or lose their licenses.
- The Act would dismantle sex-specific facilities, sports, and other spaces. As a result, biological females would be forced to compete in sports with biological males and for athletic scholarships. Sexual assaults on girls in bathrooms and showers could escalate.
- Faith-based schools and businesses could be forced to violate their beliefs regarding homosexual activity and LGBTQ behavior or face fines, censure, or worse.
- Churches that rent their facilities to the public could be forced to rent them for same-sex marriages and other LGBTQ events.

Lastly, please contact your US Senator and share with him your concerns and ask him/her to vote against the passing of H.R.5 The Equality Act.