

**Key Statement:** The Equality Act is a broken proposal filled with broken promises to our children.

*Positive counter-statement: Let's build a nation where promises are kept and we let kids be kids!*

**Top Line: The Equality Act breaks basic promises to our children – damaging their minds, bodies and hearts along the way.** Children deserve to be cherished and protected, not used and endangered.

**Short bill summary for messaging purposes:** The Equality Act would change the federal Civil Rights Act to create new protected classes based on a person's self-identified sexual orientation and gender identity status at any given time. This would fundamentally erase the concepts of male and female throughout the most basic parts of American life – sports, locker rooms, small businesses, classrooms, and even parents' relationships with their children. Caught in the middle of these dangerous changes? America's children.

## Key Messaging Points

1. **The Equality Act is sweeping: it elevates sexual orientation and gender identity to the same type of protection as race.**
  - a. Despite being “only” a small language change, the language change in the Equality Act is to federal Civil Rights law.
    - i. This is the same Civil Rights law that was rightly invoked to bring about the end of racial discrimination and usher in the desegregation of public schools. This means that imposing the political ideology of gender and behavior related to sex comes with federal power—even force of the military if deemed necessary.
    - ii. The bill has the potential to impact anything where federal money is at stake across the country – schools, employment, and even sports.
    - iii. Further, while the bill itself affects several sections of civil rights law, it also goes out of its way to clarify that if other sections of federal law prohibit sex discrimination, that could include the new categories of the Equality Act. That provision opens the door to future laws or regulation redefining sex even further.(Page 24, line 22 – Page 25, line 2).
2. **The Equality Act is a massive federal government power grab.**
  - a. Traditionally, family issues like school curriculum and abortion law have been reserved for state and local regulation, with federal laws providing broad parameters at most.
  - b. The Equality Act not only invades these and other areas, but it does so with few limitations or boundaries.

- i. The Act does not provide clear boundaries on when someone may invoke a sex discrimination claim. That poses a huge problem, especially for women who have historically been disadvantaged.
    1. For instance, a heterosexual, biological male could decide that he wants to take advantage of an affirmative action opportunity for women by claiming that he identifies as a woman.
    2. Because the bill defines “gender identity” broadly as “identity, appearance, mannerisms, or other gender-related characteristics,” – with no specificity or proof points – he could demand that he must receive that benefit or he will have faced “sex discrimination.”
    3. He could, at any time, decide he once again identifies as a male (when it’s no longer convenient or advantageous to identify as a female). But the damage has already been done – his claim to identify as a woman has decreased the opportunities and protections afforded to biological women.
  - ii. Rather than providing reasonable limits, the bill provides sweeping definitions of its terms.
    1. The bill explicitly clarifies that its protections for “gender identity” include letting people enter shared facilities such as locker rooms and restrooms based on their gender identity. This means males entering female locker rooms, dressing rooms, and restrooms. (Page 23, lines 16-20)
    2. The bill clarifies that its definition of the various protected categories includes both association with someone else who falls into a protected class, and a perception or belief about those classes. (Page 22, lines 10-14)
      - a. So, someone could claim that they were discriminated against for simply being associated with someone who identified as gay or transgender – and that itself would constitute “sex discrimination.”
      - b. Someone could also claim that someone applied a perception or belief about their self-identified sexual orientation or gender identity – and that, too, could count as sex discrimination.
- 3. The Equality Act would endanger children from the very beginning of their lives – in the womb.**
- a. The Equality Act is a back-door way to expand abortion and potentially undo years of progress for life.
  - b. The Act changes the definition of sex discrimination to include, “pregnancy, childbirth,” and importantly, “or a related medical condition.” That phrase has previously been recognized in court to include abortion.





- iii. Ensuring that children can use sex-specific spaces without fear of endangerment, lost privacy, or traumatization from the presence of the opposite sex

**6. The Equality Act breaks children’s hearts by harming – even potentially destroying – children’s family relationships**

**a. Children could be removed from their parents over disagreements about sexual orientation and gender identity.**

- i. The Equality Act could create an expectation that parents must be willing to provide their child with “transition” – elective interventions on their children’s healthy bodies – in order to avoid “discriminating” on the basis of gender identity
- ii. If that happened, parents’ hands could be forced to provide their children with such experimental approaches – or face harsh punishment, including having their children removed from their custody simply for trying to protect them
- iii. It already happened in Ohio, where parents lost custody of their 17-year-old daughter when they declined to put her on testosterone
- iv. The Equality Act could bring this deeply disturbing situation nationwide

**b. The Equality Act could shut the doors of faith-based foster and adoption agencies, limiting disadvantaged children’s opportunities for a forever home.**

- i. The Equality Act could force foster and adoption agencies – and the parents they work with – to agree to treat children as the opposite sex if they feel they identify that way. It could even force them to support experimental “transition” treatments.
- ii. If they did not comply because they had a conscientious objection, these agencies could risk being shut down and foster parents could risk losing their licenses.
  - 1. Already faith-based agencies have been shut down because they would not violate their faith. Children pay the price for this political move because there are more children in need of homes than what the current child welfare system in most states can serve.
  - 2. When these agencies are shut down, children have even fewer options for good homes in an already-strained foster care system. This hurts already-hurting children.
- iii. It’s already happened in multiple states – and the Equality Act would bring this nationwide.

**c. Instead of harming them, we should protect children’s hearts and relationships with their parents by:**

- i. Ensuring that parents are fully aware of what is being taught in their child’s school and what counseling their child is receiving, with the ability

to opt their child out of topics they believe are inappropriate for their child

- ii. Empowering parents to protect their children from life-altering harm
- iii. Helping disadvantaged children find loving homes by allowing foster and adoption agencies to live by their convictions

**7. The Equality Act hurts grown-ups too!**

**a. The Equality Act hurts women by letting males take opportunities and enter safe spaces reserved for women.**

- i. Women would lose not only sports opportunities reserved for them, but other opportunities as well.
  - 1. The bill provides no definition of what defines a man or woman – simply asserting that you felt that way seems to be enough.
  - 2. That means men could simply “decide” they are women (for even a short time) in order to gain advantages such as college scholarships, work opportunities, or other advantages meant to help women who have historically been at a disadvantage to men.
  - 3. It undermines the purpose of those forms of assistance!
- ii. Men could enter sex-specific spaces reserved for women, including women’s shelters designed specifically for women to avoid abusive relationships with men.
  - 1. This exposes women to a risk of re-traumatization or even potentially of real endangerment.
  - 2. It also exposes those who selflessly run such shelters to the threat of punishment for simply trying to protect women. This scenario has already played out in Alaska, and the Equality Act threatens to bring it nationwide.

**b. The Equality Act hurts small business owners by giving them no room to follow their conscience.**

- i. Many Americans have deeply-held – and deeply significant --beliefs about sexuality, and male-ness and female-ness. For many major belief systems, these are core beliefs and to veer from them is to violate your conscience and your religious code.
- ii. For a small business owner, they may have to occasionally decline contracts that would violate their conscience. For example, celebrating a same-sex marriage would violate many business owners religious beliefs, or writing a message supportive of gender transition would be an affront to the conscience of others.
- iii. Yet state-level laws similar to the Equality Act have been used to force everyday Americans to violate their consciences, or else lose their livelihoods. (Examples: cake baker Jack Phillips, florist Baronelle Stutzman, photographer Elaine Huguenin)
- iv. The Equality Act would bring this nationwide.

**c. The Equality Act hurts people of faith by undermining longstanding protections for them in federal law.**

- i.** For nearly 30 years, Americans of faith have been able to rely on the Religious Freedom Restoration Act (RFRA) as a backstop against infringements on their religious liberty.
- ii.** Because religious liberty is a Constitutionally protected right, one would hope that Americans could still invoke that right – and the protections of RFRA – if they felt the law burdened their religious freedom
- iii.** Instead, the bill forbids religious Americans from invoking RFRA, increasing the difficulty for people of faith who might feel their faith is burdened.
- iv.** The Equality Act is on a mission to ensure that all comply with its dangerous demands, no matter the cost.