



PHOTO: RUCHA MODI

# A Toolkit for Faith Leaders on LGBTQ Equality

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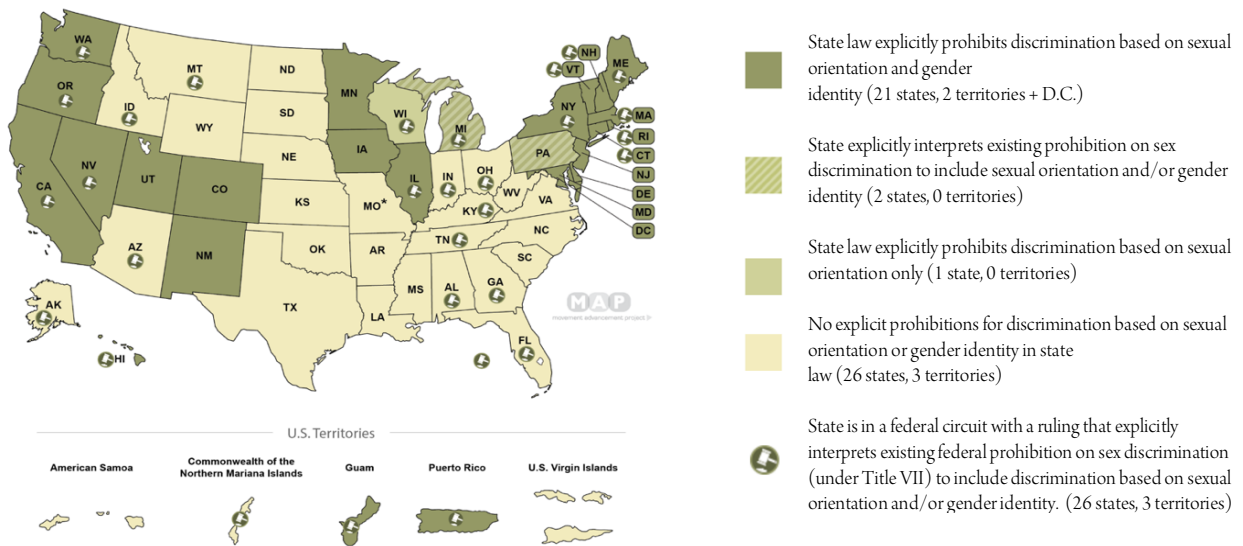
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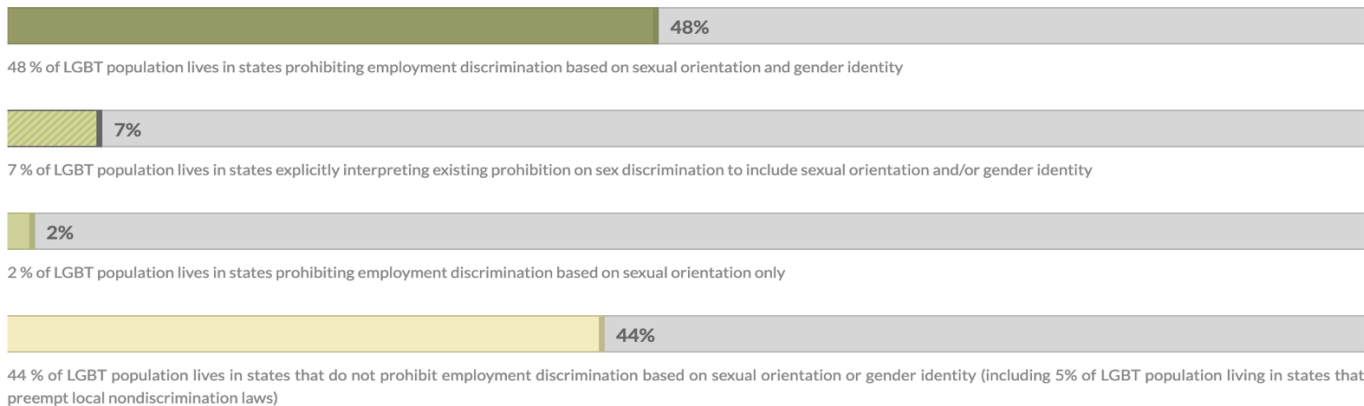
# Map of Nondiscrimination Laws

## I. EMPLOYMENT

Employment nondiscrimination laws protect LGBT people from being unfairly fired, not hired, or discriminated against in the workplace by private employers on the basis of sexual orientation or gender identity. This map shows state nondiscrimination laws that explicitly enumerate sexual orientation and/or gender identity as protected classes, as well as states or federal courts that explicitly interpret existing sex protections to include sexual orientation and/or gender identity. Other rights may exist or be recognized where you live (see below). Additionally, in states without state protections, municipalities may provide local-level nondiscrimination protections.



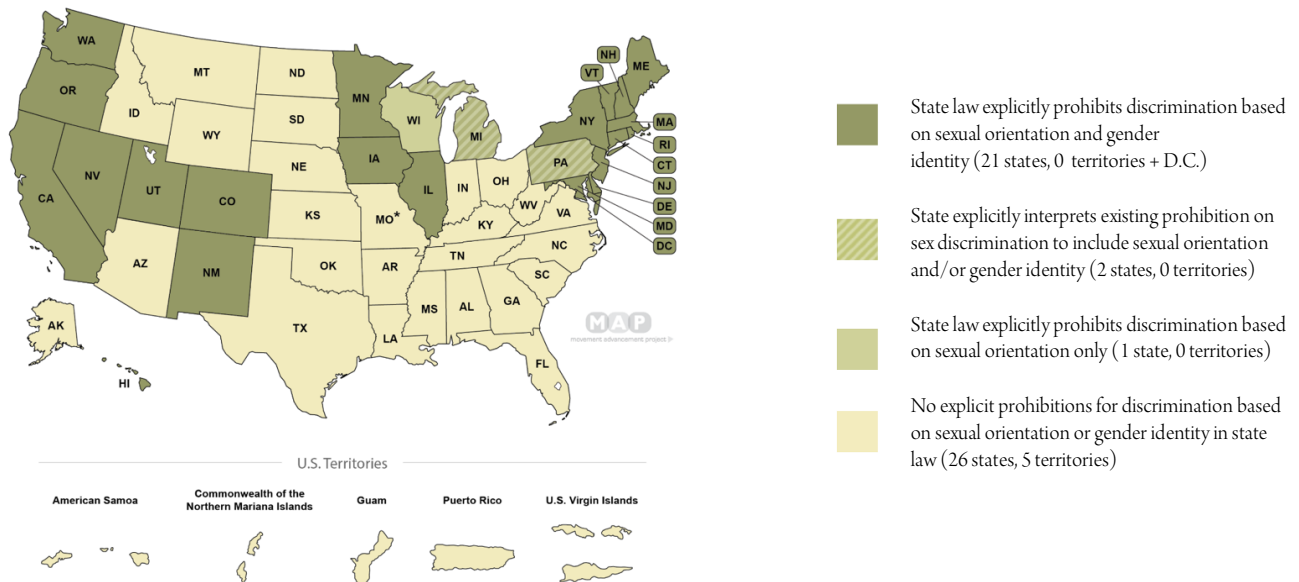
Local ordinances, state laws, federal court rulings, and federal EEOC rulings create a patchwork of employment nondiscrimination protections for LGBT people across the country. This map shows state nondiscrimination laws that explicitly enumerate sexual orientation and/or gender identity as protected classes, as well as states or federal courts that explicitly interpret existing sex protections to include sexual orientation and/or gender identity. Additionally, multiple rulings by the federal Equal Employment Opportunity Commission show that federal prohibitions against sex discrimination (under Title VII) also prohibit discrimination based on sexual orientation and gender identity. However, EEOC rulings are not binding on private employers, and federal courts may rule differently.



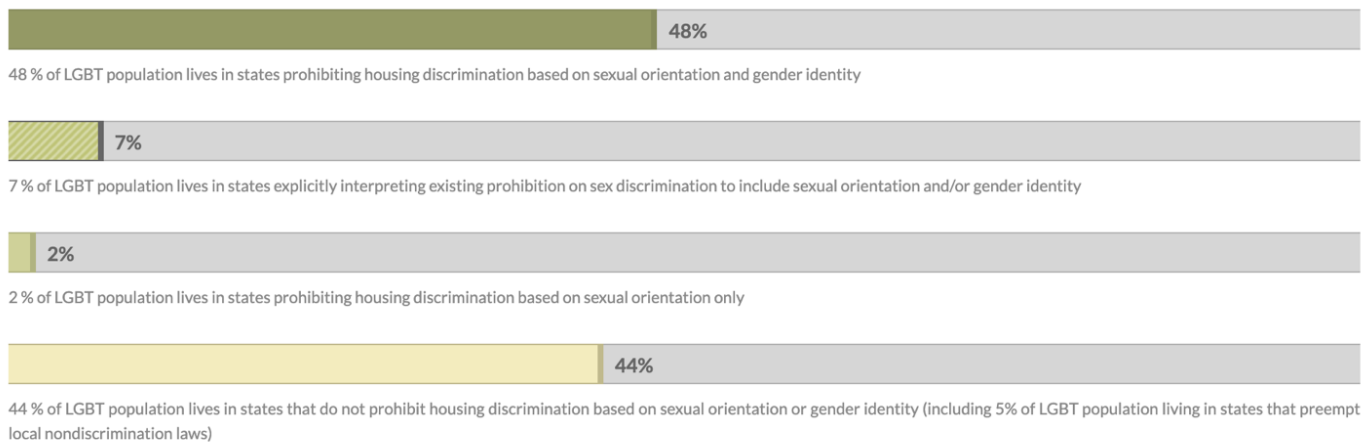
\*Michigan's nondiscrimination law does not explicitly enumerate sexual orientation or gender identity, but the Michigan Civil Rights Commission has stated it explicitly interprets the state's existing protections against sex discrimination to include protections for both sexual orientation and gender identity (2018).

## II. HOUSING

Housing nondiscrimination laws protect LGBT people from being unfairly evicted, denied housing, or refused the ability to rent or buy housing on the basis of sexual orientation or gender identity. This map shows state housing nondiscrimination laws that explicitly enumerate sexual orientation and/or gender identity as protected classes, as well as states that explicitly interpret existing sex protections to include sexual orientation and/or gender identity. Other rights may exist or be recognized where you live (see below). Additionally, in states without state protections, municipalities may provide local-level nondiscrimination protections.



The U.S. Department of Housing and Urban Development (HUD) currently interprets the Fair Housing Act's ban on sex-based discrimination to include discrimination based on sexual orientation or gender identity. LGBT people who believe they have experienced housing discrimination may be able to pursue claims through this avenue. However, local ordinances, state laws, federal court rulings, and more create a patchwork of nondiscrimination protections for LGBT people across the country. This map shows state nondiscrimination laws that explicitly enumerate sexual orientation and/or gender identity as protected classes, as well as states or federal courts that explicitly interpret existing sex protections to include sexual orientation and/or gender identity.



\***Michigan's** nondiscrimination law does not explicitly enumerate sexual orientation or gender identity, but the Michigan Civil Rights Commission has stated it explicitly interprets the state's existing protections against sex discrimination to include protections for both sexual orientation and gender identity (2018).

To see more visit: *Movement Advancement Project* at [http://www.lgbtmap.org/equality-maps/non\\_discrimination\\_laws](http://www.lgbtmap.org/equality-maps/non_discrimination_laws)

# Table of Nondiscrimination Laws

STATE	EMPLOYMENT	HOUSING	STATE	EMPLOYMENT	HOUSING
ALABAMA			NEBRASKA		
ALASKA			NEVADA	✓ LGBT	✓ LGBT
AMERICAN SAMOA			NEW HAMPSHIRE	✓ LGBT	✓ LGBT
ARIZONA			NEW JERSEY	✓ LGBT	✓ LGBT
ARKANSAS			NEW MEXICO	✓ LGBT	✓ LGBT
CALIFORNIA	✓ LGBT	✓ LGBT	NEW YORK	✓ LGBT	✓ LGBT
COLORADO	✓ LGBT	✓ LGBT	NORTH CAROLINA		
CONNECTICUT	✓ LGBT	✓ LGBT	NORTH DAKOTA		
DELAWARE	✓ LGBT	✓ LGBT	NORTHERN MARIANA ISLANDS		
DISTRICT OF COLUMBIA	✓ LGBT	✓ LGBT	OHIO		
FLORIDA			OKLAHOMA		
GEORGIA			OREGON	✓ LGBT	✓ LGBT
GUAM	✓ LGBT		PENNSYLVANIA		
HAWAII	✓ LGBT	✓ LGBT	PUERTO RICO	✓ LGBT	
IDAHO			RHODE ISLAND	✓ LGBT	✓ LGBT
ILLINOIS	✓ LGBT	✓ LGBT	SOUTH CAROLINA		
INDIANA			SOUTH DAKOTA		
IOWA	✓ LGBT	✓ LGBT	TENNESSEE		
KANSAS			TEXAS		
KENTUCKY			U.S. VIRGIN ISLANDS		
LOUISIANA			UTAH	✓ LGBT	✓ LGBT
MAINE	✓ LGBT	✓ LGBT	VERMONT	✓ LGBT	✓ LGBT
MARYLAND	✓ LGBT	✓ LGBT	VIRGINIA		
MASSACHUSETTS	✓ LGBT	✓ LGBT	WASHINGTON	✓ LGBT	✓ LGBT
MICHIGAN			WEST VIRGINIA		
MINNESOTA	✓ LGBT	✓ LGBT	WISCONSIN	● LGBT	● LGBT
MISSISSIPPI			WYOMING		
MISSOURI					
MONTANA					

● LGBT Law covers sexual orientation      ✓ LGBT Law covers sexual orientation and gender identity/expression

To see more visit: Movement Advancement Project at [http://www.lgbtmap.org/equality-maps/non\\_discrimination\\_laws](http://www.lgbtmap.org/equality-maps/non_discrimination_laws)



# Widespread Discrimination Continues to Shape LGBT People's Lives

By Sejal Singh and Laura E. Durso | May 2, 2017

New research from the Center for American Progress shows that LGBT people across the country continue to experience pervasive discrimination that negatively impacts all aspects of their lives. In response, LGBT people make subtle but profound changes to their everyday lives to minimize the risk of experiencing discrimination, often hiding their authentic selves.

## 1 in 4 LGBT people report experiencing discrimination in 2016

Over the past decade, the nation has made unprecedented progress toward LGBT equality. But to date, neither the federal government **nor most states** have explicit statutory nondiscrimination laws protecting people on the basis of sexual orientation and gender identity. LGBT people still face **widespread discrimination**: Between **11 percent and 28 percent of LGB workers** report losing a promotion simply because of their sexual orientation, and **27 percent of transgender workers** report being red, not hired,

or denied a promotion in the past year. Discrimination also routinely affects LGBT people beyond the workplace, sometimes costing them their **homes, access to education,** and even the ability to **engage in public life**.

Data from a nationally representative survey of LGBT people conducted by CAP shows that 25.2 percent of LGBT respondents has experienced discrimination because of their sexual orientation or gender identity in the past year. The January 2017 survey shows that, despite progress, in 2016 discrimination remained a widespread threat to LGBT people's well-being, health, and economic security.



AP/Eric Gay  
Members of the transgender community and others protest in the Texas state capitol, March 2017.

Among people who experienced sexual orientation- or gender-identity-based discrimination in the past year:

- **68.5** percent reported that discrimination at least somewhat negatively affected their psychological well-being.
- **43.7** percent reported that discrimination negatively impacted their physical well-being.
- **47.7** percent reported that discrimination negatively impacted their spiritual well-being.
- **38.5** percent reported discrimination negatively impacted their school environment.
- **52.8** percent reported that discrimination negatively impacted their work environment.
- **56.6** report it negatively impacted their neighborhood and community environment.

# Unseen harms

LGBT people who don't experience overt discrimination, such as being red from a job, may still find that the threat of it shapes their lives in subtle but profound ways. David M.,\* a gay man, works at a Fortune 500 company with a formal, written nondiscrimination policy. "I couldn't be red for being gay," he said. But David went on to explain, "When partners at the firm invite straight men to squash or drinks, they don't invite the women or gay men. I'm being passed over for opportunities that could lead to being promoted."

TABLE 1

## Fear of discrimination shapes LGBT people's lives

LGBT people report altering their lives to avoid discrimination in the following ways

	All LGBT people	LGBT people who have not experienced discrimination in the past year	LGBT people who have experienced discrimination in the past year
Used vague language when talking about relationships	42.0%	32.4%	70.4%
Hid a personal relationship	36.5%	27.5%	62.9%
Hid affiliation to a certain organization	14.7%	9.2%	31.1%
Removed item from a resume	9.5%	5.1%	22.6%
Avoided speaking about topics related to LGBT issues in social situations	31.2%	23.7%	53.5%
Avoided social situations	23.9%	15.1%	49.8%
Avoid public places such as stores or restaurants	12.0%	4.8%	33.5%
Avoided public transportation	5.0%	3.3%	9.9%
Avoided doctors' offices	6.7%	2.7%	18.4%
Avoided getting services they or their family needed	6.1%	2.4%	17.0%
Made specific decisions about where to work	13.2%	8.3%	27.7%
Made specific decisions about where to go to school	8.3%	3.5%	22.6%
Made specific decisions about where to live	19.1%	9.2%	48.6%
Made specific decisions about where to shop	18.2%	8.4%	46.9%
Changed the way they dressed	14.7%	7.3%	36.8%
Changed the way they talked	15.3%	7.3%	39.0%
Changed the way they walked	10.6%	4.9%	27.4%
Moved away from a rural area	11.7%	5.9%	28.8%
Moved away from an urban area	6.1%	3.0%	15.0%
Moved away from family	16.8%	9.7%	37.7%
Cut important people out of their lives	16.4%	9.7%	36.3%
Maintained a limited social media presence	17.2%	10.5%	37.3%

Source: Nationally representative survey of LGBT people commissioned by CAP and fielded by Knowledge Networks in January 2017.



ways in order to avoid discrimination.

As Table 1 shows, LGBT people who've experienced discrimination in the past year are significantly more likely to alter their lives for fear of discrimination, even deciding where to live and work because of it, suggesting that there are lasting consequences for victims of discrimination. Yet findings also support the contention that LGBT people do not need to have experienced discrimination in order to act in ways that help them avoid it, which is in line with empirical evidence on a component of minority stress theory: expectations of rejection.

Not only can threatened discrimination bar LGBT people from living authentically—it can also deny them material opportunities. Rafael J.,\* a gay student in California, told CAP that he "decided to apply to law schools only in LGBT-safe cities or states," denying him the opportunity pursue his graduate education at schools he might otherwise have applied to. "I did not think I would be safe being an openly gay man," he said. "Especially a gay man of color, in some places."

"I'm trying to minimize the bias against me by changing my presentation in the corporate world," he added. "I lower my voice in meetings to make it sound less feminine and avoid wearing anything but a black suit. ... When you're perceived as feminine—whether you're a woman or a gay man—you get excluded from relationships that improve your career."

David is not alone. Survey findings and related interviews show that LGBT people hide personal relationships, delay health care, change the way they dress, and take other steps to alter their lives because they could be discriminated against.

Maria S.,\* a queer woman who lives in North Carolina, described a long commute from her home in Durham to a different town where she works. She makes the drive every day so that she can live in a city that's friendly to LGBT people. She loves her job, but she's not out to her boss. "I wonder whether I would be let go if the higher-ups knew about my sexuality," she says.

CAP's research shows that stories such as Maria's and David's are common. The below table shows the percentage of LGBT people who report changing their lives in a variety of

## Unique vulnerabilities in the workplace

Within the LGBT community, people who were vulnerable to discrimination across multiple identities reported uniquely high rates of avoidance behaviors.

In particular, LGBT people of color were more likely to hide their sexual orientation and gender identity from employers, with 12 percent removing items from their resumes—in comparison to 8 percent of white LGBT respondents—in the past year. Similarly, 18.7 percent of 18- to 24-year-old LGBT respondents reported removing items from their resumes—in comparison to 7.9 percent of 35- to 44-year-olds. Meanwhile, 15.5 percent of disabled LGBT respondents reported removing items from their resume—in comparison to 7.3 percent of nondisabled LGBT people. This finding may reflect [higher rates](#) of unemployment among people of color, disabled people, and young adults; it may also reflect that LGBT people who could also face discrimination on the basis of their race, youth, and disability feel uniquely vulnerable to being denied a job due to discrimination, or a combination of factors.

## Unique vulnerabilities in the public square

Discrimination, harassment, and violence against LGBT people—especially transgender people—has always been common in places of public accommodation, such as hotels, restaurants, or government offices. The 2015 United States Transgender Survey found that, among transgender people who visited a place of public accommodation where they knew or believed they were transgender, nearly [one in three](#) experienced discrimination or harassment—including being denied equal services or even being physically attacked.

In March 2016, then Gov. Pat McCrory signed North Carolina H.B. 2 into law, which mandated anti-transgender discrimination in single-sex facilities—and began an unprecedented attack on transgender people's access to public accommodations and ability to participate in public life. That year, [more than 30 bills](#) specifically targeting transgender people's access to public accommodations were introduced in state legislatures across the country. This survey asked transgender respondents whether they had avoided places of public accommodation from January 2016 through January 2017, during a nationwide attack on transgender people's rights. Among transgender survey respondents:

- **25.7** percent reported avoiding public places such as stores and restaurants, versus 9.9 percent of cisgender LGBT respondents
- **10.9** percent reported avoiding public transportation, versus 4.1 percent of cisgender LGBT respondents
- **11.9** percent avoided getting services they or their family needed, versus 4.4 percent of cisgender LGBT respondents
- **26.7** percent made specific decisions about where to shop, versus 6.6 percent of cisgender LGBT respondents

These findings suggest that ongoing discrimination in public accommodations pushes transgender people out of public life, making it harder for them to access key services, use public transportation, or simply go to stores or restaurants without fear of discrimination.

Disabled LGBT people were also significantly more likely to avoid public places than their nondisabled LGBT counterparts. Among disabled LGBT survey respondents, in the past year:

- **20.4** percent reported avoiding public places such as stores and restaurants, versus 9.1 percent of nondisabled LGBT respondents
- **8.8** percent reported avoiding public transportation, versus 3.6 percent of nondisabled LGBT respondents
- **14.7** percent avoided getting services they or their family needed, versus 2.9 percent of nondisabled LGBT respondents
- **25.7** percent made specific decisions about where to shop, versus 15.4 percent of nondisabled LGBT respondents

This is likely because, in addition to the risk of anti-LGBT harassment and discrimination, LGBT people with disabilities contend with inaccessible public spaces. For example, many transit agencies [fail to comply](#) with Americans with Disabilities Act, or ADA, requirements that would make public transportation accessible to people with visual and cognitive disabilities.



## Unique vulnerabilities in health care

In 2010, [more than half](#) of LGBT people reported being discriminated against by a health care providers and more than 25 percent of transgender respondents reported being refused medical care outright. Since then, LGBT people have gained protections from health care discrimination— most notably, [regulations stemming](#) from the Affordable Care Act, or ACA, have prohibited federally funded hospitals, providers, and insurers from discriminating against LGBT patients. Despite progress, LGBT people, and transgender people in particular, remain vulnerable to healthcare discrimination: In 2015, [one-third of transgender people](#) who saw a health care provider reported “at least one negative experience related to being transgender.” These negative experiences included being refused treatment or even being physically assaulted. Transgender people of color and people with disabilities reported [particularly high](#) rates of discrimination from health care providers.

Unsurprisingly, people in these vulnerable groups are especially likely to avoid doctor’s offices, postponing both preventative and needed medical care:

- **23.5** percent of transgender respondents avoided doctors’ offices in the past year, versus 4.4 percent of cisgender LGB respondents
- **13.7** percent of disabled LGBT respondents avoided doctors’ offices in the past year, versus 4.2 percent of nondisabled LGBT respondents
- **10.3** percent of LGBT people of color avoided doctors’ offices in the past year, versus 4.2 percent of white LGBT respondents

These findings are consistent with research that has also identified patterns of health care discrimination against [people of color](#) and disabled people. For example, one survey of health care practices in five major cities found that more than [one in five practices](#) were [inaccessible](#) to patients who used wheelchairs.

## A call to action

To ensure that federal civil rights laws explicitly protect LGBT people, Congress should pass the Equality Act, a comprehensive bill banning discrimination based on sexual orientation and gender identity in employment, public accommodations, housing, credit, and federal funding, among other provisions. Likewise, [state and local governments](#) should pass comprehensive nondiscrimination protections for all. Comprehensive nondiscrimination protections have more support from voters than ever before: [A majority in every state](#) in the country support nondiscrimination laws.

While comprehensive nondiscrimination protections won’t prevent all instances of discrimination, they are a critical way to hold employers and landlords accountable. Additionally, they send the message that LGBT people are both accepted and respected by all levels of government. LGBT people deserve the opportunity to live full, equal, and authentic lives—and that won’t be possible while discrimination remains a looming threat to LGBT people and their families.

*Sejal Singh is the Campaigns and Communications Manager for the LGBT Research and Communications Project at American Progress. Laura E. Durso is the Vice President of the LGBT Research and Communications Project at American Progress.*

*\*Authors’ note: All names have been changed out of respect for interviewees’ privacy.*

## Methodology

To conduct this study, CAP commissioned and designed a survey, fielded by Knowledge Networks, which surveyed 1,864 individuals about their experiences with health insurance and health care. Among the respondents, 857 identified as lesbian, gay, bisexual, and/or transgender, while 1,007 identified as heterosexual and cisgender/nontransgender. Respondents came from all income ranges and are diverse across factors such as race, ethnicity, education, geography, disability status, and age. The survey was fielded online in English in January 2017 to coincide with the fourth open enrollment period through the health insurance marketplaces and the beginning of the first full year of federal rules that specifically protect LGBT people from discrimination in health insurance coverage and health care. The data are nationally representative and weighted according to U.S. population characteristics. All reported findings are statistically significant unless otherwise indicated. All comparisons presented are statistically significant at the  $p < .05$  level.

Separate from the quantitative survey, the authors solicited stories exploring the impact of discrimination on LGBT people's lives. Using social media platforms, the study authors requested volunteers to anonymously recount personal experiences of changing their behavior or making other adjustments to their daily lives to prevent experiencing discrimination. Interviews were conducted by one of the study authors and names were changed to protect the identity of the interviewee.

Additional information about study methods and materials are available from the authors.

*For full access to citations, see: <https://www.americanprogress.org/issues/lgbt/news/2017/05/02/429529/widespread-discrimination-continues-shape-lgbt-peoples-lives-subtle-significant-ways/>*



# The Harms of Refusing Service to LGBTQ People and Other Marginalized Communities

By Caitlin Rooney and Laura E. Durso | November 29, 2017

On December 5, the U.S. Supreme Court will hear oral arguments in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, a case about a Colorado bakery that refused to sell a wedding cake to a same-sex couple, citing the owner's religious beliefs.<sup>1</sup> The bakery is arguing that the constitution protects its right to turn away same-sex couples such as Charlie Craig and David Mullins, even though Colorado explicitly protects LGBTQ people from discrimination in stores and other places of public accommodation. This argument threatens to undermine long-standing federal and state laws against discrimination. The threat extends well beyond wedding-related services as well as beyond LGBTQ people. For instance, the American Civil Liberties Union's (ACLU) brief on behalf of Charlie and David argues that a ruling against the couple could open the gate for LGBTQ people to be legally turned away from a wide array of services.<sup>2</sup> The Lawyers' Committee for Civil Rights Under Law and others argue that a ruling against Charlie and David could undermine nondiscrimination protections for other minority groups, including racial minorities.<sup>3</sup> For example, Vanita Gupta, the CEO of the Leadership Conference on Civil and Human Rights, has argued that it could enable business owners to refuse service to interracial couples.<sup>4</sup>

This case is fundamentally about whether businesses have the constitutional right to turn away individuals because of who they are. In this debate, too many minimize the harm of the service refusal, arguing that LGBTQ people should simply take their business elsewhere. This argument fails on two fronts. First, it trivializes the discrimination LGBTQ people face at the time of service denial and the deep, negative impact that denial can have on individuals and families. Second, it implies that LGBTQ people can easily find alternative services nearby. In fact, some have asserted that same-sex couples turned away by a bakery can

simply "go right down the street" to buy a wedding cake at a different shop, as then-presidential candidate Ben Carson stated.<sup>5</sup> The argument that alternatives are easy to access is used in several amicus briefs in support of *Masterpiece Cakeshop*, including from the Becket Fund for Religious Liberty, Cato Institute, et al., and the State of Texas, et al.<sup>6</sup> Many of the groups that penned these briefs, such as the Becket Fund, consistently espouse extreme anti-LGBTQ views.

In reality, service refusals act like a one-two punch. The discrimination itself causes harm that negatively affects both psychological and physical health and well-being, as shown by research and lived experiences of LGBTQ people and their families. Then, compounding that harm, the refusal can make it harder or impossible for LGBTQ people to access services at all, denying them full participation in the public square. New data from the Center for American Progress show that it is an all-too-common occurrence for LGBTQ people to suffer the indignity of facing additional barriers that limit their ability to participate in public life as full citizens.



AP/Brennan Linsley  
Dave Mullins and his husband Charlie Craig play cards and talk after a work day, March 2015

# The psychological and physical health effects of discrimination

Discrimination, including the denial of services at places of public accommodation— such as retail stores, hotels, and health centers—takes an emotional toll on people and can have long-term effects on their mental and physical health. When Naya Taylor, a transgender woman, was denied transition-related health care, she explained, “When they said, ‘we don’t have to treat people like you,’ I felt like the smallest, most insignificant person in the world.”<sup>7</sup> For LGBTQ people, discrimination—including in wedding-related services—also undermines the promise of equality. After Melisa McCarthy and her partner Jennifer were refused a wedding venue for being a same-sex couple, she explained the pain: “It is difficult to describe how heartbreaking it is when someone says to you that, because you are marrying someone of the same sex, you cannot have the options that heterosexual couples have.”<sup>8</sup>

## Emotional Harm

While seemingly simple events, picking out a wedding cake, flowers, and a dress or tuxedo are staple activities for a couple preparing for one of the happiest days of their lives. But despite nationwide marriage equality, seeking those services can be a scary and painful experience for same-sex couples and their families.

Take the experience of the mother of Charlie Craig, who was with Charlie and his fiancée David when they were refused service at Masterpiece Cakeshop: *When we returned to our car, I noticed Charlie’s shoulders were shaking. I soon realized he was crying ... As a parent, no matter how grown your children are, you want to shield them from harm. I felt I had failed him.*<sup>9</sup>

Before the couple even started looking for other vendors, they experienced harm. “It’s about what happened that moment when they were denied service, and what that’s meant for them every day since. They were told they weren’t good enough to be served in their own community,” explained Charlie’s mom.<sup>10</sup>

When Rachel and Laurel Bowman-Cryer were denied a wedding cake by Sweet Cakes in Portland, Oregon, they, too, were devastated. “When this all started, for the first year and a half or two years, I would just sit around and just cry about it all the time. Just sulk. We couldn’t talk to anybody about it,” Rachel said. Laurel added, “We were letting it hit us like a semi-truck over and over again.”<sup>11</sup> As Rachel and others testified, after being turned away, she felt “very sad and stressed” and was concerned about having to plan her wedding.<sup>12</sup> As one journalist who interviewed the couple for months relayed, “After visiting Sweet Cakes, Rachel had dreaded her own wedding.”<sup>13</sup>

## Long-term health implications

Research has shown that discrimination, prejudice, and stigma can lead to negative health outcomes, including higher rates of depression, anxiety, and substance abuse as well as an increased risk for physical health problems, such as cardiovascular disease.<sup>14</sup> According to a recent CAP survey, more than two-thirds of LGBTQ people who had experienced discrimination in the past year reported that discrimination at least somewhat negatively affected their psychological well-being, and nearly half said it negatively affected their physical well-being.<sup>15</sup> An American Psychological Association (APA) survey from 2016 showed that LGBTQ people who had experienced discrimination had higher average stress levels than LGBTQ people who had not.<sup>16</sup>

The impact of discrimination is not just limited to the moment of discrimination but can also affect a person for a lifetime. According to the APA, “Dealing with discrimination results in a state of heightened vigilance and changes in behavior, which in itself can trigger stress responses—that is, even the anticipation of discrimination can cause stress.”<sup>17</sup> As Louise Melling, the deputy legal director of the ACLU and the director for its Center for Liberty, asked, “What happens when you are turned away at an inn consistent with the law’s accommodation? How do you feel as you approach the next reception desk? And the next one? Or when next you go on vacation? How long does the anxiety linger, even if only one inn turns you away?”<sup>18</sup> After being refused service at Sweet Cakes, Rachel testified that she felt anxiety over facing rejection at other wedding vendors.<sup>19</sup> After Melisa and Jennifer were refused a wedding venue and they continued to plan their wedding, Melisa said they worried about a business refusing to serve them “with every element we planned and every vendor we spoke to.”<sup>20</sup> As a recent CAP survey showed, many LGBTQ people—especially those who have previously faced discrimination— have avoided certain services in order to avoid discrimination.<sup>21</sup>

## The impact on access to services

Compounding the emotional and physical harm, service refusals clearly affect LGBTQ people's equal access to services. Curt Freed and Robert Ingersoll, who were turned away from Arlene's Flowers, not only felt "horrible" after being discriminated against, they also feared being turned away by other vendors.<sup>22</sup> They said that, in response to that fear, "We moved up the date and decided to have the wedding in our home instead, with only 11 guests" and had a "much smaller, simpler celebration than we originally intended."<sup>23</sup> According to a recent CAP survey, one-third of LGBTQ people who had experienced discrimination in the past year reported that they had avoided public places such as stores or restaurants in order to avoid anti-LGBTQ discrimination.<sup>24</sup> They were seven times more likely to do this than LGBTQ people who had not experienced discrimination.<sup>25</sup> Nearly half of LGBTQ people who had faced discrimination also reported making specific decisions about where to shop in order to avoid discrimination.<sup>26</sup>

Despite assertions by opponents of equality, not all LGBTQ people can easily access alternative services. This may be because they fear being discriminated against and have to consciously find nondiscriminatory options or it may be because they do not have easy access to transportation; information about alternatives; or the additional time needed to find and access alternatives.

## New data show difficulty accessing alternatives

In January 2017, CAP conducted a nationally representative survey of LGBTQ people to find out how difficult it would be for them to find alternative services if they were turned away. Results showed that, for some LGBTQ people, accessing services from alternative retail stores, bakeries, or florists if they were turned away would not be easy at all:

- **1 in 5 LGBTQ** people said it would be "very difficult" or "not possible" to find the same type of service at a different retail store selling wedding attire (21 percent)
- **1 in 10 LGBTQ** people said it would be "very difficult" or "not possible" to find the same type of service at a different bakery (11 percent)
- **1 in 10 LGBTQ** people said it would be "very difficult" or "not possible" to find the same type of service at a different florist (10 percent)

Access is even harder for LGBTQ people not living in a metropolitan area. Part of the assumption underlying the conservative argument that LGBTQ people can simply go down the street is that LGBTQ people live in cities, where services may be more concentrated. This assumption overlooks the fact that same-sex couples live together in 99.3 percent of U.S. counties, according to the most recent data available.<sup>27</sup> LGBTQ people living in rural counties—the majority of which are in nonmetro areas<sup>28</sup>—could be disproportionately affected by service refusals since they may need to travel farther to find an alternative or may have fewer options available. As Outserve-SLDN's amicus brief in *Masterpiece* argues, LGBTQ service members on a military base in a rural area may have limited options for services if they are turned away.<sup>29</sup> For example, only two specialty cake shops serve Naval Air Weapons Station China Lake, a rural military installation in California. If both of those shops refused to serve wedding cakes to same-sex couples, same-sex couples at that base would be left without a local alternative.<sup>30</sup>

The CAP survey shows that significant numbers of nonmetro LGBTQ people would be hard pressed to find alternatives if they were turned away from retail stores, bakeries, or florists:

- **4 in 10 nonmetro LGBTQ** people said it would be "very difficult" or "not possible" to find the same type of service at a different retail store selling wedding attire (39 percent)
- **3 in 10 nonmetro LGBTQ** people said it would be "very difficult" or "not possible" to find the same type of service at a different bakery (29 percent)
- **1 in 5 nonmetro LGBTQ** people said it would be "very difficult" or "not possible" to find the same type of service at a different florist (21 percent)

## Conclusion

Businesses that are open to the public should be open to everyone. With the wide-ranging potential harms of Masterpiece on LGBTQ people and other marginalized groups, it is crucial to recognize the impact of a business turning someone away just because of who they are. In the public debate over religious exemptions and cases such as Masterpiece, too many trivialize the effects of refusals on LGBTQ people, arguing that LGBTQ people turned away should simply take their business elsewhere. However, research and personal testimony showing the immediate and long-lasting harm service refusals have on LGBTQ people's mental and physical health challenge that argument. New data from CAP show that being turned away can also make it hard for LGBTQ people—and, in particular, LGBTQ people living in a nonmetro area—to access services. Part of the reason Curt and Robert are fighting the discrimination they faced at Arlene's Flowers is to ensure LGBTQ people have equal access to services. In an op-ed, Curt and Robert wrote, "We didn't want gay and lesbian couples to be forced to seek out LGBT-friendly florists and bakeries, or drive to more tolerant communities because all the wedding venues in their hometowns have turned them away for being gay."<sup>31</sup>

Notably, the dual harm of being discriminated against and having to find alternative services is not limited to wedding-related services. One example of a service refusal in funeral services makes this clear. Lambda Legal has filed a lawsuit against a funeral home in Mississippi that it says refused to cremate the body of a man after finding out that he had been married to a man.<sup>32</sup> His widow and partner for 52 years, Jack, said that he "felt as if all the air had been knocked out of me ... Bob was my life, and we had always felt so welcome in this community. And then, at a moment of such personal pain and loss, to have someone do what they did to me, to us, to Bob, I just couldn't believe it.

No one should be put through what we were put through."<sup>33</sup> Jack ended up having to drive 90 miles to find an alternative funeral home that would take his late husband.<sup>34</sup> Due to the last-minute change and the distance to the new funeral home, John and his nephew in law were also "unable to gather friends in the community, as had been their original plan, to honor Bob and support them in their grief."<sup>35</sup>

The indignity of being refused service just for being who you are is harmful in and of itself. Unfortunately, the ramifications of service refusals do not end there. Discrimination can take a serious psychological toll on LGBTQ people, lead to negative physical health outcomes, and affect how they plan their lives and engage in the marketplace and in their communities.

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## Methodology

To conduct this study, CAP commissioned and designed a survey, fielded by GfK SE, which surveyed 1,864 individuals about their experiences with health insurance and health care. Among the respondents, 857 identified as lesbian, gay, bisexual, and/or transgender, queer, or asexual, while 1,007 identified as heterosexual and cisgender/nontransgender. Respondents came from all income ranges and are diverse across factors such as race, ethnicity, education, geography, disability status, and age. The survey was fielded online in English in January 2017 to coincide with the fourth open enrollment period through the health insurance marketplaces and the beginning of the first full year of federal rules that specifically protect LGBTQ people from discrimination in health insurance coverage and health care. As part of the survey, LGBTQ respondents were presented with a hypothetical scenario: "Below is a list of businesses and services that are typically open to the public. Imagine that you needed the goods or services available from each one and that you went to the nearest place within your city or town to get them. Now imagine that when trying to access each place, you were denied service by the employees or staff." Then, respondents were asked to "Please rate how difficult it would be for you to find the same type of service at a different location." The data are nationally representative and weighted according to U.S. population characteristics. Metro is defined as a metropolitan core-based statistical area and nonmetro is defined as anything else, including micropolitan core-based statistical areas and locations outside of a core-based statistical area. All reported findings are statistically significant unless otherwise indicated. All comparisons presented are statistically significant at the  $p < .05$  level.

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# Reclaiming Religious Freedom

By Emily London and Maggie Siddiqi | February 5, 2019

Last month, the most [religiously diverse](#) U.S. Congress in our nation’s history was sworn into office. For proponents of religious liberty, this was an incredible opportunity to celebrate this fundamental American right. At the same time, however, the current political context raises crucial challenges to religious liberty that this Congress must urgently address. Even as more religious minorities are elected to our nation’s highest offices, protections for those groups are widely being stripped away. And in recent years, many self-proclaimed religious liberty advocates have instead done much to abuse this right by privileging the religious beliefs of a [select few](#) over the freedom of all people. Their efforts have eroded the separation of church and state in order to discriminate against specific vulnerable communities. The right to religious liberty should protect these communities and all people from discrimination—not cause them harm.

## Religious liberty is a fundamental American right

Religious liberty is enshrined in the First Amendment to the U.S. Constitution and is a founding American principle. It created a unique society that prohibits a government-established religion, while also sanctioning rights for religious people. It ensures that a [diverse range of beliefs](#) can be expressed and have a home in America without interference from the government, enabling people of all faiths and none to live together, learn from each other, and be treated equally. Yet in recent years, religious liberty has often

been exploited to fuel hate rather than maintain respect and freedom for everyone.



Getty/Erik McGregor/Pacific Press/LightRocket  
An interfaith candlelight vigil remembers victims of the Holocaust, New York, January 2016.

In order to protect this fundamental right, Americans must exercise constant vigilance, and recent threats to the United States’ minority religions are cause for alarm. As one of the first actions of his administration, for example, President Donald Trump [instituted](#) a “total and complete shutdown of Muslims entering the United States.” Subsequently, rather than providing checks and balances to this attack on religious freedom, the U.S. Supreme Court [upheld](#) the Muslim ban, ruling that the United States may deny travel and entry from individuals who come from certain predominantly Muslim countries. The Supreme Court should be supporting policies that foster—rather than chip away at—the essential American right to religious liberty.

In addition, groups of religious minorities face rising threats in the form of hate speech, discrimination, and violent attacks. Analysis of FBI hate crime data from 2017 [reveals](#) that almost 80 percent of all incidents of religiously motivated hate crimes were motivated by anti-Jewish and anti-Muslim bias. The most fatal attack on American Jews took place in October 2018, with the tragic [shooting](#) at Tree of Life synagogue in Pittsburgh. The attack was reminiscent of a hate crime that occurred in 2012, in which a [gunman](#) with ties to white supremacist organizations killed six people and wounded three others praying at the Sikh Temple of Wisconsin. These tragic incidents demonstrate the very real threats from which people of all faith backgrounds should be protected.



# Religious liberty has been used as a license to discriminate

Rather than safeguarding protections for religious people, religious liberty has instead been misused in order to strip away the rights of a diverse range of communities. The Trump administration continues to prioritize a certain set of religious beliefs to engage in discriminatory activities across federal agencies and services. Former Attorney General Je Sessions' [guidance](#) on "Federal Law Protections for Religious Liberty" claims to clarify the existing protections regarding religious liberty, yet it [establishes](#) for the federal government an overarching license to discriminate in the name of religion. This prioritization of religious exemptions above—and to the detriment of—other civil rights has been widely implemented as a basis for discrimination in areas such as child welfare and health care. Sessions also [announced](#) the creation of a Religious Liberty Task Force, which he claims would ensure that the U.S. Department of Justice (DOJ) fully adheres to the guidance and require that DOJ "employees know their duties to accommodate people of faith."

These efforts have laid the groundwork for redefining the extent of religious liberty protections. For example, the U.S. Department of Health and Human Services (HHS) recently [announced](#) that South Carolina's faith-based foster agencies—even those that receive federal funding—are not required to comply with federal rules barring religious discrimination. This decision came after a Christian child welfare agency [denied](#) a qualified Jewish woman the opportunity to serve as a foster mentor because of her faith. This weaponization of religious liberty has [deprived](#) children of welcoming homes and denied eligible LGBTQ and non-Christian prospective parents the opportunity to adopt or foster. It has favored a certain set of religious beliefs over others, allowing a majority religious group to discriminate against religious minorities. It also threatens LGBTQ rights and creates a [false narrative](#) that civil nondiscrimination and the protection of religious beliefs are mutually exclusive.

This is one of many discriminatory efforts spearheaded by the HHS Office for Civil Rights (OCR), which recently established a Conscience and Religious Freedom Division to [codify](#) the favoring of religious liberty over all other rights. The office's director, Roger Severino, has stated that the division will [allow](#) health care workers and institutions to deny patients access to health care if they claim that the provision of such care is in conflict with their religious beliefs.

The OCR also further weaponized religious liberty by issuing two final rules in November 2018 that provide employers with religious and moral exemptions from offering contraceptive coverage to their employees, directly contradicting coverage requirements under the Affordable Care Act. These rules [cover](#) "sincerely held religious beliefs" and "non-religious moral convictions." The Trump administration [moved forward](#) with finalizing the rules, even though two federal district courts enjoined the interim final rules. Fortunately, on January 14, 2019, a federal judge in Pennsylvania also [blocked](#) the final rules, citing that [current law](#) does not allow for this carveout of contraceptive coverage. Religious liberty protections were never intended to justify the discrimination of individuals in health care, child welfare, schools, the workplace, or any aspect of public life.

## Conclusion

In our current moment, religious liberty is too often used as an excuse to justify hateful attacks on vulnerable communities. Policymakers should uplift this fundamental right for what it was originally intended to be: a shield to protect religious institutions and allow for the freedom of all beliefs to flourish in the United States—not a sword to cause harm to others. This fundamental and unique American value deserves to be cherished and must be protected from hateful and dangerous manipulation from all levels of government.

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*For full access to citations, see:*

<https://www.americanprogress.org/issues/religion/news/2019/02/05/465814/reclaiming-religious-freedom/>



# The Nondiscrimination Protections of Millions of Workers Are Under Threat

By Frank J. Bewkes and Caitlin Rooney | September 3, 2019

On August 15, 2019, the Office of Federal Contract Compliance Programs (OFCCP) in the U.S. Department of Labor published a proposed rule that seeks to significantly expand the number of federal contractors eligible for a religious exemption, including contractors far beyond those that courts have previously ruled qualify as a “religious corporation, association, educational institution, or society.”<sup>1</sup> Such a change would make millions of U.S. workers vulnerable to discrimination for not sharing their employers’ religious beliefs.<sup>2</sup>

This issue brief examines how the Trump administration’s proposed rule would weaken nondiscrimination protections available under executive order (EO) 13672. The brief begins by providing background information on the EO and exploring how the proposed rule would undermine it. It then explains why any loss of nondiscrimination protections disproportionately harms LGBTQ workers. Finally, the brief’s authors analyzed publicly available federal contracting data and found no evidence that EO 13672 has excluded faith-based organizations from contracting with the federal government.

## How the proposed rule undermines EO 13627

Since 1965, EO 11246 has protected employees of federal contractors and subcontractors, as well as contractors who perform under federally assisted construction contracts, from discrimination on the basis of sex, race, color, religion, and national origin. In 2014, then-President Barack Obama issued EO 13672, which amended EO 11246 to include protections on the basis of sexual orientation and gender identity and remains the largest LGBTQ-inclusive expansion of workplace protections in American history.<sup>3</sup> According to the OFCCP’s own estimate, the protections of EO 11246 cover approximately one-fifth of all U.S. civilian employees.<sup>4</sup> The OFCCP is charged with enforcing these nondiscrimination protections



Getty/Charles Mostoller

A worker monitors a production line for a government contractor in North Carolina, January 2019.

by both proactively conducting compliance evaluations and investigating the discrimination complaints it receives.<sup>5</sup>

As opponents of LGBTQ equality have acknowledged, EO 13672 retains the religious exemption included in EO 11246.<sup>6</sup> Like the religious exemption in Title VII of the Civil Rights Act of 1964, this exemption allows certain religious contractors and subcontractors to hire employees who identify with a particular faith tradition.<sup>7</sup> EO 11246 made it explicitly clear, however, that those organizations would not be exempt from complying with other parts of the EO, namely the nondiscrimination provisions.<sup>8</sup>

At the time EO 13672 was announced, a diversity of faith leaders from more than 100 faith-based organizations publicly supported its extension of nondiscrimination protections to LGBTQ workers and explicitly opposed the inclusion of an additional religious exemption to the nondiscrimination protections.<sup>9</sup>

The overly broad definition in the Trump administration’s proposed rule covers any contractors “that are organized for a religious purpose, hold themselves out to the public as carrying out a religious purpose, and engage in exercise of religion consistent with, and in furtherance of, a religious purpose.”<sup>10</sup> This language allows virtually any organization wishing to engage in discriminatory behavior to claim a religious affiliation and therefore be granted an exemption. The rule even opens the door to allowing for-profit corporations to require their employees to conform to owners’ religious views—or risk termination if they do not. In short, the rule would serve a devastating blow to religious freedom in the name of protecting it. The OFCCP is attempting to shift its policy from a presumption that nondiscrimination protections must be enforced to a presumption that contractors are exempt from these protections. This alters the OFCCP’s mission from one to “protect workers, promote diversity and enforce the law” to one that protects certain employers from losing lucrative contracts if they engage in unlawful discrimination.<sup>11</sup>

## **The proposed rule would harm countless LGBTQ workers**

While the reach of the OFCCP’s proposal extends far beyond protections for LGBTQ employees of federal contractors, undermining protections based on sexual orientation and gender identity have been a clear objective among those advocating for changes to EO 11246. Weakening the protections afforded by the EO is of significant concern to LGBTQ communities, because employment discrimination remains a serious issue for that population. A 2017 nationally representative survey from the Harvard T.H. Chan School of Public Health found that 20 percent of LGBTQ adults have experienced discrimination because of their sexual orientation or gender identity when applying for jobs, while 22 percent of LGBTQ adults have experienced discrimination with respect to equal pay or promotion.<sup>12</sup> These rates are even higher among transgender people and LGBTQ people of color. The job instability and unemployment that such discrimination causes can have ripple effects on LGBTQ people’s health and well-being, including exacerbating the disproportionate rate of economic insecurity that LGBTQ people face and forcing LGBTQ people to either pay for expensive private health insurance plans or go uninsured.<sup>13</sup>

Despite the Equal Employment Opportunity Commission, as well as a growing number of federal courts, recognizing that protections against sex discrimination in Title VII protect LGBTQ workers, nearly half of the United States’ LGBTQ community still lives in a state with no explicit LGBTQ employment nondiscrimination laws.<sup>14</sup> The protections that EO 13672 provides have been particularly important for LGBTQ employees of federal contractors in these states. Any attempt to undermine these protections, such as through the inclusion of a harmful religious exemption, is likely to negatively affect a population that is already less comprehensively protected than their peers.

## **EO 13672 has not hindered faith-based organizations from contracting with the federal government**

When EO 13672 was first issued in 2014, nearly 160 leaders of and staff affiliated with 126 unique faith-based organizations signed on to a letter expressing opposition to the EO’s lack of a more expansive religious exemption and claimed that it would exclude faith-based organizations from contracting with the federal government.<sup>15</sup> To investigate the validity of these concerns, the authors of this issue brief analyzed publicly available contract award records for a subset of these entities. The authors recognize that the entities whose leaders and/or staff signed on to this letter were not the only organizations that raised objections to the EO’s expansion of protections for LGBTQ workers, but the letter received mentions in significant media outlets and provides a clear public statement and set of arguments that can be empirically tested.<sup>16</sup>

To conduct that test, the authors searched for the organizations on USAspending.gov<sup>17</sup> and in the Federal Procurement Data System (FPDS),<sup>18</sup> both of which provide information about federal contract awards. While the letter included the signatures of specific individuals, the authors limited their searches to whether a signatory's organization received contracts. The Methodology provides more information on how these searches were conducted and which organizations were ultimately included in the analysis.

Using these criteria, only 35 of the organizations appeared in the search results as ever having contracted with the federal government. In order to look at what effect the implementation of EO 13672 may have had on contract awards, the authors first reviewed records of entities that had received new contracts and at least one allocation under those contracts in the 12 months immediately before EO 13672 went into effect.<sup>19</sup> This narrowed the number of organizations for analysis to 11. The authors then looked at which of these 11 organizations received new contracts and at least one allocation under those contracts in the 12 months following the EO going into effect. Ten of the 11 organizations received new contracts and at least one allocation in the 12 months after EO 13672 went into effect. Further analysis of the organization that did not receive a new contract revealed that it has not received any new federal contracts since that time, even after the OFCCP released guidance in August 2018 that overstated the rights of "religion-exercising organizations and individuals."<sup>20</sup> Because that guidance can be seen as an early indicator of the OFCCP's willingness to interpret any religious exemptions in an overly broad manner, the remaining organization's lack of new contracts is likely due to a reason unrelated to the EO.

Focused on a subset of organizations whose employees publicly argued in favor of a new religious exemption targeting LGBTQ workers, this analysis indicates that among those entities that were federal contractors at the time that EO 13672 went into effect, all but one continued to receive new contracts and at least one allocation under those contracts in the 12 months following the EO. While it is not possible to assess whether the lone organization that has not received a new contract has ever attempted, but failed, to obtain one, the analysis provides no evidence for the claim that EO 13672 would systematically prohibit faith-based contractors from contracting with the federal government. Instead, the analysis suggests that the federal government is able to successfully contract with faith-based organizations while protecting people from discrimination.

## Conclusion

The OFCCP's proposed regulation, as well as its August 2018 guidance, are further attempts from the Trump administration to distort the original intentions of freedom of religion in order to attack the rights of LGBTQ and other workers—and even to undermine the freedom of religion itself. This proposed rule is unnecessary and would weaken protections for the millions of federal contractors currently protected from discrimination, including countless numbers of LGBTQ workers.

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# Methodology

The authors conducted searches on USAspending.gov and in the Federal Procurement Data System to determine the date of new contracts and at least one allocation made with certain faith-based organizations. To determine the organizations included in this analysis, the authors first looked at the signers of a letter submitted to President Obama on June 25, 2014, that advocated for a religious exemption to be added to EO 13672 and expressed concern that without this exemption, the EO would threaten faith-based contractors' ability to contract with the federal government. The letter was signed by leaders and staff affiliated with faith-based organizations of a diversity of faith traditions, and not all signers were signing on behalf of their affiliated organization. In total, the letter included 159 individual signatories affiliated with 126 unique organizations. The letter included a disclaimer that signatories' affiliations with universities were included for identification purposes only and that those signatories did not speak on behalf of their university. However, since this analysis was ultimately focused on whether the EO affected the federal contracting abilities of faith-based organizations, the authors looked at all the organizations, including universities, affiliated with one or more signers of the letter.

The authors conducted keyword searches for those 126 organizations on USAspending.gov and in the FPDS to determine which organizations had ever received a contract from the federal government. For signers from organizations that are structured as associations, such as the National Association of Evangelicals, the authors only explored whether the association itself was the recipient of a contract, not whether affiliates and members—which sometimes numbered in the several hundred or several thousand—were recipients.<sup>21</sup> When the search returned organizations whose name clearly indicated that they were a regional, state, or local affiliate of a parent organization the authors were searching, the authors included those organizations in the analysis as part of that parent organization. Organizations whose name was different or whose affiliate connection was uncertain were not included in the analysis; occasionally, the “Top 10: Vendor Full Name” search in the FPDS would return organization names that were similar to but did not quite match the names of searched organizations. As stated above, the search yielded 35 organizations.

To test the assertion that the EO would cause the loss of federal contracting opportunities, the authors narrowed the analysis to only include organizations that received contracts 12 months before the EO went into effect, from April 7, 2014, to April 7, 2015.<sup>22</sup> To make sure that only new contracts were being considered, the authors checked to see if an allocation under that contract in the relevant period had a modification number of zero, indicating that it was the first allocation under that contract. This process yielded a total of 11 organizations.

For those 11 organizations, the authors then conducted searches through both USAspending.gov and the FPDS to determine if they had received new contracts and at least one allocation under those contracts from April 8, 2015, to April 8, 2016—the 12 months after EO 13672 took effect. On USAspending.gov, the authors conducted an advanced search that filtered by the recipient name, or organization name, and contract type, which included contracts but excluded the other categories of federal spending via, such as for example, grants and loans. In the FPDS, the authors conducted a keyword search with the organization name and examined the results in the “Top 10: Vendor Full Name” box in order to see which results matched the organization name. Where more than one of the top 10 vendor names matched the organization that the authors were searching for, the results were aggregated. If a search returned no results, what appeared to be the core organization name used by obvious affiliates was searched as well.

Results were sorted by date, and allocations of certain contract types were counted—including those for delivery orders, purchase orders, definitive contracts, and indefinite delivery contracts but excluding grants and cooperative agreements. This process yielded 10 organizations that received new contracts and at least one allocation under those contracts in both the year before and the year after the EO went into effect. The authors searched the name of the remaining organization to assess whether it received any new contracts from April 7, 2015, to August 27, 2019. The authors identified no new contract awards.

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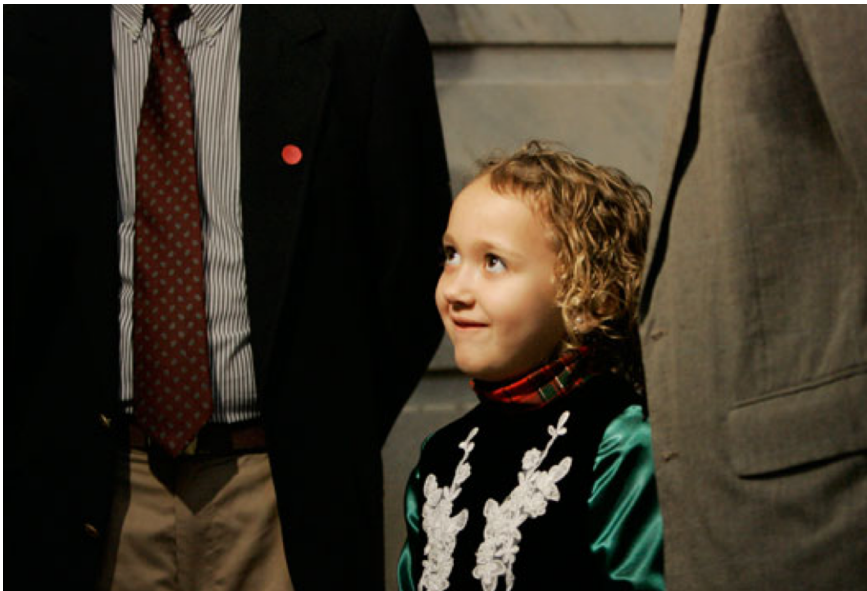


# Strengthening Child Welfare Systems by Resisting LGBT Discrimination

By Carolyn Davis and Hannah Hussey | June 3, 2015

On May 19, Sen. Kirsten Gillibrand (D-NY) introduced the [Every Child Deserves a Family Act](#), a federal measure designed to maximize the number of qualified parents available to the hundreds of thousands of children who currently live in the American foster care system. The law would prevent child welfare organizations that receive federal funds from discriminating against potential parents on the basis of sexual orientation, gender identity, or marital status.

The proposed legislation came not only during [National Foster Care Month](#) but also amid an increasing number of state-led efforts to permit discrimination on religious grounds in adoption and foster care proceedings. Currently, only [seven states](#) explicitly prohibit discrimination against lesbian, gay, bisexual, and transgender, or LGBT, foster parents, leaving individuals in other states vulnerable to unfair treatment by child welfare agencies. Most recently, Texas lawmakers successfully fought back three attempts by conservative state legislators to enact special protections for child welfare organizations that refuse to provide services to



AP/Ed Reinke

Seven-year-old Amber Harland-Bennett listens as her adoptive parents, Richard and Anthony Harland-Bennett speak with reporters during a rally in Frankfort, Kentucky, in February 2009

prospective foster or adoptive parents for religious reasons.

Similar religious exemption laws were proposed this year in [Michigan, Florida, and Alabama](#). For example, in April 2015, Florida state legislators [repealed](#) a 1977 Florida law that explicitly prohibited lesbian and gay people from adopting; but lawmakers quickly countered by introducing a religious-conscience protection [bill](#). While the newly proposed Florida bill made no direct mention of potential LGBT parents, it would have allowed religious organizations that receive public funds to discriminate at will in the adoption process.

Laws allowing adoption agencies that receive federal or state funding to discriminate based on religious beliefs use religion as a political weapon at the expense of children and youth who need permanent, loving homes. This group includes very young children, as well as youth who are older than 18 but still in the foster care system. These religious exemption bills come at a time when the number of children and youth in foster care is [increasing](#) for the first time in nearly a decade. As of 2013, there were [more than 400,000](#) children and youth in foster care. Approximately [102,000](#) of these children and youth were waiting for adoption; nearly one-third had been waiting for three or more years. Stability remains out of reach for too many youth, with [23,000](#) young people aging out of the foster care system or becoming otherwise emancipated in 2013 without having received a permanent home placement.

Laws allowing adoption agencies that receive federal or state funding to

Research indicates that lesbian, gay, and bisexual individuals represent an untapped pool of foster and adoptive parents for children and youth in need of stable families. Nearly [half](#) of LGB people who are currently without children would like to adopt someday; [46 percent](#) of lesbian and bisexual women have considered adoption at some point, compared with only [32 percent](#) of heterosexual women. Estimates suggest that there are at least [2 million](#) lesbian, gay, and bisexual individuals who have considered adopting a

child and an estimated 65,000 adopted children living with a gay or lesbian parent. [Studies overwhelmingly demonstrate](#) that these individuals are capable of parenting as effectively as their non-LGB peers and that children of gay and lesbian parents experience outcomes similar to those of the children of heterosexual parents.

Same-sex couples may also [be more likely](#) to foster youth with disabilities, who are often [harder to place](#). Legalizing discrimination against these potential parents denies homes to young people in need and unjustly prevents LGBT people from having the same opportunities to foster and adopt a child as their heterosexual peers. Furthermore, the challenges created by such discriminatory policies could discourage some from seeking to foster or adopt at all. With so many children in need of a stable home, child welfare agencies should not prevent any potential parents from adopting or fostering, much less those who are disproportionately willing to do so.

Popular acceptance of adoption by LGBT parents is high and continues to accelerate. More than [two-thirds](#) of Americans agree that same-sex couples and different-sex couples can be equally good parents. A [majority](#) of Americans—58 percent—support allowing gay and lesbian people to adopt. Moreover, even as lawmakers attempt to use religion to discriminate against LGBT parents, the majorities of many faith communities accept, nurture, and celebrate same-sex foster and adoptive parents. In the United States, 80 percent of Jews, 75 percent of religiously unaffiliated Americans, 68 percent of white mainline Protestants, and 61 percent of Catholics support adoption by same-sex parents.

The potential impact of state religious exemption laws could also extend further than anti-LGBT discrimination. For example, a [2007 analysis](#) found that 8 percent of foster children living with non-kin foster families were in the care of different-sex unmarried couples, and 3 percent of adopted children were living with different-sex unmarried couples. Child welfare agencies could use religious justifications to refuse to place children in similar family situations: with unmarried parents, in homes led by a grandmother with a live-in companion, or with an unmarried or cohabitating relative of deceased parents. Anyone who practices a different faith from that of the child welfare agency or who is in an interfaith relationship could be deemed an unsuitable parent. This concern is not merely theoretical; the recently proposed Texas law could also have allowed discrimination on religious grounds against foster parents based on their [attitudes toward contraception](#).

Foster children and youth and their potential parents need compassionate, empowering, and just policies to form permanent, loving homes. Discriminating against LGBT parents under the guise of religious freedom compromises these values while leaving already struggling young people even more vulnerable. So far this year, all efforts to enact LGBT discrimination policies against potential adoptive parents at the state level have failed. However, the push for religious exemptions can be expected to continue in state legislatures. The tactic subtly carves out room for discrimination without the need for explicit anti-LGBT language, increasing the likelihood that these bills can pass through the legislative process unnoticed by the public.

By rejecting these religious exemption laws, states can demonstrate renewed support for the freedom of LGBT parents to create families and parent with dignity while providing stable, permanent homes for the children and youth who most need them. At the same time, supporting federal laws such as the Every Child Deserves a Family Act can counter state-led efforts at discrimination—maximizing the chance that all children and youth can and loving, qualified parents and caregivers.

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*For full access to citations, see:*

<https://www.americanprogress.org/issues/religion/news/2019/02/05/465814/reclaiming-religious-freedom/>





# Welcoming All Families in Michigan

*The following contains excerpts from CAP's Welcoming All Families report, which can be found in full with citations here: <https://www.americanprogress.org/issues/lgbt/reports/2018/11/20/461199/welcoming-all-families/>*

Welcoming All Families explores the current legal landscape of protections for LGBTQ foster and adoptive parents, including state and federal attempts to secure harmful religious exemptions through legislation and litigation. Next, the report considers the impacts of religious exemptions on overburdened child welfare systems, using data on federal funding for foster care and adoption to examine the economic costs of being unable to find permanent homes for children. The authors also use case studies of two states—Michigan and Texas—to assess the potential negative impact of these laws on LGBTQ people's ability to become foster or adoptive parents. The report concludes with recommendations on how to best eliminate discrimination against LGBTQ prospective foster and adoptive parents.

Case study analyses revealed that secular agencies in Michigan were more likely to have posted sexual orientation- and/or gender identity-inclusive nondiscrimination policies on their websites, something that faith-based agencies were less likely to do. The analyses also highlighted how few agencies have posted nondiscrimination policies on their websites generally, much less ones inclusive of sexual orientation and gender identity. In addition, the locations and geographic concentrations of welcoming versus unwelcoming agencies indicates that accessing explicitly LGBTQ-inclusive child welfare services is likely to be challenging for families in these two states. Finally, available data analyzed for this report suggest that federal taxpayers could save hundreds of millions of dollars during the eight years it would otherwise take for a 10-year-old in care to age out of the system if child welfare agencies were able to increase their adoption rates by expanding their pool of prospective parents.

This report illuminates a confusing and difficult landscape for LGBTQ people who wish to foster or adopt. In states with religious exemption laws, taxpayers are shouldering costs that could be lessened were child welfare agencies to ensure that their pool of prospective parents included all qualified families, regardless of parents' sexual orientation or gender identity. State governments must enact nondiscrimination laws for prospective foster and adoptive parents that are inclusive of sexual orientation and gender identity, and states with religious exemptions for child placing agencies must repeal them.

In a legal sense, many LGBTQ people interacting with child placing agencies are often treated like second-class citizens. In too many states, LGBTQ prospective parents and LGBTQ youth in foster care lack nondiscrimination protections. Several states without nondiscrimination protections have even pre-emptively enacted religious exemptions in anticipation of having to comply with nonexistent nondiscrimination protections. These exemptions are even more damaging, as they give official governmental approval to discrimination. Meanwhile, the courts are debating if LGBTQ people can be refused service.<sup>20</sup> And the fact that the legal landscape of child welfare is unwelcoming to the LGBTQ community likely leads to decreased engagement in fostering and adoption than would otherwise occur.

## **Nondiscrimination protections for LGBTQ foster youth**

Studies have found that between 19 percent and 23 percent of youth in the U.S. foster care system identify as LGBTQ, meaning that LGBTQ youth are overrepresented in the foster care system by at least a factor of two.<sup>21</sup> Abuse, rejection by their families, and discrimination all contribute to this overrepresentation.<sup>22</sup>

LGBTQ youth in foster care generally have more nondiscrimination protections than LGBTQ prospective parents. However, 13 states still lack explicit nondiscrimination protections for LGBTQ foster youth.<sup>23</sup> There are 37 states, including Michigan, that provide protections for youth in the child welfare system through laws, regulations, or agency policies.<sup>24</sup> Three states with nondiscrimination protections have issued explicit guidance to agencies to house transgender youth according to their gender

identity.<sup>25</sup> Nine states with nondiscrimination protections require child welfare agency staff and/or foster parents to undergo LGBTQ-inclusive cultural competency training.<sup>26</sup>

While these protections are crucial to ensuring that LGBTQ youth are treated fairly in the U.S. child welfare system, not all states offer them. LGBTQ foster youth continue to report mistreatment and discrimination at twice the rate of their non-LGBTQ peers.<sup>27</sup>

## **Nondiscrimination protections for LGBTQ prospective parents**

Although same-sex parents are no longer banned from fostering or adopting, they are still largely unprotected from discrimination as they seek to become foster or adoptive parents. The vast majority of states—42—lack laws or policies that explicitly protect LGBTQ people from discrimination in the foster system.<sup>29</sup> Among the eight states that have affirmative nondiscrimination protections for foster parents, five states protect prospective parents from discrimination based on sexual orientation, while three states and Washington, D.C., protect against discrimination on the basis of both sexual orientation and gender identity.<sup>30</sup> Forty-three states, meanwhile, lack explicit laws protecting LGBTQ prospective parents from discrimination in adoption. Seven states protect parents from such discrimination on the basis of sexual orientation, while only three states and Washington, D.C., protect parents on the basis of both sexual orientation and gender identity.

Admittedly, there is some complexity<sup>31</sup> in how states are or are not counted as having protections. Some states not counted in the categories above, such as Connecticut, still protect prospective parents through a broad LGBTQ nondiscrimination law, even if it lacks a specific law that protects against discrimination in child welfare.<sup>32</sup> The several states that have protections on the basis of sex could also offer some protection to LGBTQ prospective parents, and youth in care, as courts increasingly interpret sex to include gender identity and sexual orientation.<sup>33</sup> Yet, while these laws are undoubtedly a marker of progress, explicit nondiscrimination protections enumerating sexual orientation and gender identity as protected classes are still necessary in order to protect everyone and to instruct those enforcing the law on exactly how and when to do so.<sup>34</sup>

## **Religious exemptions for child placing agencies provide license to discriminate**

In the courts, in state legislatures, and at the federal level, anti-equality activists are pushing for laws and policies that would allow child welfare providers to opt out of working with LGBTQ prospective parents—and even out of providing affirming care to LGBTQ youth—under the guise of religious liberty. As noted above, more than 40 states currently lack explicit nondiscrimination protections that cover sexual orientation and gender identity for prospective foster or adoptive parents; 10 of these states provide religiously affiliated child welfare agencies with a license to discriminate against LGBTQ prospective parents and, sometimes, children in their care. These states are: Alabama, Kansas, Michigan, Mississippi, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, and Virginia.<sup>36</sup> While the first of these laws was passed in North Dakota in 2003, they have been gaining momentum in recent years: Two were passed from 2015 through 2016, three in 2017, and three in 2018.<sup>37</sup>

These laws vary in whether they cover discrimination on the basis of both moral beliefs and religious beliefs, as well as in how they define the burden for proving a sincerely held religious belief. They also vary in whether they explicitly allow agencies to refuse to refer LGBTQ prospective parents to another agency and in whether they allow discrimination against LGBTQ prospective parents or against both parents and LGBTQ youth in care. Laws that allow child welfare agencies to discriminate against children based on the agency's religious views may enable a foster parent to force an LGBTQ youth to undergo conversion therapy, a widely discredited and harmful practice that seeks to change an individual's sexual orientation or gender identity.<sup>38</sup>

In South Carolina, the license to discriminate is also enshrined in an executive order. In March 2018, four months before the state passed a religious exemption law for child placing agencies, the governor signed an executive order that prohibits the state's Department of Social Services from denying licenses to religiously affiliated child placing agencies that engage in discrimination on the basis of their religious beliefs. The state is also requesting that the U.S. Department of Health and Human Services (HHS)

provide it an exemption from the federal HHS regulation governing the granting of federal funds, which forbids discrimination on the basis of, among other things, religion, sexual orientation, and gender identity.<sup>39</sup> With this request, South Carolina is not only seeking to allow discrimination against LGBTQ parents, but also to allow agencies, such as Miracle Hill, to discriminate against people who have different religious beliefs.<sup>40</sup> If the HHS grants this exemption, it would set a dangerous precedent—and would underscore that the true purpose of so-called religious exemptions is to protect certain religious beliefs, not the rights of people of all religions.

Miracle Hill, the largest provider of foster families in South Carolina, made headlines this year for turning away a Jewish couple. Beth Lesser and her husband have a decade of experience as foster parents, and yet Miracle Hill refused to work with them because they are not Christian. It instead referred them to a different agency. In an interview on her experience, Beth said, “To say we can go somewhere else is like saying you can’t use this state-funded hospital, but you can go to the one down the street.”<sup>41</sup> Other states’ religious exemption laws could also be read as allowing religious discrimination,<sup>42</sup> even though doing so runs afoul of federal law and likely the U.S. Constitution.<sup>43</sup>

At the federal level, some members of Congress have introduced similarly broad licenses to discriminate against parents and children. The Child Welfare Provider Inclusion Act, introduced by U.S. Sen. Mike Enzi (R-WY) and U.S. Rep. Mike Kelly (R-PA) in April 2017 and still pending in the House Committee on Ways and Means Subcommittee on Human Resources, would prevent the federal government, as well as state and local governments that receive federal funding, from taking any adverse action against child welfare agencies that discriminate on the basis of their religious beliefs or moral convictions.<sup>44</sup> In July 2018, U.S. Rep. Robert Aderholt (R-AL) introduced the Aderholt amendment to the fiscal year 2019 appropriations bill for the departments of Labor, HHS, Education, and Defense.<sup>45</sup> The amendment, which was ultimately dropped from the final version of the law, would have cut federal child welfare funding by 15 percent for states that require their child placing agencies to not discriminate against prospective foster and adoptive parents or youth in foster care. Under this amendment, child placing agencies would have been explicitly allowed to decline to provide services based on their moral or religious beliefs.<sup>46</sup> This undoubtedly would have led to agencies turning away LGBTQ prospective parents—meaning fewer families for youth in care.<sup>47</sup>

## In Michigan:

Michigan is one of the 10 states with laws that explicitly allow child welfare providers to turn away qualified prospective parents if working with them would conflict with agency leaders’ religious beliefs. These states also exemplify the capacity problem of child welfare agencies across the nation, highlighting the concern of limiting the pool of qualified parents through use of religious exemptions.

Michigan’s total number of beds available to children in foster care has decreased about 21 percent, from 16,181 in fiscal year 2012 to 12,861 in fiscal year 2017.<sup>87</sup> The number of licensed Michigan foster homes has decreased 14 percent, from 7,062 on September 30 of fiscal year 2012 to 6,079 on September 30 of fiscal year 2016.<sup>88</sup> At the end of fiscal year 2016, Michigan retained only 68 percent of the licensed foster homes it had at the beginning of the fiscal year.<sup>89</sup>

In Michigan the percentage of children who spend two or more years in foster care is above the national average. Nationwide, 28 percent of youth had been in foster care for two or more years in fiscal year 2016.<sup>90</sup> In that same period, 52 percent of Michigan youth had been in care for two or more years.<sup>91</sup>

Michigan has had a religious exemption law for child placing agencies since 2015.<sup>92</sup> It is sweeping in scope, allowing agencies to turn away not only prospective parents to whom they religiously object but also children against whom they hold these objections.<sup>93</sup> Michigan is also lacking statutory nondiscrimination protections for prospective parents who identify as LGBTQ.

To more fully understand the risks associated with these laws, the authors conducted case studies of Texas and Michigan. Data were collected from publicly available child placing agency websites.

## Analysis of agency websites

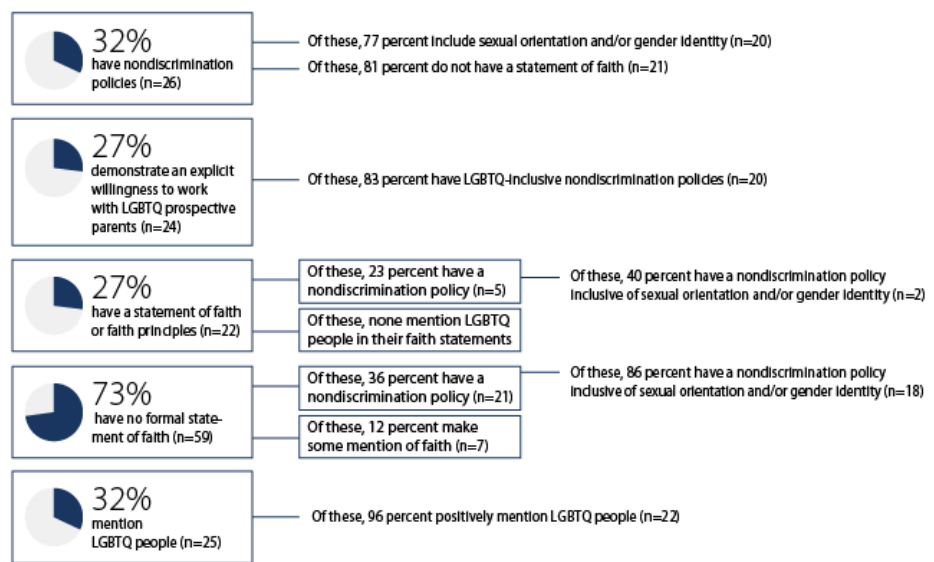
While the state law in Michigan allows for discrimination against prospective parents who identify as LGBTQ, individual agencies have taken steps to indicate their willingness to work with LGBTQ people, including having a sexual orientation- and/or gender identity-inclusive nondiscrimination policy posted on their website. And although some agencies may publicly identify themselves as being faith-based or adhering to certain religious principles, they may also have inclusive policies. As many prospective foster and adoptive parents likely use websites to identify agencies with which they would like to work, the authors undertook an analysis of available websites for agencies in Michigan in order to ascertain what information is publicly available about the agencies' nondiscrimination policies, as well as available signs of LGBTQ inclusion and statements of faith.

Michigan has 88 unique entities currently operating and licensed by the state to provide foster or adoption services, 81 of which had websites available for analysis. Agencies that were under the Michigan Department of Health and Human Services and utilized the same website were counted as one agency. Among agencies with websites, 32 percent had nondiscrimination policies available online, and 77 percent of these policies included sexual orientation and/or gender identity.<sup>100</sup> A formal statement of faith or set of faith principles was posted on 27 percent of agency websites. None of those statements included a mention of sexual orientation and/or gender identity. An additional 12 percent of agencies made some mention of faith on their websites that did not amount to a formal statement. In comparison, 32 percent of websites overall mentioned LGBTQ people and nearly all of those mentions—96 percent—were positive.

FIGURE 2

### Website analysis of child placing agencies in Michigan

Data on nondiscrimination policies, statements of faith or faith principles, and inclusion of sexual orientation and/or gender identity in nondiscrimination policies based on Michigan agency websites



Note: This Center for American Progress analysis is based on the 81 of 88 agencies that are currently operating in and licensed by the state of Michigan and have a website.

Source: See Methodology in Frank J. Bewkes and others, "Welcoming All Families: Discrimination Against LGBTQ Foster and Adoptive Parents Hurts Children" (Washington: Center for American Progress, 2018), available at <https://www.americanprogress.org/?p=461199>.



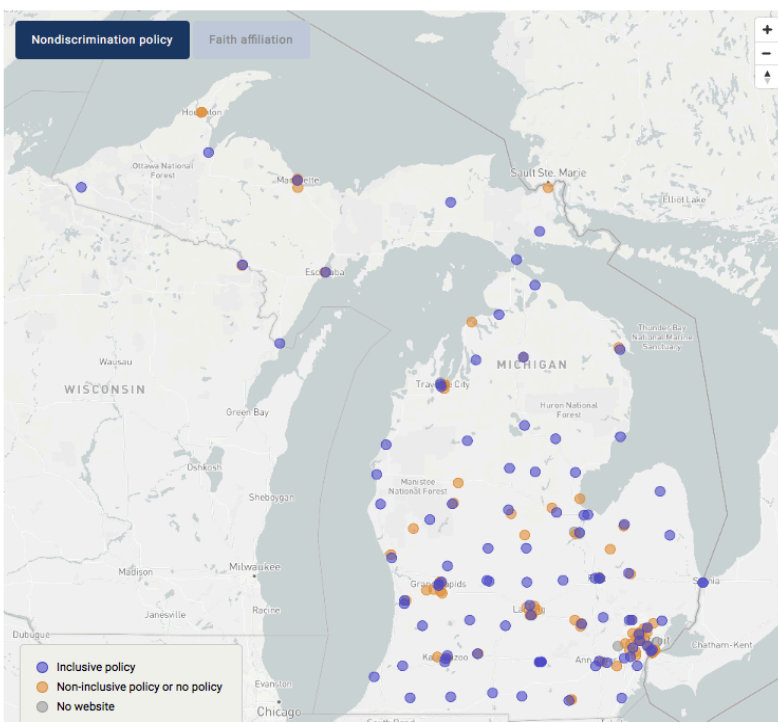
Only 27 percent of Michigan agency websites stated the agencies' explicit willingness to work with LGBTQ prospective parents through either a nondiscrimination policy inclusive of sexual orientation and/or gender identity or positive mentions of sexual orientation and/or gender identity. More than one-third, or 36 percent, of agencies in Michigan without a statement of faith had a nondiscrimination policy available on their website, and 86 percent of those agencies had a policy inclusive of sexual orientation and/or gender identity. All told, among agencies that posted a nondiscrimination policy, 81 percent did not have a statement of faith. In comparison, 23 percent of agencies with a statement of faith had a nondiscrimination policy of any kind available on their website, and 40 percent of those agencies had a nondiscrimination policy that was inclusive of sexual orientation and/or gender identity.

## Overall conclusions from the website analyses

**Note:** This Center for American Progress analysis is based on the websites of agencies currently operating in and licensed by the state of Michigan. **Source:** See Methodology in Frank J. Bewkes and others, "Welcoming All Families: Discrimination Against LGBTQ Foster and Adoptive Parents Hurts Children" (Washington: Center for American Progress, 2018), <https://www.americanprogress.org/?p=461199>.

Reviewing the combined website data, the number of agencies with nondiscrimination policies on their websites is relatively low, and only a portion of these policies are inclusive of sexual orientation and/or gender identity. There is a clear association between an agency website having a nondiscrimination policy and being secular. In Michigan, the overall number of agency websites with features indicating that the agencies are welcoming to LGBTQ prospective parents was low: Less than a third of all agency websites had these features. Given this landscape, and the religious exemptions and lack of legal protections in both states, prospective parent may understandably become discouraged about finding a welcoming agency and choose to abandon their efforts.

**Nondiscrimination policies posted online by child placing agencies in Michigan**  
Data on whether Michigan agency websites contain a nondiscrimination policy that includes sexual orientation and/or gender identity



## Access to LGBTQ-inclusive services and protections by geographic region

Website data indicate wide variation across Michigan in the ability of an LGBTQ person or same-sex couple to access child welfare services that are more likely to be welcoming and offer inclusive nondiscrimination protections. To explore the issue of access further, analyses were conducted to look at the concentration of LGBTQ-inclusive or potentially noninclusive agencies by geographic region. In designating an agency as welcoming or unwelcoming, the authors assumed that the information an agency posts on its website is more likely to be the official policy. Websites represent a main entry point for how prospective parents can evaluate whether an agency is one that would work with them.

The analysis of Michigan's agencies spanned 68 counties, or 82 percent of counties in the state. In two of these counties, the analysis found that 100 percent of agencies have at least a mention of faith on their website or make available a statement of faith or religious principles. In 17 counties, at least 50 percent of agencies have these formal or informal indicators of being faith-based. Sixty-five counties include agencies with nondiscrimination policies that include sexual orientation and gender identity on their websites, and seven of these counties also have agencies with only sexual orientation nondiscrimination protections. Among the counties with agencies that mention LGBTQ people or sexual orientation and gender identity at all, 99 percent of them refer to LGBTQ people positively.

## Recommendations

Below are some steps that the federal government, state governments, and state licensed child placing agencies can take to ensure that pools of qualified prospective parents include those who are LGBTQ.

## Enact nondiscrimination protections for LGBTQ prospective parents and repeal religious exemptions for child placing agencies

In the absence of federal protection and given the lack of protections in the vast majority of states, the landscape looks bleak for prospective LGBTQ parents. State legislatures should pass into law explicit nondiscrimination protections for LGBTQ prospective parents—both adoptive and foster. Enactment and rollout of these protections should include trainings for child placing agencies on how to be welcoming to all prospective parents, including those who are LGBTQ. Nondiscrimination protections will likely increase LGBTQ engagement with adoption and fostering, leading to more families for youth in care.

Religious exemptions for child placing agencies, on the other hand, are counterproductive to the rights of LGBTQ prospective parents as well as the interests of the nearly half-million youth currently in foster care. They must be repealed in the 10 states with such explicit exemption laws.

At the federal level, Congress should enact a law, such as the Every Child Deserves a Family Act,<sup>103</sup> that explicitly prohibits state-licensed child placing agencies that receive federal funding, or that contract with those that do, from discriminating against or turning away qualified LGBTQ prospective foster or adoptive parents.

### Agencies that welcome all families need to make their policies explicit

To eliminate any ambiguity or confusion, agencies that are welcoming to LGBTQ prospective foster and adoptive parents should explicitly advertise themselves as such. This will likely increase LGBTQ prospective parents' engagement with fostering and adoption. From the case studies above, it appears that many more agencies either need to adopt nondiscrimination policies that are inclusive of sexual orientation and gender identity or need to post their existing policy on their website. The need to post existing policies online is especially true for agencies that are welcoming to LGBTQ prospective parents. Given the increasing number of states with religious exemptions for child placing agencies, the default assumption of some LGBTQ parents may be that an agency is not welcoming, especially if that agency is faith-based. Indeed, the case studies showed that faith-based child welfare agencies are less likely than secular agencies to have an inclusive nondiscrimination policy on their websites. This does not necessarily mean that they are unwelcoming, but it likely sparks doubt for some prospective parents who might then avoid such agencies—an unfortunate possible result. While the number of faith-based agencies that are welcoming should certainly increase, those that already are welcoming should be celebrated. Samaritas, for example, is a Lutheran child placing agency “dedicated to helping those in need regardless of ... sexual orientation” and meeting “spiritual needs” through its programs.<sup>104</sup>

Furthermore, the number of agencies with posted sexual orientation- and gender identity-inclusive nondiscrimination policies is low overall, as is the number of explicitly welcoming agency websites. This lack of welcoming policies and messages likely discourages some LGBTQ prospective parents and might lead them to believe they will experience discrimination.

### Encourage more recruitment of and outreach to all prospective parents

State departments of children and families and the child placing agencies they license should increase their foster and adoptive family recruitment efforts, including within the LGBTQ community. The HHS' periodic review of state child welfare systems found that the “Diligent Recruitment of Foster and Adoptive Homes” in 32 states “Needs Improvement.”<sup>105</sup> Given the current stresses on states' child welfare systems, this is unacceptable. Increasing outreach and recruitment in the LGBTQ community, especially given its disproportionate engagement in adoption and fostering, would be a step in the right direction.

*You can find the full report on the CAP website:*

<https://www.americanprogress.org/issues/lgbt/reports/2018/11/20/461199/welcoming-all-families/>



# People of Faith Support LGBTQ Equality in a Philadelphia Child Welfare Case

By Emily London | November 1, 2018

Across the United States, children are being denied loving, safe homes because some faith-based child welfare agencies are turning away eligible LGBTQ adoptive and foster parents. Over the past two years, [seven states](#) have passed laws that allow taxpayer-funded child welfare programs to refuse to work with LGBTQ prospective parents if they assert a religious reason for the refusal. An attempt to codify the ability to discriminate at the federal level took place this year with a proposed [amendment](#) to the must-pass fiscal year 2019 appropriations bill. Although it ultimately was [shut down](#) in a final vote, the amendment would have prohibited states from denying federal funding to child welfare services that do not serve LGBTQ clients. It also could have opened the door to [further discrimination](#) regarding sexual orientation, gender identity, religion, and marital status.

Discrimination in child welfare agencies has resurfaced recently in the Philadelphia courts. In *Fulton v. City of Philadelphia*, Catholic Social Services and four of its foster parents have [sued](#) the city of Philadelphia for ceasing to refer children to Catholic Social Services' agencies because the organization would not license same-sex couples to be foster parents. Numerous faith leaders and religious organizations recently submitted a friend-of-the-court [brief](#), arguing that child welfare providers, including those that are faith-based, must comply with nondiscrimination laws and cannot discriminate against LGBTQ individuals. This brief provides clear evidence that LGBTQ equality does not run counter to theological principles; rather, it flows directly from religious values and beliefs.

## Religious leaders and organizations from diverse faiths affirm LGBTQ rights

Fourteen organizations, seven of which serve at least 3 million individuals in the United States, along with 34 individual faith leaders from Pennsylvania, New Jersey, and Delaware, led the brief.\* They come from a wide range of religions, including Christianity, Judaism, Islam, Mormonism, Unitarian Universalism, and Quakerism, and state that their diverse faith backgrounds inspire them to treat all people equally. This tenet is core to the three Abrahamic faiths—[Christianity](#), [Judaism](#), and [Islam](#)—as well as other faith traditions. The organizations included serve diverse groupings of people of faith, such as umbrella organizations of [clergy](#) and LGBTQ-focused [religious groups](#). In the brief, the filers assert that respect for the dignity of LGBTQ individuals is a widely held, mainstream belief of many people of faith, even among those who come from more traditionally conservative religious backgrounds.



Getty/Scott J. Ferrell  
A reverend of a Unitarian Universalist church in Massachusetts leads a song with other participants rallying in support of the DREAM Act. Unitarian Universalist leaders are just some of the people and organizations of faith who have signed on to support LGBTQ equality in a Philadelphia child welfare case.

## Civil nondiscrimination and the protection of religious beliefs are not mutually exclusive

The filers reject the notion that all people of faith and all religions oppose LGBTQ equality, calling it “a false dichotomy.” In addition, they note that while differing views on LGBTQ people and same-sex relationships coexist in the religious community, LGBTQ people should not be subjected to discrimination in public spaces. When it comes to ensuring First Amendment rights, they argue that preventing all forms of discrimination in the public sphere is necessary: “Affirmance in this case will not constitute an attack on religion ... Rather, affirmance will recognize that the religious pluralism woven into the fabric of American law, culture, and society requires that all, regardless of faith, are entitled to equal treatment under the law.” Ultimately, they assert that “it is both morally correct and constitutionally permissible” to instruct child welfare agencies to comply with nondiscrimination legal and moral obligations.

## Acceptance of LGBTQ individuals is grounded in theology and moral values

The filers are motivated by their theological and moral values to accept LGBTQ individuals. They note that even though “marriage has a spiritual significance to the point of being sacred” for many people of faith, one’s attitudes toward LGBTQ couples should be informed by respect for “the common humanity of all persons.” In other words, they argue that theologically based values on marriage should not permit discrimination in public spaces, including in child welfare services. They propose that their theological and moral beliefs call them to acknowledge the separation of church and state while also acting with respect for all people.

Specifically, the filers note that religious leaders and institutions have balanced theological values on marriage and moral values of equality while still fostering safe, open, and arming spaces for LGBTQ individuals. For example, they note that LGBTQ people have been appointed to clergy and other leadership positions in many different faiths, that the relationships and children of LGBTQ people have been religiously armed, and that blessings and rites have been extended to same-sex unions. The lers suggest that calling for the equal treatment of all individuals can be a form of living out one’s religious and moral beliefs.

## Conclusion

In submitting this brief in the Philadelphia case, these religious organizations and individuals have stated clearly that they reject the use of religious liberty as a license to discriminate against LGBTQ individuals. As the misuse of religious exemptions continues to threaten vulnerable communities more broadly—including LGBTQ individuals, people of color, women, and religious minorities—in areas such as [health care](#) and [public school systems](#), progressive voices of faith play an important role in articulating how religious beliefs and values call people to recognize the importance of civil nondiscrimination rights.

\* The number of organizations refers to the number of umbrella organizations mentioned in the brief, not each individual branch. The estimate of more than 3 million individuals served was calculated based on summing the numbers provided in the brief by 7 of the 14 organizations about how many people they serve. This is a conservative estimate, as the organizations as a whole likely serve even more people. The 34 individual faith leaders were counted from the brief.

*Emily London is a research assistant for the Faith and Progressive Policy Initiative at the Center for American Progress.*

For full access to citations, see: <https://www.americanprogress.org/issues/religion/news/2018/11/01/460283/people-faith-support-lgbtq-equality-philadelphia-child-welfare-case/>





## Faith Values-Focused Talking Points on LGBTQ Nondiscrimination

### **We believe that human beings are created in the image of God and according to Divine Will.**

- For example: “As a Christian, my faith teaches me that every single human being is made in the image of God, and therefore discrimination is not only a sin against your neighbor, but it is also a sin against God.”  
- Rev. Dr. Serene Jones, Union Theological Seminary

### **We have an obligation to heal the whole world, and that starts by embracing LGBTQ people within our own communities. We refuse to be complicit in attempts to use religion to marginalize these individuals.**

- For example: “When we exclude anyone from our community, we lessen the potential we have to make the world more whole.”  
- Rabbi Peter S. Berg, The Temple, Atlanta, Georgia
- For example: “In every age, Christians are called to stop and assess our complicity in marginalizing those we consider to be other. Today, in this age, we have a chance to undo centuries of dehumanization and denial of full citizenship to members of the LGBT community in the U.S. We exhibit the compassion and profound love inherent to all faiths by supporting measures fighting discrimination.” - Frederick A. Davie, Union Theological Seminary

### **God is compassionate and just. Joining God in this work of compassion and justice goes to the very core of our religious traditions.**

- For example: “When any one of us is denied our full rights as a human being, no human being is safe. And as long as religion is used to permit this—as it did slavery, segregation and women—religion itself has failed. The God who made us all loves us all and wants us all to be able to live free and full everywhere.”  
- Joan Chittister, Order of Saint Benedict, St. Scholastica Priory, Erie, Pennsylvania

### **The freedom and rights of everyone are deeply held American values. Nondiscrimination protections for LGBTQ people fall squarely among the many civil and human rights that we treasure and seek to uphold. We believe in liberty and justice for all.**

- For example: “As Americans, we have a duty to protect religious freedom for all people and we have laws that do just this. Just as resolutely, we must protect the core Constitutional principles of freedom, equality and protection for all. That is exactly why we need a federal law protecting LGBT Americans from discrimination—a reality we are all too familiar with here in the South—and why this legislation does not infringe upon religious freedom in any way at all.”  
- Rev. Jasmine Beach-Ferrara, Campaign for Southern Equality

### **Many of us see parallels between the discrimination that LGBTQ people face and the discrimination that we have witnessed on the basis of race.**

- For example: “I was eleven years old when the Supreme Court ruled in favor of interracial marriage (in 1967). It’s hard to believe that many religious leaders, Bibles in hand, opposed the Supreme Court’s decision back then, and that discrimination against interracial couples in housing and other sectors continued for decades. I don’t want us to repeat those mistakes with our LGBT brothers and sisters. That’s why, as a committed Christian, I oppose discrimination against anyone, and that’s why I support legislation that promotes equality.” - Brian McLaren, author, speaker, activist, and public theologian

### **We deeply value the American ideal of religious freedom and believe that it does not provide license to discriminate.**

- For example: “Congress needs to re-affirm the American ideal that religious freedom doesn’t give people license to discriminate but protects the ability of people to worship—or not worship—without government interference. True religious liberty stands in opposition to intolerance.” - Rev. Dr. Chuck Currie, Pacific University
- For example: “Our legal tradition is clear: we should never turn our precious First Amendment guarantee of religious freedom into a warrant for discrimination.” - Very Rev. Gary Hall, 10<sup>th</sup> dean of Washington National Cathedral

# Talking Points on LGBTQ-Inclusive Nondiscrimination

## Overall narrative suggestions:

- Underline that discrimination is real: We want people to understand the many ways that the LGBTQ community currently experiences harm due to their gender identity or sexual orientation. These examples should be real and specific. You can discuss the ways that discrimination, or even the fear of discrimination, has affected a personal choice of how or where to live, shop, work, seek medical care, or generally be present in public life. We want legislators to understand that discrimination exists, even in ‘friendly’ environments, and can take many forms.
- Keep it personal: It’s powerful to share the ways in which discrimination carries a personal and emotional weight for LGBTQ individuals and their family members. We want to ensure people understand the pain of unequal treatment and the urgency in updating these policies.
- Stick to stories and values: We are not discussing specific pieces of legislation or technical policy language. The objective of the meeting is to ensure the legislator understands the issues and is aware of the support across the community for increasing protections.

## General talking points:

- LGBTQ people are our neighbors, co-workers, friends, and family. When it comes to being able to earn a living, having a place to live, or being served by a business or government office, they should be treated like anyone else and not be discriminated against.
- Protecting people from discrimination, including our LGBTQ neighbors, is about treating others as we want to be treated. Even though we may have different beliefs, what’s most important is focusing on what we have in common: taking pride in our work, respecting our neighbors, and giving back to our communities.
- Thousands of LGBTQ people every year face discrimination in employment, housing, and public spaces—and in most states, there are no explicit state-level protections prohibiting this discrimination.
- We’ve seen positive steps forward across the country, including bipartisan action from state legislators, governors, and other leaders. LGBTQ protections are a bipartisan issue.

## Talking points for faith leaders:

- We can all agree that freedom of religion is of utmost importance in our country. That’s why it’s already strongly protected by the U.S. Constitution. That freedom doesn’t mean imposing our religious beliefs onto others.
- We must strive to build welcoming, inclusive spaces, including in our places of work and worship.
- Many faith leaders nationwide are called to support LGBTQ freedom and dignity because of our faith, not in spite of it. We are all God’s children, and no one should face discrimination simply because of who they are or who they love.
- In general, speak to the ways your faith informs your support: Sharing the ways your faith perspective informs your support for the LGBTQ community can be very unexpected and powerful. We encourage you to share the values within your faith tradition that call you to support and speak out on this issue.

## Talking points for libertarian lawmakers:

- LGBTQ-inclusive nondiscrimination protections aren't anything new. They are simply about updating laws that we already have on the books to include LGBTQ Americans.
- In the 20 states and more than 200 towns that have these protections, we have seen no increase in frivolous lawsuits or concerns from employers.
- Clarifying the law to set a clear, uniform standard mitigates risk for everyone. It puts the law in simple black-and-white terms to avoid the confusion and ambiguity that leads to litigation.
- That's why leading business voices that want less government red tape are publicly calling for this update. And why Forbes includes this issue in their Best States for Business rankings.

## Talking points for conservative lawmakers:

- Conservatives believe that every American should have the freedom to work hard, earn a decent living, and be able to provide for their families. Those aren't just conservative values—they are American values.
- The golden rule teaches us to treat others the way we want to be treated. That's why I support freedom and opportunity for all of my fellow Americans, including my LGBTQ neighbors and their families.
- Business leaders across the nation agree that discrimination is bad for business. Our economy—and our nation—is at its best when all people are free to work hard and prosper in their daily lives. Job creators seek states and communities that are welcoming to everyone, including their families, employees, and customers.
- Nondiscrimination fosters new investments and enables businesses to attract and retain top talent, positioning our nation as open for business to all.



# Talking Points on Freedom of Religion and LGBTQ Nondiscrimination Protections

**Top line:** The United States has a long and important history of upholding freedom of religion. That right includes the freedom to worship and practice one's faith, but it does not and should not include the right to use religion as a weapon to discriminate against or cause harm to others. For the last half-century, we have had a nationwide legal framework to combat forms of discrimination at the local, state, and federal levels; LGBTQ people and their families are merely asking to be included in existing laws to ensure that all people are treated fairly in their daily life.

## **Businesses that open their doors to the public should treat all people, including LGBTQ people, equally and fairly.**

- Americans hold diverse religious beliefs about a wide range of issues, including LGBTQ identities. All Americans remain free to believe as they choose, but businesses and organizations that are open to the public need to follow the laws of the land, including nondiscrimination laws.
- No person should be turned away from renting an apartment or purchasing a cake because they do not meet an individual business owner's test of morality. LGBTQ people and their families deserve the same protections from discrimination afforded to other Americans when applying for a job, securing housing, or purchasing the goods and services that we all need to live and thrive.

## **Freedom of religion and nondiscrimination protections are compatible, not contradictory, values.**

- Freedom of religion is well protected in this country. From the First Amendment to existing religious exemptions in the Civil Rights Act and Fair Housing Act, the rights of equal access and religious freedom have [coexisted](#) within our laws for decades. Including LGBTQ people in our existing nondiscrimination laws does not disrupt this historic balance.
- Indeed, states with LGBTQ-inclusive nondiscrimination protections, such as Nevada, Iowa, and Maine, have not seen a loss of religious freedom because of these laws.
- Additionally, nondiscrimination protections for people of faith have been integral to ensuring Americans of all religious backgrounds can fully participate in society. Adding sexual orientation and gender identity to these laws would allow LGBTQ Americans to be treated the same as everyone else.

## **Clergy will always be able to preach and practice their religious beliefs as they see fit.**

- No clergy member will ever be arrested, fined, or jailed for refusing to perform a same-sex wedding (or any wedding to which they object), or for preaching a sermon claiming that homosexuality is a sin. The First Amendment and related laws protect these rights, as well as other rights, such as the Catholic Church's right not to ordain women as priests.
- Houses of worship will continue to be able to hire their religious leadership in accordance with their religion's tenets. In states where marriage equality has been legal for years, no house of worship has had its tax-exempt status revoked for failing to perform a same-sex marriage.

## **LGBTQ-inclusive nondiscrimination protections are widely supported by a diverse range of people and communities of faith.**

- More than two-thirds of Americans support federal nondiscrimination protections for LGBTQ people, including the majority of all religious groups. (see [PRRI data](#) released March 12, 2019)
- Many major faith denominations and faith leaders have [affirmed](#) LGBTQ people and identities and proactively support LGBTQ-inclusive nondiscrimination laws.



## Talking Points on RFRA and the Equality Act

The Equality Act does not affect protections for freedom of religion under the First Amendment to the Constitution and simply reinforces the fact that religious exemptions cannot be used to harm people or otherwise discriminate against them.

### ***Messaging framework: When communicating about the Equality Act and RFRA:***

- **Start by establishing and affirming the original intent of RFRA**
  - “RFRA was created to protect freedom of religious practice where that practice wouldn’t harm others, including ensuring Native Americans could engage in traditional religious ceremonies, Jewish children could wear yarmulkes in public schools, or Muslim firefighters could wear beards.”
- **Establish that nothing in the Equality Act changes that**
  - “Nothing in the Equality Act changes that.”
- **Authentically affirm shared values around freedom of religion**
  - “Freedom of religion is important to all of us. It’s one of our nation’s fundamental values. That’s why it’s already protected by the First Amendment to the Constitution.”
- **Explain that the Equality Act affirms those values and reinforces the fact that religion can’t be used to harm others or to discriminate.**
  - “The Equality Act affirms that essential freedom. It maintains the long-standing religious exemptions contained in the Civil Rights Act of 1964, while also affirming that religious exemptions cannot be used to harm others, impose one’s religious beliefs on others, or discriminate.”

### ***Alternative and additional talking points:***

- The Equality Act maintains the long-standing religious exemptions contained in federal civil rights employment law and housing law for religious entities; this means that religious organizations, such as churches, mosques, and synagogues, can continue to have a preference for people of their faith. Employees will continue to be able to seek religious accommodations in the workplace, such as seeking time off to attend Good Friday religious service or wear a religious head covering. People will also be able to select roommates or rent rooms in their home in a way that is consistent with their religious beliefs, as they can now under federal civil rights laws.
- The Equality Act does not affect our freedom of religion guaranteed under the First Amendment to the U.S. Constitution.
- When passed, the discussion and debate on RFRA centered on how to protect religious practices that didn’t harm others, including ensuring Native Americans could engage in traditional religious ceremonies, Jewish children could wear yarmulkes in public schools, or Muslim firefighters could wear beards. Nothing in the Equality Act changes that.
- Freedom of religion is important to all of us. It’s one of our nation’s fundamental values. That’s why it’s already protected by the First Amendment to the Constitution. But that freedom does not give any of us the right to harm others or otherwise discriminate.
- Courts have long rejected religious claims as a reason to deny civil rights protections, including based on race and sex, and the same analysis applies to all other protected identities. Specifically, religious belief did not excuse restaurants or hotels from following our civil rights laws in the 1960s and cannot do so today.
- The Equality Act makes clear that RFRA cannot be used to defend discrimination in public settings or with federal funds.



# Crafting Your Story for Lobby Visits

**Research** from the Center for American Progress shows that LGBTQ people across the country experience pervasive discrimination that negatively affects all aspects of their lives. In response, LGBTQ people make subtle but profound changes to their everyday life to minimize the risk of experiencing discrimination, often hiding their authentic selves. See the table on p. 6 of this handbook for more information. LGBTQ people who have experienced discrimination in the past year are significantly more likely to alter their lives for fear of discrimination, but they do not need to have experienced discrimination in order to act in ways that help them avoid it.

## We want to help you to tell your story.

Discrimination can take place in areas such as the workplace, in the public square, and in health care. Though people often think of discrimination as major life events such as being fired from a job or being evicted from your home, we know that discrimination can also be more subtle. Furthermore, the fear of discrimination sometimes causes people to change their behaviors or make certain choices out of fear of experiencing discrimination. These behaviors give us clues to how discrimination has affected our lives and could include:

- Hiding a personal relationship in the workplace or removing an item from your resume that might link you to the LGBTQ community
  - Avoiding public or social spaces, such as public transportation, where to live, where to shop, how to dress, etc.
  - Avoiding doctors' offices because of fear that you'll be discriminated in that space, even if you need care
1. *Can you think of a time where you have been discriminated against because of your sexual orientation, gender identity, or gender expression?*
  2. *What did that discrimination entail? How did it affect you in the moment? Has it had a lasting result on your life, even in subtle ways of changing your behavior to avoid discrimination? Could you describe how this act made you feel?*

Read more: <https://www.americanprogress.org/issues/lgbt/news/2017/05/02/429529/widespread-discrimination-continues-shape-lgbt-peoples-lives-subtle-significant-ways/>



## Faith Leaders Respond to Department of Labor Rule

In August 2019, the U.S. Department of Labor tried to erode worker protections by proposing a rule that would create a broad religious exemption to allow almost any organization to call itself religious and claim an exemption from nondiscrimination. This rule would allow the Trump administration to use taxpayer dollars to let federal contractors discriminate against LGBTQ workers, women, religious minorities, and more. Hundreds of people of faith spoke up and submitted formal comments in opposition to the rule. Here are some examples:

### Gerritt and Elizabeth Baker-Smith, East Stroudsburg, Pennsylvania

*"We are writing to oppose the Implementing Legal Requirements Regarding the Equal Opportunity Clauses Religious Exemption (RIN 1250-AA09) proposed rule. As Presbyterian Christians, persons of faith we cannot support this rule. It will essentially give government contractors justification to discriminate against vulnerable groups such as members of the LGBTQ community, religious minorities, and other marginalized groups. 1 in 5 Americans work for a government contractor. This rule puts millions of people at risk of losing their jobs, especially members of the LGBTQ community. 43% of LGB workers and as many as 90% of transgender workers have already experienced discrimination in the workplace. We believe that all of humankind is created in the image of God (Gen 1:127). Therefore, no form of discrimination is defensible on religious grounds. Religion is a set of closely held beliefs that guide us day to day and should not be used as a weapon to exclude and discriminate. A person's religious beliefs are a personal choice that should not be forced upon others as God alone is Lord of the conscience. **Our faith calls us to love all people and resist behavior that is dehumanizing. Depriving people of their civil and human rights on the basis of religious freedom is dehumanizing and immoral.** As persons of faith, we are deeply moved to hear the voices of people long silenced and to work for justice and freedom. When claims of religious freedom become public efforts to exclude and discriminate, we are called to speak up for righteousness and act in solidarity with the oppressed. Therefore, we urge you to withdraw this rule immediately."*

### Rabbi Dennis Ross, Lenox, Massachusetts

*"As a Jewish person, I worry that people will take this regulation as a green light to discriminate against people of my faith. A recent Public Religion Research Institute poll showed that 19% of Americans believe that state laws should be written to allow a small business owner refuse to serve a Jewish person for a reason of the business owner's faith. That's up from 12% since 2014. I believe these rules are unwise because they legalize religious discrimination."*

### Rev. Gloria Albrecht, Ph.D., Detroit, Michigan

*"Concerning the religious exemption to the opportunity Clause: **Opposed! I am a (retired) Presbyterian minister and a professor of religious ethics. What is being proposed here is a violation of religious freedom - not a protection of it.** This clause allows people to exercise against others discriminatory beliefs they claim to be part of their religion. People will be at risk of losing their jobs, of losing access to businesses, of being denied housing or schooling, etc., because the owner feels justified in discriminating against African Americans, or women, or an ethnic minority, of someone who is gay, and so on. It is one thing to hold a discriminatory belief. It is totally unjust to allow by law that belief to become acted on so that someone is denied a job, food, shelter, education, or simply the right to live in freedom. **Don't use religion as your tool to justify and legalize discrimination.** That's not my religion!!"*

### Rabbi Shelley Kovar Becker, New York

*"**This IS outrageous! I oppose this proposed Department of Labor rule promoting taxpayer-funded employment discrimination.** This rule would allow government contractors, including for-profit corporations, to cite religion to refuse to hire or fire someone because they don't belong to the right (or any) church, they are LGBTQ, or they are a single mom. No one should be disqualified from a taxpayer-funded job because they cannot pass an employer's religious litmus test. The Department of Labor should protect workers from discrimination, not authorize employment discrimination with federal dollars. Religious freedom is a fundamental American value. It guarantees us the right to believe or not as we see fit, but it should not be used as a sword to justify discrimination against others. It's even more important to ensure religion is not being used to discriminate when taxpayer money is involved. When religious organizations get taxpayer money, they should play by the same nondiscrimination rules as everybody else. **The government should not force any of us to live by the tenets of someone else's religion in order to get or keep a government-funded job.** I ask that you reject this rule."*

# Faith Leaders Respond to Department of Labor Rule

September 16, 2019

Harvey D. Fort, Acting Director  
Division of Policy and Program Development  
Office of Federal Contract Compliance Programs  
200 Constitution Avenue NW  
Washington, DC 20210

Re: Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption (RIN 1250-AA09)

Dear Director Harvey D. Fort,

As 110 religious leaders and 17 faith-based organizations across traditions, we are writing to oppose the Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption (RIN 1250-AA09) proposed rule. We are called by our sacred texts and faith principles to love our neighbor, accompany the vulnerable, and welcome the sojourner. This rule would allow government contractors to discriminate against workers under the guise of religious liberty. We are taught that there is no compulsion in religion (Quran 2:256) and that no form of discrimination is defensible on religious grounds.

The proposed rule expands the number of organizations and businesses that are traditionally considered to be "religious" and could present religious belief as a defense to a claim of employment discrimination. Any activity to which the contractor ascribes religious meaning will be considered exercise of religion.

Religion should never be used as a weapon to exclude and discriminate. A person's religious beliefs are a personal choice that should not be forced upon others. This proposed rule wrongfully allows government contractors to take tenets of someone's faith into account when making employment and benefit decisions, and application of these tenets does not have to be uniform. For example, a government contractor could fire or refuse to interview anyone, however qualified, who does not regularly attend religious services or practices a different religion.

Freedom of religion is a right that we deeply cherish. It allows us to practice our faith freely and without interference from the federal government. But our rights are in fact threatened by this proposed rule. One in five Americans works for a federal contractor. If contractors decide to claim a religious affiliation, up to 1 in 5 Americans could be fired because of their differing religious beliefs, or any number of reasons. This proposed rule would serve only to wreak havoc on our moral and legal obligations to oppose discrimination.

We are also disturbed that there are only 30 days for the public to review and comment on this proposed rule. At a minimum, we ask that DOL extend the comment period so our community members have the opportunity to share just how the implications of the proposal could impact their lives.

When claims of religious freedom become public efforts to exclude and discriminate, we are called to speak up for righteousness and act in solidarity with the oppressed. **Therefore, we urge you to withdraw this rule immediately.**



Sincerely,

## **Faith Organizations**

Bridges Faith Initiative  
Church World Service  
Disciples Center for Public Witness  
Disciples Justice Network  
Dominican Sisters of Houston  
Holy Spirit Missionary Sisters, USA-JPIC  
HOPE For All: Helping Others Prosper Economically  
Interfaith Worker Justice  
Micah Institute (Interfaith Table)  
Moore's Sanctuary AME Zion Church  
National Council of Churches  
National Council of Jewish Women  
North American Climate, Conservation and Environment (NACCE)  
NETWORK Lobby for Catholic Social Justice  
Pax Christi USA  
The Church of the Village (NYC)  
Union for Reform Judaism

## **Faith Leaders**

### **Arizona**

Elder Ellen Vellenga, Presbyterian Church USA  
Fr Bill Rimmel, Society of the Divine Savior  
Rev. Karen MacDonald  
Imam Ahmad Shqeirat, Islamic Community Center of Tempe  
Reverend Kenneth Kennon, The Christian Church (Disciples of Christ)  
Pastor Don Benton, UMC  
Rev. Christiane Heyde, Unitarian Universalist  
Rev. Seth Wispelwey, United Church of Christ

### **California**

Rev. R. Richard Roe, United Church of Christ  
Rev. Dr. Hugh Wire, Pilgrim Place  
Rev. Dr. Myrna Tuttle, United Church of Christ  
Ms Marian Cruz  
Dr. Louise Fortmann, University Lutheran Chapel  
Rev. Allan B. Jones, United Methodist Church (Retired)  
Rabbi Jonathan Klein, HOPE For All: Helping others Prosper Economically  
Rabbi Suzanne Singer, Temple Beth El  
Deacon Thomas Rossi, MCC/UCC in the Valley  
Rev. Dr. Eileen Altman, First Congregational Church  
Rev. Paul Feiertag, Retired, Evangelical Lutheran Church in America

### **Colorado**

Rev. Wayne A. Lawd, Mountain View United Church  
Rev. Dr. Tracy Highes, Mountain View United Church  
Rev. Mark Meeks, Capitol Heights Presbyterian Church  
Rev. Amy Petré Hill, Mountain View United Church

Sr. Diana White, Sisters of St. Francis

### **Florida**

Rev Nancy Rohde, Ft. Myers Congregational United Church of Christ  
The Rev. Barry McCullough, United Church of Christ

### **Illinois**

The Rev Charles H Hensel, Episcopal Church  
The Rev. Martin Deppe, United Methodist Church  
Sister Dawn M. Nothwehr, OSF, Ph.D., Roman Catholic  
Rev. Jeffrey Phillips, United Church of Christ  
Fr. Robert Oldershaw, St Nicholas Roman Catholic  
Rev. Gayle Tucker, Congregational Church of Jefferson Park UCC  
Sister Mary Shaw, ASC

### **Indiana**

Rev. Dr. Donald J Treadwell, The Center for Spiritual Growth

### **Iowa**

Sister Maura McCarthy, Sisters of the Presentation

### **Kentucky**

Rev. Mary Bettis Love, Crescent Hill Presbyterian Church/Mid-Kentucky Presbytery

### **Maryland**

Sister Patricia Chappell, Sisters of Notre Dame de Namur  
The Reverend Dr. Laird Thomason, North Chevy Chase Christian Church (Disciples of Christ)

### **Massachusetts**

Rev. Nelson Murphy, Dennis Union Church  
Rev. Tom Ryan, Paulist North American office for Ecumenical and Interfaith Relations

### **Michigan**

The Rev. Dr. Marcia Ledford, Esq., Political Theology Matters, LLC  
Sr. Mary Ellen McDonald OP, Grand Rapids Dominicans.org  
Dr. Reginald Smith, Office of Social Justice, Christian Reformed Church in North America  
Rev. Allan Martling, United Church of Christ

### **Missouri**

Sister Sharon Schmitz, Sisters of Mercy  
Rev. King Schoenfeld, Lutheran Church

### **New Jersey**

Rev. Dr. John Redic, II, Mentoring Ministries  
Rev. Russell Eidmann-Hicks, New Jersey Association UCC

### **New Mexico**

Sister Joan Brown, osf Joan Brown, Franciscan sister

**New York**

Rabbi Michael Feinberg, Greater New York  
 Labor Religion Coalition  
 The Reverend William C. Webb, Episcopal Diocese of Western  
 New York  
 Sister Kathleen Simpson, Daughters of Charity  
 The Reverend Peter Sulyok, Bridgehampton Presbyterian Church  
 Sister Norma Carney, Sisters of the Presentation  
 Mr Jerry Rivers, R-F Church of Christ/ North American Climate,  
 Conservation and Environment (NACCE)  
 Rev. Jeff Wells, The Church of the Village (NYC)  
 Sister Judith Garson, Society of the Sacred Heart  
 Rev. Dr. Raymond Rivera, Latino Pastoral Action  
 Center/Sanctuary Church  
 Rev. Mark Lukens, Bethany Congregational UCC  
 Dr. Diane Steinman, NYS Interfaith Network for Immigration  
 Reform  
 Reverend John Long, First Presbyterian Church,  
 Buffalo and Presbytery of WNY  
 Rev James Osei-Kofi, Bethesda Healing Center  
 Imam Souleimane Konate, The Council of  
 African Imam's Inc.  
 The Rev. Daniel Hulseapple (retired),  
 The United Church of Christ

**North Carolina**

Rev. Mary Anne Ramsey, Retired, Association of  
 Professional Chaplains  
 Rev. Dr. Doug Wingeier, Garrett-Evangelical Theological  
 Seminary

**North Dakota**

Rev. Donna Olsen, Hope 4 All Interfaith Community

**Ohio**

Elder Janice Hunter, Oak Hills Presbyterian Church

**Oregon**

Coordinator Joanne McClarty, Journey Koinonia Catholic  
 Community  
 The Rev. John Reutter-Harrah, Prince of Life Lutheran Church  
 Rev Arthur Ellickson, ELCA Pastor, Retired  
 The Rev. Cecil Prescod, Ainsworth United Church of Christ  
 Rev. Sue Seiffert, St. Stephen Lutheran Church, ELCA  
 Rev. Dr. Lyda M. Pierce Lyda Pierce, United Methodist Church

**Pennsylvania**

Rev. Mary Lou Eckels, United Church of Christ  
 Rev. Dr. LaVonne Althouse, Retired  
 Rev. James MacDonald, UPCUSA Sister Dominica Lo Bianco,  
 OSF, Sisters of St. Francis of Philadelphia  
 Sister Mary Noel Kernan, SC, Sisters of Charity of Seton Hill

**South Carolina**

Pastor Larry Dipboye, Grace Covenant Church, Retired

**South Dakota**

The Rev. Mrs. Jean McCusker, Retired

**Tennessee**

Dr. Michael Smith, Central Baptist Church of Fountain City  
 Rev. James McGuire, Cumberland Presbyterian Church  
 Pastor Carolyn Dipboye, Grace Covenant Church, Retired  
 Rev. Robert Galloway, Metropolitan Community Church of  
 Knoxville

**Texas**

Rev. Dr. Edward Kern, Trinity Lutheran Church  
 Rev. Judy Brock, Christian Church (Disciples of Christ)  
 Sister JT Dwyer, Daughters of Charity

**Washington**

Rev. Kay Barckley, University Temple UMC  
 Rev. Judi Edwards, United Church of Christ  
 Ms. Nancy Horman, Woodland Park Presbyterian Church

**Washington, DC**

Rev. Dr. L. Parrish, Wesley Theological Seminary  
 Bro. Brian McLaughlin, Divine Word Missionaries  
 Rev. Dr. Beverly Goines, National City Christian Church  
 Chaplain Maggie Siddiqi, Center for American Progress

**Wisconsin**

Rev. Jack Kraaz, UCC  
 Reverend Robert Harman, United Methodist  
 Sister Lois Aceto, Racine Dominicans  
 Ms. Susan Elias

**National Minister**

Sotello Long, Disciples Home Missions  
 Dr. Mary Elizabeth Hunt, Women's Alliance for Theology,  
 Ethics, and Ritual (WATER)  
 Mr. Jonathan Boyne, Universalist  
 Rev. Dr. Sharon Stanley-Rea, Disciples Refugee &  
 Immigration Ministries  
 Brother Michael Gosch, Clerics of St. Viator (Viatorians)  
 Sister Rose Therese Nolta, Holy Spirit Missionary Sisters  
 USA-JPIC  
 Rev. Melina Frame, Apostolic Catholic Church  
 Sister Quincy Howard, OP, Dominican Sisters of Sinsinawa  
 Sister Simone Campbell, NETWORK Lobby for Catholic Social  
 Justice  
 Rev. Teresa Hord Owens, Christian Church (Disciples of Christ)  
 in the US and Canada  
 Ms. Maha Elgenaidi, Islamic Networks Group (ING)

**FOR IMMEDIATE RELEASE:** May 17th, 2019  
Drew Konow | [konow@religiousinstitute.org](mailto:konow@religiousinstitute.org) | 202-222-0055

## People of Faith Celebrate Historic Passage of the Equality Act in the U.S. House of Representatives

*House votes to pass groundbreaking LGBTQ and civil rights bill following unprecedented level of support from people of faith and religious communities.*

WASHINGTON—People of faith and religious leaders celebrate today’s vote in the U.S. House of Representatives to pass the Equality Act. This groundbreaking civil rights bill provides consistent and explicit nondiscrimination protections for LGBTQ people across key areas of life, including employment, housing, credit, education, public spaces and services, federally funded programs, and jury service. As the bill has made its way towards passage in the House, there has been an unprecedented level of support from people of faith and religious leaders.

Religious communities have been outspoken champions of the bill since its introduction. [Seventy faith groups](#) have formally endorsed the bill—including multiple denominations, graduate theological schools, and faith-based organizations. Religious leaders also offered testimony in support of the Equality Act in both the [Judiciary and Education and Labor](#) Committees’ hearings.

“As a queer Christian pastor and the leader of a multifaith social justice organization, I know that my faith calls me to view each and every human being as created in the divine image and imbued with sacred dignity and worth,” said Rev. Marie Alford-Harkey, president and CEO of the Religious Institute. “That’s why the Equality Act is so important. It advances civil rights and prohibits discrimination against people based on their sexual orientation and gender identity. Today’s vote is an important step toward advancing dignity and justice.”

On Tuesday, May 14, in advance of the vote, people of faith held an [interfaith prayer vigil](#) on Capitol Hill to raise a strong religious voice in support of LGBTQ nondiscrimination protections outlined in the Equality Act. Following the vigil, people of faith and religious leaders hand-delivered a [statement urging Congress to pass the bill](#), which was signed by more than 5,000 people of faith. The statement articulates why people of

faith support the Equality Act, lifting up religious beliefs in the sacred dignity and worth of LGBTQ people, the obligation to treat our LGBTQ neighbors as ourselves, and the right to live free from discrimination.

“In every age, Christians are called to stop and assess our complicity in marginalizing those we consider to be other,” said Rev. Fred Davie, Executive Vice President of Union Theological Seminary. “Today, in this age, we have a chance to undo centuries of dehumanization and denial of full citizenship to members of the LGBTQ community in the U.S. We exhibit the compassion and profound love inherent to all faiths by supporting measures fighting discrimination.”

Today’s historic vote comes after numerous religious organizations released statements or submitted letters to Congress in support of the bill, including from [Bend the Arc](#), [Interfaith Alliance](#), the [National Council of Jewish Women](#), [NETWORK](#), [15 major Jewish organizations](#), [Religious Coalition for Reproductive Choice](#), and [Religious Institute](#). On Thursday, May 16, religious leaders joined leaders from across the civil rights community to [deliver more than 165,000](#)

[petitions](#) in support of the Equality Act to the bill's sponsor, Rep. David Cicilline. Rev. Peter Simmons-Scie, Associate Minister of the Metropolitan African American Episcopal Church in D.C., also spoke at an [Equality Act coalition-wide press conference](#) this morning, ahead of the vote. Religious leaders were also present in the House Gallery during the vote, at the invitation of Speaker Nancy Pelosi.

“As a Jew, I believe that each and every human being is created b’tzelem Elohim—in God’s likeness,” said Rabbi Peter S. Berg, Senior Rabbi of The Temple in Atlanta, Georgia. “When we exclude anyone from our community, we lessen the potential we have to make the world more whole. The moral issue of our day is to provide support for nondiscrimination protection to all Americans. Any discrimination of the LGBTQ community is completely inconsistent with Jewish values—for God is present in each of us.”

Religious support for the Equality Act has emphasized the harms of discrimination and the moral imperative to uphold the sacred dignity and worth of all people. According to a [recent study from PRRI](#), millions of people of faith and majorities of all religious traditions support nondiscrimination protections for LGBTQ people.

“When LGBTQ Muslims face Islamophobia, discrimination, harassment, rejection from family, and lack of cultural competence and exclusion from mainstream LGBTQ organizations, it is hard to figure out where to turn for support,” said Urooj Arshad, International LGBTQ Youth Health and Rights Programs Director at Advocates for Youth. “I am forced to constantly choose between my religious identity and my queer identity, never able to be my full self and able to live with dignity and joy. This is why support for the Equality Act by people of faith is so necessary.”

###

# Sample Letter to the Editors

Letters to the editor are a great way to share your support.

## **Conservative Allies** *(Letter can be modified for Moderates or just Allies)*

### **Sample letter 1**

As a proud conservative, I believe that all Americans should have the freedom to work hard, earn a decent living, and provide for our families. Those aren't just conservative values—they're American values.

I'm anxiously awaiting the U.S. Supreme Court's decision on three cases heard in October. The justices will determine if federal law protects LGBTQ people from workplace discrimination.

Our economy is at its best when all people are free to work hard and prosper in their daily lives. Someone's sexual orientation or gender identity has no effect on their job performance or the quality of their work.

Protecting LGBTQ people from discrimination is about safeguarding freedom for all Americans. No one should live in fear because of who they are, what they believe, or who they love.

In my home state of [state], there are no explicit laws protecting LGBTQ people in employment, housing, or public accommodations. We must advocate for full nondiscrimination protections for all Americans.

Discrimination is wrong, and I believe this is an area where our nation still has yet to live up to our promise of freedom and fairness for all.

### **Sample letter 2**

You recently published an article about the historic U.S. Supreme Court hearings on whether LGBTQ people should be protected from employment discrimination.

As a conservative person living and working in [state], the issue at hand is one of basic dignity and involves a central part of all of our lives: going to work, earning a living, and feeling good about what we do.

That's something that every American should have—but for LGBTQ Americans, job security is not a given. Every year, LGBTQ people report experiencing discrimination at work because of who they are—and many more are confronted with the fear of discrimination or mistreatment.

[State] has not established comprehensive nondiscrimination protections and is falling behind the times. Even after the Supreme Court rules, we will have a long way to go. The discrimination that LGBTQ people face or fear facing holds us/them back from achieving the same freedom that most other Americans take for granted.

This freedom is a critical part of my political beliefs: I am part of the growing majority of conservatives who support LGBTQ-inclusive nondiscrimination protections nationwide.

To me, being conservative means believing that every individual should be free to be who they want to be. That means everyone must all be able to take pride in their work and prosper in their daily lives.

## Business Leaders

### Sample letter 1

We all know that discrimination is bad for business. Being open to the public means being open to everyone. Inclusion and diversity are critical to a thriving economy and dynamic workforce.

As a business owner in [town, state], I'm anxiously awaiting the U.S. Supreme Court's decision on three cases on LGBTQ employment discrimination heard in October. I hope the court will do the right thing and protect LGBTQ people from workplace discrimination.

Our economy is at its best when all people are free to work hard and prosper in their daily lives. Someone's sexual orientation or gender identity has no effect on their job performance or the quality of their work. We need comprehensive nondiscrimination protections that prohibit unequal treatment against LGBTQ people, and we must ensure policies that best benefit our businesses and our communities.

### Sample letter 2

As a business leader in [town], I am always looking for new ways to make my city more competitive and to make [state] the best in the nation to live, work, and raise a family.

It's important that everyone has a level playing field and an equal opportunity. That requires laws that explicitly protect LGBTQ people from discrimination. I am hoping the U.S. Supreme Court does the right thing and affirms protections for LGBTQ people in the workforce.

I know firsthand that we need to be able to recruit and hire the most qualified employees, and we can't afford to lose people based on discrimination. Everyone should have the right to earn a living and provide for their families regardless of who they are and who they love. Employees should be judged solely on their job performance and qualifications: no more, no less.

Ensuring nondiscrimination protections for LGBTQ people is not only the right thing to do, but it's also one of the most effective ways to create jobs, attract talent, boost tourism, and drive innovation—all without costing taxpayers any money.

It is clear that LGBTQ equality is an issue of economic—not merely a social issue, and certainly not a partisan issue. That's why as a business owner, I support nondiscrimination protections.

## Faith Leaders

### Sample letter 1

All people are made in the image of God. All means all, and I believe there's absolutely no reason to argue that LGBTQ are an exception to that most basic truth.

The U.S. Supreme Court recently heard three cases involving employment discrimination. As a [type of faith leader] in [town, state], I hope the court affirms protections for LGBTQ people. Everyone should be able to work hard and support themselves and their families without fear of harassment or discrimination.

One of the most important values we have is treating others the way we want to be treated. Failing to protect others from discrimination goes against that principle and hurts us all. But no matter how the court rules, we have more work to do to ensure all Americans have equal treatment under the law. We're all God's children, and all Americans should be able to live, work, and access basic services free from discrimination and harm.

## **Sample letter 2**

The golden rule says we should treat others the way we would want to be treated, including those who may seem different from us. When we do that, we are truly living our faith.

That's why as a [type of faith leader] in [town, state], I am anxiously awaiting the U.S. Supreme Court's decision on three cases on LGBTQ employment discrimination heard in October. I hope the court will do the right thing and affirm protections for LGBTQ people. The stakes could not be higher.

LGBTQ people are our friends, neighbors, family members, and co-workers. We are all God's children, and we all deserve to go about our daily lives without fear.

Discrimination is a real and urgent problem that disproportionately affects the most vulnerable members of our communities, yet there are 30 states, including [state], that lack explicit nondiscrimination protections for LGBTQ residents.

As a [type of faith leader], I recognize the harm caused to our community when we lack the vital protections to ensure that no one is fired or denied a job because of who they are or who they love.

## **LGBTQ Individuals**

### **Sample letter 1**

As a [gay/lesbian/bisexual/transgender/queer] person living and working in [state], I'm anxiously counting down the days to the U.S. Supreme Court's decision on the three cases about LGBTQ employment discrimination the justices heard on October 8. These cases will determine if federal law protects LGBTQ people like me from workplace discrimination.

[If positive experience] In my work as [profession], I'm grateful to have a supervisor who supports me. But for many of my LGBTQ friends across [state], that's not the case. The harsh reality is that millions of LGBTQ Americans report having experienced discrimination in their everyday lives and on the job, including right here in [state].

[If negative experience] I, too, was fired from my job for being LGBTQ. [Brief description of details, personal impact]. I know that a majority of Americans support protecting LGBTQ people from discrimination and that dozens of lower courts have affirmed nondiscrimination protections. It would be a huge step backward for the Supreme Court to disagree. And we need nondiscrimination protections in areas other than the workplace: in housing and all the public places we go when we're not at work or home. States and Congress must back up these protections and fill these gaps.

### **Sample letter 2**

I understand the fear around being [fired, kicked out of housing or public spaces] well: I was [fired, kicked out of housing or public spaces] because I am [gay/lesbian/bisexual/transgender].

[Brief description of details, impact]

The Supreme Court heard three cases about LGBTQ employment discrimination on October 8, and I won't rest easy until the justices issue a ruling that affirms that all LGBTQ people should be able to work hard, make a living, and support ourselves and our loved ones without harassment or discrimination. So much is at stake, and I want to have the freedom to move anywhere and apply for any job without fear of discrimination.

The harsh reality is that of LGBTQ Americans like me report having experienced discrimination in their everyday lives and on the job. I'll feel affirmed and welcomed when the Supreme Court sustains my opportunity to work without discrimination and when [my state] and Congress back up these protections and ensure that LGBTQ people are protected from discrimination in all areas of life.

# Parents

## Sample letter 1

When my child came out as transgender, I had a lot of questions. I wanted to make sure [he/she/they] [was/were] treated with dignity and respect at school, which has been [describe experience]. Now that my child is getting older, [he/she/they] dream[s] of becoming a [profession].

When [he/she/they] [is/are] ready to take that step, [he/she/they] will need the Supreme Court on [his/her/their] side. The court must affirm that federal law protects LGBTQ workers from discrimination when it rules on three LGBTQ employment cases it heard on October 8th.

I'm anxiously awaiting the court's decision, which could come as early as this December. I've witnessed firsthand what it is to see acceptance grow as our family, friends, and neighbors grew in their understanding of what it means to be transgender. It's reassuring to know that a supermajority—nearly 70 percent—of people from all backgrounds now support LGBTQ nondiscrimination. Ultimately, it all comes back to treating people with basic dignity and respect.

Now that the Supreme Court is deliberating on whether or not it will affirm that federal law protects LGBTQ people from workplace discrimination, I worry that [his/her/their] opportunities will be limited to the cities and states that currently explicitly provide nondiscrimination protections.

A ruling that falls short of protecting LGBTQ people from workplace discrimination would be a huge step backward. I won't rest easy until Congress backs up protections for LGBTQ people in the workplace, housing, and all public spaces. My child deserves to be able to work hard and support [himself/herself/themselves] (and maybe one day, [his/her/their] own family) without fear of harassment or discrimination at work.

## Sample letter 2

My adult child came out [gay, lesbian, bisexual, transgender, queer] when [he/she/they] [was/were] [x] years old. Since then, we've come a long way in terms of general acceptance of the LGBTQ community and laws that ensure they are treated with dignity and respect.

[Consider adding personal sentence about getting a religious family member to recognize that the golden rule applies to everyone, or parent advocating for their business to support a local nondiscrimination ordinance, etc.]

I was elated to see the Supreme Court affirm my child's [current or someday marriage] by legalizing marriage equality in 2015. But now, my fears are returning as I watched the trio of cases in early October regarding LGBTQ workplace discrimination. When the Supreme Court rules on these cases, it must affirm that federal law protects LGBTQ people from discrimination in the workplace.

I want my child to live a full and happy life. [He/She/They] enjoy[s] [his/her/their] work as a [profession], [and I'm glad we have a local/state law that protects him/her/them from employment discrimination]  
OR [but with no state law here in STATE, he's/she's/they're vulnerable to discrimination and harassment at work].

The Supreme Court must affirm that all LGBTQ people should be able to work hard and provide for themselves and their loved ones without discrimination. States and Congress should then back up these protections so that no LGBTQ person's ZIP code limits their opportunities.



## Sample Letter to Congresspeople/Senators

Dear Rep./Sen. -----,

On October 8, the U.S. Supreme Court heard arguments in three cases that could affect federal protections for the LGBTQ community.

The court will consider how Title VII's ban on workplace sex discrimination protects LGBTQ people from discrimination on the basis of sexual orientation or gender identity in a trio of cases: the Michigan-based case *R.G. & G.R. Harris Funeral Homes Inc. v. EEOC & Aimee Stephens* as well as two others: *Altitude Express Inc. v. Zarda* and *Bostock v. Clayton County*. (Additional information on these cases below).

The EEOC and many federal courts have recognized that anti-LGBTQ discrimination is a form of sex discrimination. **The Supreme Court will now decide whether to revoke or extend these nondiscrimination protections.**

These cases give the Supreme Court a chance to affirm that all LGBTQ people should be able to work hard, make a living, and support themselves and their loved ones without fear of humiliation, harassment, or discrimination at work. An overwhelming majority of Americans believe that LGBTQ people should be protected against discrimination. That's why it's so critical that the Supreme Court affirm protections for LGBTQ people across the nation.

I wanted to share with you and your staff some recent articles discussing these important cases and the status of LGBTQ protections in Michigan:

- [Dozens back trans woman's legal case](#) in the Detroit News
- [Michigan case has US Supreme Court justices struggling with transgender issue](#) in Detroit Free Press
- [WHO IS AIMEE STEPHENS? Landmark Transgender Rights Supreme Court Case Explained](#) in Newsweek
- [Transgender woman's Supreme Court case could make history](#) in New York Post

No matter how the Supreme Court rules, we have more work to do to ensure that we realize America's promise of liberty and freedom for all Americans. Neither Michigan state law nor federal law currently provides prohibitions on discrimination in critical areas, such as in public places like restaurants, stores, transportation services, or federally funded programs.

We thank you for your past support of inclusive protections for the LGBTQ community. We would appreciate an opportunity to meet with you in person and to speak with you in more depth about the critical need for protections for LGBTQ individuals in [STATE].

Please feel free to contact me at any time to discuss these cases and their impact on the LGBTQ community in our state.

Thank you,

**More information on the LGBT employment discrimination cases heard by the U.S. Supreme Court:**

***R.G. & G.R. HARRIS FUNERAL HOMES v. EEOC and AIMEE STEPHENS (transgender status)***

**Aimee Stephens** worked as a funeral director at R.G. & G.R. Harris Funeral Homes in Michigan. When she informed the funeral home’s owner that she is transgender and planned to come to work as the woman she is, the business owner fired her, saying it would be “unacceptable” for her to appear and behave as a woman. The 6th Circuit Court of Appeals ruled in March 2018 that when the funeral home fired her for being transgender, it violated Title VII—the federal law prohibiting sex discrimination in employment. Firing Aimee, who remained the same capable employee, for publicly identifying and presenting as the woman she is, is sex discrimination

***ALTITUDE EXPRESS INC. v. ZARDA (sexual orientation)***

**Donald Zarda**, a skydiving instructor, was fired from his job for being gay. A federal trial court rejected his discrimination claim, saying that the 1964 Civil Rights Act does not protect him from losing his job for being a gay man. Tragically, in October 2014, Zarda died unexpectedly, but the case continues on behalf of his family. In February 2018, the full 2nd Circuit Court of Appeals ruled that discrimination based on sexual orientation is a form of discrimination based on sex that is prohibited under Title VII. The court recognized that when a lesbian, gay, or bisexual person is treated differently because of discomfort or disapproval that they are attracted to people of the same sex, that’s discrimination based on sex.

***BOSTOCK v. CLAYTON COUNTY (sexual orientation)***

**Gerald Lynn Bostock** was fired from his job as a county child welfare services coordinator when his employer learned he is gay. In May 2018, the 11th Circuit Court of Appeals refused to reconsider an outdated 1979 decision wrongly excluding sexual orientation discrimination from coverage under Title VII’s ban on sex discrimination, and denied his appeal.

A decision is expected by June 2020.

# Center for American Progress



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**Inclusive Justice** is a state-wide, faith-based coalition, inclusive of all traditions that affirm the inherent dignity and worth of every human being as a matter of spiritual conviction. We therefore advocate for lesbian, gay, bisexual, transgender, queer and intersex persons' acceptance within religious and spiritual communities, and for the equitable treatment of all, especially sexual minorities, in local, state, and federal public policy.