



# Family Concerns

"Bridging the Information Gap"

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## **ENDA TO BE VOTED ON THIS WEEK**

*A vote is expected this week; CWA calls on President Bush's pledge to veto if passed*

The full House is expected to vote on the controversial ENDA (Employment Non-Discrimination Act) this week.

**It is imperative to call your representatives IMMEDIATELY and ask them to vote against this measure which would "codify the very thing it purports to prevent--workplace discrimination--and threaten ALL Americans first amendment rights," according to a CWA press release calling for President Bush to veto this bill if passed. (October 23, 2007.) Call your representatives at 202-224-3121 and ask them to vote against this bill. Also call President Bush and urge him to veto the bill if passed. White House Comment Line: 202-456-1111 or 202-456-1414 or [www.whitehouse.gov/contact](http://www.whitehouse.gov/contact)**

### **False Assurances**

In spite of assurances that "religious organizations" would be exempt the religious exemption is extremely limited and very narrowly tailored. It does nothing to protect individuals who have a moral objection to homosexual activity; in fact Matt Barber, CWA's Policy Director for Cultural Issues states, "ENDA pits the government directly against religion, which is unconstitutional on its face. It would force employers to check their First Amendment guaranteed rights to freedom of religion, speech and association at the workplace door. It would make federal lawbreakers out of Christian, Jewish or Muslim business owners who honor their faith and would require that newfangled 'gay rights' based entirely upon individuals; sexual choices trump employers' enumerated constitutional rights."

### **Special privileges for sexual behavior**

Shari Rendall, CWA's Director of Legislation and Public Policy, says of ENDA, "This bill would unfairly extend special privileges based on an individual's changeable sexual behaviors rather than focusing on immutable, non-behavioral characteristics such as skin color or sex. Its passage would both overtly discriminate against and muzzle people of faith. This bill is even more dangerous than pending 'hate crimes' legislation."

### **Talking Points**

- ENDA would overturn the historical basis of protected class status by adding "sexual orientation" and "gender identity" to civil rights law. The federal standards for a protected class have always been: an obvious, immutable characteristic; a history of discrimination evidenced by economic disenfranchisement; and political powerlessness. None of these apply to people who practice homosexuality or other lifestyles.

- An employer with a moral or religious belief opposed to homosexuality or bisexuality would be forced to lay down their rights to accommodate the rights of those who are practicing a chosen behavior and who exhibit none of the criterion laid down by civil rights laws. The U.S. Constitution provides religious freedom for ALL Americans. ENDA codifies discrimination against people who oppose homosexual and "transgender" lifestyles based on religious principles.
- ENDA will undermine the institution of marriage and jeopardize the federal Defense of Marriage Act by pronouncing traditional sexual morality a form of discrimination in America, leading to a glut of litigation with the end result that employers will be required to offer marriage-like benefits to homosexual employees.
- ENDA expands civil rights protections on the vague basis of "perception." Because ENDA covers "real or perceived" sexual orientation, an employee or potential employee could sue an employer for his or her *perception* of the employee's "sexual orientation." "Sexual orientation" is behavioral and not scientifically verifiable. In addition, "sexual orientation" is not defined in the ENDA legislation.
- ENDA will place the federal government in direct opposition to the beliefs of ALL major faiths in America regarding sexuality, placing the U.S. government as an adversary to moral sexuality and religious conviction.

### **Religious exemption or a smoke screen?**

The language of the bill exempts churches but it puts para-church ministries at grave risk, according to an Alliance Defense Fund policy paper. They state, "For example one court held that a United Methodist children's home was not a 'religious organization' under a very similar definition found in the 1964 Civil Rights Act. Amazingly, the court held fast to its opinion despite the fact that the home was hiring a new minister specifically to protect its religious mission." In short ADF feels that "...the definition is so vague that a ministry sued under ENDA will suffer complex, hard-fought litigation just to prove itself 'religious' and end the case." ADF further states that a section of HR 2015 has "an odious provision that prohibits an employer from using marriage as a requirement for any job. Thus, a marriage counseling ministry could not require its counselors to be married, nor could a ministry to wayward youth require that its house parents be married."

### **Action**

In conclusion, it seems clear that ENDA, in its zeal to protect sexual behavior would stomp on the rights of all Americans' freedom of speech, religion, and association.

**CALL YOUR REPRESENTATIVES TODAY AND URGE THEM TO OPPOSE THIS BILL!**