



NEW SEXUAL ORIENTATION/TRANSGENDER LAWS

The Detrimental Effect on the Business and Religious Community

Proposed laws extending civil rights protections to LGBTQ individuals seek to increase regulation of businesses, religious organizations, and citizens. The laws create new protected classes of individuals, giving new legal causes of action on the basis of “sexual orientation,” “sexual identity,” “gender identity/expression,” “family responsibilities,” etc. It is the job of lawmakers to affirm and uphold constitutionally-protected freedoms, not pass laws granting special protections for some, while coercing others to comply with a political agenda. The following are just a sample of the reasons these proposed laws threaten the tradition of diversity and tolerance in our country:

NO DEMONSTRATED NEED

- The proposed laws are a solution searching for a problem. No documented history of ongoing, extensive, and pervasive discrimination against the proponents of the laws exists. They are not being promoted to cure a demonstrated problem, but rather to advance a particular agenda.
- While proponents have claimed that the proposed laws are necessary to attract talented potential employees to their state, the Williams Institute at UCLA found that 48 of the top 50 Fortune 500 companies (96 percent) already prohibit discrimination based upon sexual orientation as of May 2014.

CREATES INTERNAL CONFLICTS IN THE LAW

- Religion is already a protected class under civil rights laws and state Constitutions. If a Legislature adds these additional categories, a clear conflict will exist between the two categories.

COERCES BUSINESSES AND CITIZENS

- The proposed provisions empower the state to arbitrarily revoke or suspend a citizen’s business license in some states (i.e., Michigan Compiled Laws 37.2703). Thus, the real potential for bullying and the loss of one’s livelihood exists against anyone contesting the law.

IMPOSES BURDENSOME REGULATORY AND FINANCIAL COSTS ON BUSINESSES

- Beside the added expense to the state of such regulatory requirements, there will be a great expense and cost to the business community when it faces attacks based on these new categories. The impact will be especially great on small businesses who will not have the financial wherewithal to withstand such attacks.

VIOLATES A CITIZEN'S FREEDOM OF SPEECH AND FREEDOM OF CONSCIENCE

- The new categories will prohibit persons with traditional views of family and sexuality from exercising their constitutionally protected free speech and free exercise rights.
- Across the country, proponents target small business owners, forcing them to either violate their conscience or close their business. Thus, these new categories are used as a sword not a shield.

EXAMPLES OF COERCION AND LIABILITY

- A small business owner whose religious views violate this new law can be ordered to attend re-education training (Frequently referred to as diversity training).
- Pastors have been subpoenaed to turn over all of their sermons, speeches, emails, texts, diaries, checkbooks, all communications with their lawyers and parishioners, and other religious materials for inspection by Government officials.
- Two Idaho pastors were threatened with prosecution, jail, and fines under a SOGI law for refusing to marry same-sex couples.
- An 18 year-old male high school student could use the same locker-rooms, bathrooms, and showers as the girls, based upon his own self-identified gender identity as a woman.
- A business could be sued for not allowing a transgender man who self-identifies as a woman to enter and use the women’s restroom.
- A New Mexico photographer was sued and forced to pay tens of thousands of dollars in damages and attorney fees for simply declining to participate in a same-sex ceremony which violated her religious conscience.
- A New York farmer was sued for being unwilling to rent his home to celebrate a ceremony in conflict with his religious conscience.

