

5 WAYS THE “EQUALITY” ACT THREATENS RELIGIOUS FREEDOM



FIRST LIBERTY

1. THE EQUALITY ACT COULD LEAVE NO SAFE SPACE FOR PEOPLE OF FAITH TO LIVE OUT THEIR BELIEFS



The Equality Act makes sexual orientation and gender identity protected classes under the Civil Rights Act of 1964. It also expands the definition of public accommodation to:

“ Any establishment that provides a good, service, or program, including a store, shopping center, online retailer or service provider, salon, bank, gas station, food bank, service or care center, shelter, travel agency, or funeral parlor, or establishment that provides health care, accounting, or legal services.

This expansion is dangerous and could negatively affect religious organizations—including any private citizen with religious beliefs or religiously-affiliated businesses—that provide a good, service, or program in the marketplace. In practice, this means a Christian baker who makes custom wedding cakes, a pro-life obstetrician, a religious wedding venue, or a faith-based women’s shelter—could be forced to participate in activities that violate their religious convictions on matters of sex, marriage, gender, or life.

2. THE EQUALITY ACT COULD THREATEN CHURCHES’ RIGHT TO MAKE EMPLOYMENT DECISIONS BASED ON THEIR BELIEFS



Current federal laws and recent Supreme Court precedent (*Our Lady of Guadalupe v. Morrissey-Berru*, 2020) protect the right of houses of worship and religious organizations to make employment decisions according to their religious beliefs, recognizing that government must not “prohibit the free exercise” of religion. However, the Equality Act could undermine the “ministerial exception” that allows houses of worship to choose their ministers, and could force faith-based organizations to hire individuals who openly oppose their religious beliefs.

3. THE EQUALITY ACT COULD ENDANGER THE TAX-EXEMPT STATUS OF FAITH-BASED NONPROFITS, INCLUDING HOUSES OF WORSHIP



Houses of worship and other faith-based nonprofits that continue to operate according to their religious beliefs (such as maintaining only two separate restroom facilities for men and women) could be found in violation of the Equality Act’s expanded “public accommodation” provisions. Non-compliance with the government’s mandates could potentially result in millions of churches, synagogues and religious charities losing their tax-exempt status.

Tax-exemption for religious organizations is a staple of American life. Think of the churches and nonprofits that provide important services such as feeding the homeless, housing vulnerable women, and offering disaster aid. If their tax-exempt status is taken away, it will greatly hinder their ability to serve their communities in these crucial ways. As a result, many people in need will suffer.

4. UNDER THE EQUALITY ACT, FAITH-BASED SCHOOLS COULD LOSE ACCREDITATION AND FEDERAL FUNDING



Under the Equality Act, faith-based schools, colleges and universities that continue to operate according to their statements of faith—for example, by requiring students to abide by a biblical sexual ethic, or by requiring biological males and females to compete on separate sports teams—could lose accreditation or be prohibited from receiving federal tuition assistance and educational grants.

5. THE EQUALITY ACT NULLIFIES THE RELIGIOUS FREEDOM RESTORATION ACT



Perhaps the most chilling aspect of The Equality Act is its gutting of the Religious Freedom Restoration Act (RFRA). RFRA, which had bipartisan support when signed by President Bill Clinton in 1993, prevents government from substantially burdening the free exercise of religion.

However, the text of the Equality Act explicitly states that RFRA cannot be claimed as a legal defense:

“ The Religious Freedom Restoration Act of 1993...shall not provide a claim concerning, or a defense to a claim under, a covered title, or provide a basis for challenging the application or enforcement of a covered title...

For over a quarter century, RFRA has been a bulwark that gives people of faith their day in court if they believe their constitutional rights were violated. But the Equality Act would significantly weaken the landmark federal protections that RFRA extends to religious institutions and Americans of all faiths.

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