



NEW SEXUAL ORIENTATION/TRANSGENDER LAWS

The Detrimental Effect on the Business and Religious Community

Proposed amendments to the Michigan Elliott-Larsen Civil Rights Act seek to increase regulation of businesses, religious organizations, and citizens. The proposed amendments 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 this proposed law threatens the tradition of diversity and tolerance in our great state:

NO DEMONSTRATED NEED

- The proposed amendments are a solution searching for a problem. No documented history of ongoing, extensive, and pervasive discrimination against the proponents of the amendments exists. The amendments are not being promoted to cure a demonstrated problem, but rather to advance a particular agenda.
- While proponents have claimed that the proposed amendments are necessary to attract talented potential employees to the 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 the civil rights law and the Michigan Constitution. If the Legislature adds these additional categories, a clear conflict will exist between the two classes.

COERCES BUSINESSES AND CITIZENS

- The proposed provisions empower the state to arbitrarily revoke or suspend a citizen’s business license (MCL 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 in our state who will not have the financial wherewithal to withstand such attacks. Further, the Plaintiff can recover attorney fees for such a suit, while the Defendant cannot.

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

- The proposed 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.

