



United States Conference of Catholic Bishops

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March 20, 2019

United States Senate
Washington, DC 20510

Dear Senator:

We write to share our concerns with the Equality Act, S. 788. This proposed legislation does not accomplish what its supporters assert, but rather creates new difficulties and will hurt more people than its designers want to help.

As a nation we have a laudable history of confronting and overcoming unjust discrimination and attempting to balance the rights of various groups. As Catholics, we share in this work of justice. It is our firm belief that each and every person should be treated with dignity and respect. Part of that dignity, as Pope Benedict stated, is every person's right to gainful and decent employment free of unjust discrimination.¹ Also included is each person's right to services that address their needs for health and safety. In this, we whole-heartedly support nondiscrimination to ensure that everyone's rights are protected.

Rather than offering meaningful protections for individuals, however, the Equality Act would impose sweeping regulations to the detriment of society as a whole. The Act's definitions alone would remove women and girls from protected legal existence. Furthermore, the Act also fails to recognize the difference between the person – who has dignity and is entitled to recognition of it – and the actions of a person, which have ethical and social ramifications. Conflating the two will introduce a plethora of further legal complications. In brief, the Equality Act will:

- **Regulate thought, belief, and speech.**

We treasure the First Amendment freedoms of speech, association, conscience, and religious exercise. The Equality Act puts these at risk by requiring uniform assent to new beliefs about human identity that are contrary to those held by many – believers of diverse faiths and non-believers alike.

- **Explicitly retract religious freedom.**

By exempting itself from the bipartisan Religious Freedom Restoration Act of 1993 – an unprecedented move – the Equality Act represents an explicit departure from one of the founding principles of the United States, the freedom of religion.

- **Hinder quality health care.**

Those experiencing gender dysphoria or incongruence must be treated with care and compassion and should receive from health care professionals the same quality of services and moral protection from harm that is due to everyone. The Equality Act, however, would force many health care professionals to perform certain treatments and procedures associated with “gender transition” against their best medical or ethical judgment with respect to a patient. As the Centers for Medicare and Medicaid Services under the Obama Administration noted in 2016,² “gender affirmation” has not been associated with greater long-term happiness. Tragically, related surgeries may exacerbate the long-term rate of suicide among those identifying as “transgender.”³ As Pope Francis has said,

¹ Benedict XVI, Encyclical *Caritas in veritate*, no. 63, 2009.

² “Decision Memo for Gender Dysphoria and Gender Reassignment Surgery.” CAG-00446N. 30 Aug. 2016.

³ Cecilia Dhejne, et al., *Long-Term Follow-up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden*, PLOS One (2011).

“biological sex and the socio-cultural role of sex (gender) can be distinguished but not separated.”⁴ Insisting on doing so could deter some from practicing medicine in relevant fields, and add to the strain on the available health care workforce.

- **Endanger privacy.**

The Equality Act contains no firm criteria for “gender identity,” which creates a path for potential emotional or physical harm against individuals, particularly in highly personal sex-segregated spaces such as restrooms and locker rooms. This risk arises not so much from those who experience gender incongruence, but from others who would take malicious advantage of open-door policies in these private spaces.

- **Threaten charitable services.**

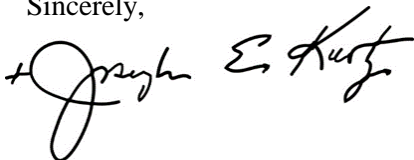
The Equality Act would force a multitude of charitable services to either violate their principles or shut down. With the lack of gender criteria, shelters would be required to house vulnerable, sometimes traumatized, women with biological men. In addition, foster care and adoption agencies would be expected to place children with same-sex partners, regardless of some birth mothers’ wishes and children’s best interests.⁵ The resulting closures of such charitable services would be unconscionable – especially when the opioid crisis is leaving more and more children in need of foster care.

- **Exclude people from various career paths and livelihoods.**

Despite the U.S. Supreme Court ruling in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018) that the state must not be hostile to religion, the Equality Act would set up entrepreneurs of faith, who serve all people but cannot express messages with which they disagree, for destructive litigation nationwide.

Given all of these effects, we strongly oppose the Equality Act and respectfully urge you to oppose it as well. We pray that wisdom will inform your deliberations on these matters and we readily stand with you, and are willing to assist you, in developing compassionate and just means to eradicate unjust discrimination and harassment from our country. May God bless you.

Sincerely,



Most Reverend Joseph E. Kurtz
Archbishop of Louisville
Chairman, Committee
for Religious Liberty



Most Reverend James D. Conley
Bishop of Lincoln
Chairman, Subcommittee for the
Promotion and Defense of Marriage



Most Reverend Frank J. Dewane
Bishop of Venice
Chairman, Committee on
Domestic Justice and Human
Development

⁴ Pope Francis, Apostolic Exhortation *Amoris Laetitia*, no. 56, 2016.

⁵ Children raised by a married mother and father are statistically more likely to have positive social, economic, and health outcomes than those raised by same-sex couples. See D. Paul Sullins, *Invisible Victims: Delayed Onset Depression among Adults with Same-Sex Parents*, Depression Research and Treatment, Vol. 2016 (2016); D. Paul Sullins, *Emotional Problems among Children with Same-Sex Parents: Difference by Definition*, British Journal of Education, Society and Behavioural Science, Vol. 7 No. 2, 99-120 (2015); Mark Regnerus, *How different are the adult children of parents who have same-sex relationships? Findings from the New Family Structures Study*, Social Science Research, Vol. 41 No. 4, 752-770 (2012).