

No Men in Women's Restrooms. No Punishment for My Faith.

No on SB613 & HB1410

*A guide to dangerous legislation
proposed in Pennsylvania that
jeopardizes your fundamental freedoms.*



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No on SB613 & HB1410

There is a renewed push for harmful legislation here in Pennsylvania. Unfortunately, 18 State Senators and 73 State Representatives are cosponsors to an extremely dangerous bill jeopardizing your religious freedom and privacy rights. Senate Bill 613 and House Bill 1410 would make harmful changes to our state law covering public accommodations, employment and housing by creating special status for "sexual orientation" and "gender identity" and thereby creating a host of consequences:

Public Accommodations - If SB613 or HB1410 were to become law:

- Personal privacy would be jeopardized. Laws just like this were used to force all accommodations, like swimming pools, amusement parks and schools, to allow men into women-only bathrooms, locker rooms and showers (and vice versa).

Employment - If SB613 or HB1410 were to become law:

- Personal privacy would be jeopardized because laws like this were used to force employers to open their sex-specific locker rooms, showers, and restrooms to the opposite biological sex.
- It would be illegal for religious schools, churches and other religious ministries and non-profit organizations to only hire employees that agree with the religious organization's teaching on sexuality, marriage and gender.
- It would force religious adoption and foster care agencies to either violate their beliefs and place children in homes without a mother and father or cease serving children and close.
- It would make it illegal for bakers, photographers, and wedding-business owners to choose not to participate in a same-sex wedding ceremony that violates their conscience and beliefs. It would also force other creative professionals to create messages to promote sexual behaviors they disagree with or else shut down.

Housing - If SB613 or HB1410 were to become law:

- Women's shelters, homeless shelters, retirement communities, college dormitories, boarding schools and summer camps would be forced to pair men/boys who identify as women/girls with women/girls (and vice versa) and all women-only facilities (bathrooms and showers) in those housing accommodations would be available to members of the opposite biological sex (and vice versa).

Tell your State Senator and State Representative:

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The Real Impacts of HB1410 / SB613 on People of Faith:

RELIGIOUS LIBERTY

In practice, laws like HB1410 / SB613 have been used to limit freedoms of speech, conscience, and religion. This public policy would create for the first time in Pennsylvania law special status for “sexual orientation” and “gender identity” with broad scope in application to employment, education, housing, and public accommodation. The popular examples of so-called “discrimination” actually involve conscientious objectors to the redefinition of marriage who are obligated to stand by their most deeply held convictions. Rather than punishing these individuals, business owners, and ministries, we should protect space for all Pennsylvanians to be true to themselves. It would undermine the diversity and tolerance that we already have to pass a law that treats those who believe marriage is uniquely between a man and a woman as if they are, as Justice Scalia put it in his *Windsor* dissent, “*hostes humani generis*,” or “enemies of the human race,” whose livelihoods should be confiscated.



Jack Phillips

COLORADO: Jack Phillips, a cake artist and owner of Masterpiece Cakeshop, declined to design a cake for a same-sex wedding ceremony. He offered to make the couple any other type of baked good or sell them a pre-made cake, but, because of his faith, he could not design a cake promoting a same-sex wedding ceremony. A complaint was filed with the Colorado Civil Rights Commission for sexual orientation discrimination. An administrative law judge ruled against Jack Phillips in December 2013, saying that designing and creating cakes for same-sex wedding ceremonies are not speech protected by the First Amendment. The commission also ordered Jack and his staff to design cakes for same-sex wedding celebrations, go through a “re-education” program, implement new policies to comply with the commission’s order, and file quarterly “compliance” reports for two years to show that Jack has agreed to every request by customers to promote any event and message that may conflict with Jack’s religious beliefs. On December 5, 2017, the Supreme Court heard oral arguments on his case. A ruling is expected in June 2018.



Barronelle Stutzman

WASHINGTON STATE: Barronelle Stutzman, owner of Arlene’s Flowers and Gifts, was sued in April 2013 by Washington State Attorney General and the American Civil Liberties Union for refusing to provide flowers for a same-sex wedding. The gentleman in question had been **a longtime client of Ms. Stutzman whom she knew was gay and whom she served for 9 years**. She only declined one event, a same-sex wedding, not because he was gay, but simply because of the event and the message conveyed by her participation. The court **not only fined her business, but found her personally liable for damages, which could wipe out her business and personal savings**. Barronelle is now requesting the United States Supreme Court to take on her case.

CATHOLIC CHARITIES: In Illinois, Boston, DC and San Francisco were **forced out of the adoption and foster care ministry** because they adhered to church teaching that children should only be placed with married couples of one man and one woman. Catholic charitable ministries would no longer be able to make contributions to the common good of Pennsylvania without violating their religious beliefs.



Catholic Charities

The Real Impacts of HB1410 / SB613 on People of Faith



Melissa Klein

OREGON: Sweet Cakes by Melissa, an Oregon bakery owned by Melissa & Aaron Klein, **closed its storefront** in August, 2013, after months of litigation and **threats to their family**. The Kleins chose not to participate in a lesbian couple's wedding by providing a cake. An Oregon court **charged the Kleins \$135,000 in damages**. An appeal has been filed.



Elaine Huguenin

NEW MEXICO: Elaine Huguenin of Elane Photography **was forced to pay nearly \$7,000 in legal fees** after the New Mexico Supreme Court held that her refusal to use her artistic expression in the service of a same-sex wedding violated New Mexico's human rights law. A judge wrote in a concurring opinion that violating one's conscience is sometimes **"the price of citizenship."** Huguenin's application to the United States Supreme Court was denied.



Blaine Adamson

LEXINGTON, KENTUCKY: Blaine Adamson of Hands on Originals, a printer, refused to print shirts for the Lexington (Gay) Pride Festival because **the agenda of the event violated his beliefs**. Mr. Adamson arranged with another local company to produce the shirts **at the same price he and the parade organizers had previously agreed to**. A member of the Lexington Human Rights Commission found against him and demanded that his employees undergo "diversity training," but a state court overturned this ruling. This case is still ongoing.



Cynthia and Robert Gifford

NEW YORK: The Gifford family owns and lives on a small farm in upstate New York that is open for seasonal activities such as berry picking, but also has event facilities. The Giffords, who are Catholic, could not in conscience host a same-sex wedding *at their home*. **New York charged the Giffords \$13,000 in fines and penalties**, forcing the family both to stop hosting wedding ceremonies and to lay off their full-time event planner.

A wedding vendor who chooses not to service a same-sex wedding is not discriminating against a person's being (i.e. not because of *who they are*). Instead, the vendor believes that cooperation in a particular *spiritually meaningful event* encroaches on his or her conscience. There is a fundamental distinction between discrimination against a person's being on one hand, and declining to provide services for a particular event or refusing to materially support a message on the other. Unfortunately, the states that have enacted legislation similar to HB1410 / SB613 have destroyed this distinction. This substantially broadens the definition of discrimination in a manner that forces citizens into cooperation with an event or message that violates their consciences.

Pennsylvania is already a tolerant community, founded by William Penn as a sanctuary for religious liberty. Unlike the historical systematic deprivation of jobs, services, and housing to African-Americans in an attempt by whites to maintain white supremacy which was appropriately addressed by our non-discrimination laws, people who identify with the LGBT community have never been, and certainly are not now, in an analogous situation. On the contrary, *it is extremely hard to come by examples of discrimination precisely because we are a tolerant society*.

Most businesses are focused on ensuring they can pay the bills and keep the lights on, and look to hire the best employee or serve any customer they can. As the advocates of HB1410 / SB613 readily admit, many businesses, including every Fortune 500 company Pennsylvania, already voluntarily have policies prohibiting adverse employment action on the basis of sexual orientation. We should permit businesses to put into place a diversity of employment practices that represent a diversity of values, while maintaining basic fairness and order. Free people of goodwill are able to navigate this diversity on their own without government enforcing a particular orthodoxy on all its citizens and their businesses and ministries. Government intervention is not only unnecessary; it harms the ability of people to navigate diversity in freedom and peace.

The Real Impacts of HB1410 / SB613 on Privacy:

PERSONAL FACILITIES

SB613 and HB1410 add a provision clarifying that the law does not require the creation of new facilities for gender identity or expression. But that does not solve the privacy issue, it highlights the privacy issue. Courts in other states with gender identity laws have held that accommodating a biological male who identifies as female by providing a unisex or “family style” restroom option instead of permitting them to use the restroom of the opposite sex, is itself an act of discrimination. The result of this law then, **is that biological males and females will have the right to access restrooms, showers and locker rooms of the opposite biological sex** – in schools, places of employment, and at public accommodations.

WASHINGTON STATE: Evergreen State College must permit a **45-year-old transgender man** (who identifies as a woman) to use a women’s locker room. A college spokeswoman said: “The College cannot discriminate based on the basis of gender identity. **Gender identity is one of the protected things in discrimination law in this state.**” This room is used by local youth swim teams including **girls as young as 6 years old.**

SEATTLE: The Human Rights Commission in Washington State, without a vote by elected officials or a public referendum, passed a policy that stripped away their citizens’ right to personal privacy. The harmful results are already being seen. KREM Seattle reports a man undressed in a women’s public pool locker room while young girls were changing for swim practice. When the man was asked to leave, he replied, “the law has changed and I have a right to be here.”

COLORADO: State courts ruled that a **6-year-old boy who identifies as a girl** must be permitted to use the girl’s room at his elementary school due to the state’s gender identity law.

MAINE: In the aftermath of the passage of a gender identity statute, a Maine school was sued for permitting a **5th grade transgender boy** (who identifies as a girl) to use a staff restroom, but not the girls room. The Maine Supreme Court ruled against the school, meaning that **the boy must be permitted to use the girls’ facilities.**

MAINE: The Gay & Lesbian Advocates and Defenders (GLAAD) sued a Denny’s restaurant franchisee in Maine after a location refused to let a man who dressed and identified as a woman use the women’s restroom. The franchisee settled with GLAAD, agreeing that **“all transgender individuals...will have access to the restroom consistent with their stated gender identity.”**

PHILADELPHIA, PENNSYLVANIA: According to the official legal guidance accompanying the city’s Fair Practices Ordinance, all employers in Philadelphia must permit transgender and other “gender nonconforming” employees to use a **“gender-identity appropriate restroom or locker room.”** Furthermore, the document refers to discomfort with sharing such facilities with those of the opposite biological sex as based in **“unsubstantiated fears and discriminatory attitudes”** that employers are bound by law to attempt to **“eliminate.”**

Tell your State Senator and State Representative:

No on SB613 & HB1410



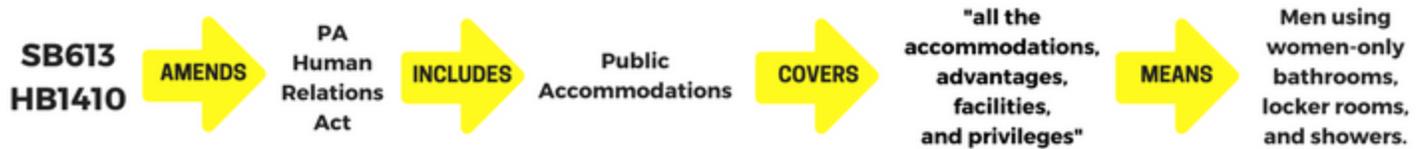
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Question: Do SB 613 & HB 1410 Really Affect Bathrooms and Showers?

Language just like that in SB 613 & HB 1410 - which some name the so-called "Fairness" Act - has forced open sex-specific bathrooms and showers to those of the opposite biological sex in states and cities across the country. Here's how:

While those laws don't specifically use the words "bathrooms" or "showers," they force them open by requiring that "facilities," "accommodations," "privileges," and "advantages" be provided at public accommodations irrespective of "gender identity" or "sexual orientation." That's exactly the language that the proposed "Fairness" Act uses to change our current PA Human Relations Act. Simply put, this proposed change would apply to locker rooms, restrooms and showers:



The proposed "Fairness" Act states that it is discrimination to:

*"Refuse, withhold from, or deny to any person because of race, color, sex, **sexual orientation, gender identity or expression, religious creed, ancestry, national origin or handicap or disability, or to any person due to use of a guide or support animal because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such public accommodation, resort or amusement."***

This is the same language that was used by other states to open up their locker rooms, showers, and restrooms. Here are just two examples:

MAINE: "[f]or any public accommodation or any person who is the owner, lessor, lessee, proprietor, operator, manager, superintendent, agent or employee of any place of public accommodation to directly or indirectly refuse, discriminate against or in any manner withhold from or deny the full and equal enjoyment to any person, on account of race or color, sex, **sexual orientation**, physical or mental disability, religion, ancestry or national origin, any of the **accommodations, advantages, facilities, goods, services or privileges of public accommodation**, or in any manner discriminate against any person in the price, terms or conditions upon which access to accommodation, advantages, facilities, goods, services and privileges may depend."

WASHINGTON STATE: "The right to be free from discrimination because of race, creed, color, national origin, sex, honorably discharged veteran or military status, **sexual orientation**, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability is recognized as and declared to be a civil right. This right shall include, but not be limited to the right to the full enjoyment of any of the **accommodations, advantages, facilities, or privileges** of any place of public resort, accommodation, assemblage, or amusement;"

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The Threat to Religious Schools is Real. The employment provisions of the bill would prohibit Religious schools, Churches and religious non-profits from limiting the hiring of faculty and staff only to those that adhere to and live by religious sexual norms. Tax-exemptions for religious ministries are also put at risk. In other states with the very same kind of laws as SB613 & HB1410, courts have begun imposing penalties on Religious Schools. In 2016, a Massachusetts court held that because sexual orientation was now a special class, a Catholic School, even though permitted to hire all its employees on the basis of religion, could no longer extend that practice to religious beliefs or practices dealing with sexual orientation.

Statements by a PA State Senator provide clear evidence that Pennsylvania Christian schools are at risk should SB 613 or HB1410 (the so-called "Fairness Act") become law. At issue: **What happens when a Christian school dismisses a teacher for engaging in a public act contrary to the school's religious teaching, such as marrying their same-sex partner?** In December 2013, Holy Ghost Preparatory School of Bensalem (a Catholic school) dismissed a teacher for announcing he was marrying his same-sex partner. That action by the teacher is a direct violation of church teaching.

Senator Daylin Leach took this as an opportunity to make several statements denouncing the firing, and to promote legislation like SB 613 which would have made this school's decision illegal. The Senator's statements are highlighted in a Huffington Post story where he responded to the decision made by Holy Ghost Prep

Michael Griffin, an openly gay teacher at Holy Ghost Preparatory School in Bensalem, was fired on Friday for obtaining a marriage license with his longtime partner in New Jersey and the dismissal was completely legal under Pennsylvania state law... State Sen. Daylin Leach said he'd like to see that changed by amending the Pennsylvania human Relations Act to include language to cover sexual orientation..... "The thing we hear is that we don't need this because it never happens," said Leach, a Democrat whose district includes parts of Montgomery and Delaware counties. "This is a perfect example of how it happened."

WHYY covered this story as well – which included at-length comments by Senator Leach; of which he posted the link to his own Facebook page:

Had pending Pennsylvania legislation to prohibit discrimination based on sexual orientation been in effect, Griffin would still be teaching, said state Sen. Daylin Leach. Griffin would have been covered even if he had signed a school contract that mandated school employees follow teachings of the Catholic Church, Leach contended. "If it was illegal to fire a gay person, it would be illegal to fire someone even if they signed a contract saying, 'You can fire me because I'm gay.' Those sorts of contracts are usually rendered unenforceable by this type of law," said Leach, D-Montgomery.

Senator Daylin Leach says the long-standing practice of Catholic schools requiring their teachers to follow the teachings of the Catholic Church should be illegal. SB 613, the so-called "Fairness Act" (of which Sen. Leach is a sponsor) would make it so. And that should trouble every Pennsylvanian who believes in fairness, tolerance and freedom.

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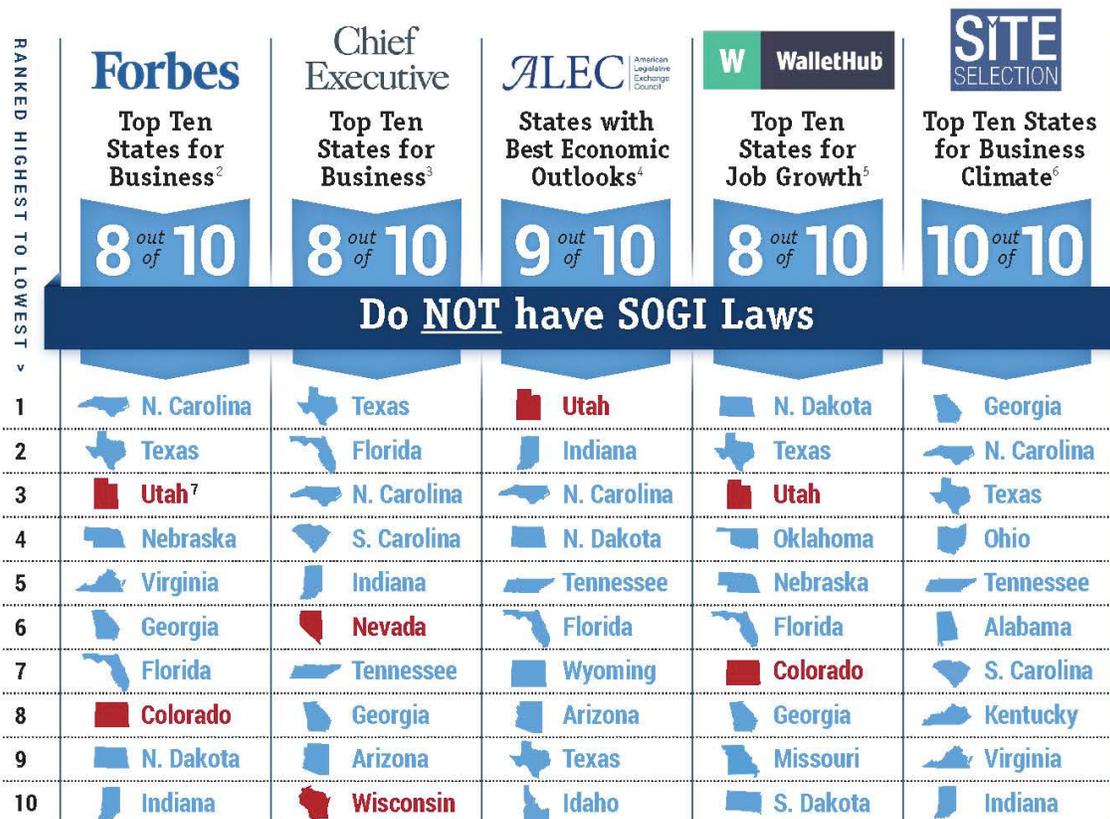
FACT: SB 613 & HB 1410 are unnecessary for economic growth.

Some state lawmakers are attempting a new tactic in their pursuit of the dangerous "Fairness Act" (SB 613 & HB 1410), claiming it would help our economy. Along with adding "sexual orientation" and "gender identity" as special statuses under state law dealing with public accommodation, employment and housing, SB 613 and HB 1410 would also add the following statement:

"[T]he absence of nondiscrimination protections hinders efforts to recruit and retain the diversity of talented individuals and successful enterprises required for a thriving economy and strong public sector on which the inhabitants of this Commonwealth depend."

FACT: Numerous studies suggest that states **without** these classifications actually have **greater economic growth**, while many states that have **added** these classifications to their laws have **weaker economies** and **lower job growth**. While this does not mean that states with these types of laws always experience low economic growth, it does indicate that these classifications aren't essential to economic growth. Notably, the majority of states and the federal government do not include sexual orientation and gender identity in public accommodation, employment and housing nondiscrimination laws.¹

Best States for Business and Economic Outlook



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Worst States for Business and Economic Outlook



■ State does not have Nondiscrimination Laws that include Sexual Orientation and/or Gender Identity

■ State does have Nondiscrimination Laws that include Sexual Orientation and/or Gender Identity

1 Currently, 28 states and the federal government do not include sexual orientation or gender identity in their employment nondiscrimination laws, while 29 states and the federal government do not include these classifications in their public accommodation nondiscrimination laws.

2 "Best States for Business," Forbes.com, <http://www.forbes.com/best-states-for-business/> (last visited December 1, 2017).

3 "2017 Best & Worst States For Business," ChiefExecutive.net, available at <https://chiefexecutive.net/2017-best-worst-states-business/> (last visited December 1, 2017).

4 Laffer, Arthur, et al., "Rich States, Poor States: ALEC-Laffer State Economic Competitiveness Index," 10th Ed, American Legislative Exchange Council, available at <http://www.richstatespoorstates.org/all-states/> (last visited December 1, 2017).

5 Richie Bernardo, "2017's Best and Worst States to Start a Business," WalletHub.com, July 5, 2017, available at <https://wallethub.com/edu/best-states-to-start-a-business/36934/> (last visited December 1, 2017).

6 Mark Arend, "2017 Business Climate Rankings," SiteSelection Magazine, November 2017, available at <http://siteselection.com/issues/2017/nov/cover.cfm> (last visited December 1, 2017).

7 Utah added sexual orientation and gender identity to portions of its nondiscrimination laws in 2015. However, public accommodations are exempted from Utah's nondiscrimination laws.

8 "2017 Best & Worst States For Business," ChiefExecutive.net, available at <https://chiefexecutive.net/2017-best-worst-states-business/> (last visited December 1, 2017).

9 Laffer, Arthur, et al., "Rich States, Poor States: ALEC-Laffer State Economic Competitiveness Index," 10th Ed, American Legislative Exchange Council, available at <http://www.richstatespoorstates.org/all-states/> (last visited December 1, 2017).

10 Richie Bernardo, "2017's Best and Worst States to Start a Business," WalletHub.com, July 5, 2017, available at <https://wallethub.com/edu/best-states-to-start-a-business/36934/> (last visited December 1, 2017).

Bottom line: If Pennsylvania is to see diverse economic growth, it should not pass an unfair discrimination law like SB 613 and HB 1410.

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5 practical ways you can help stop SB 613 & HB 1410

1. Contact your State Senator & State Representative.

- Send an email: tinyurl.com/DontHarmPA
- Call their office: Often you will just leave a message with their staff.
- Set up a meeting in their local district office: this can be the most effective way to communicate your concern about SB 613 with your Senator or on HB 1410 with your Representative.
- As always, please be kind and respectful in any communication with your elected officials.

2. Recruit others to contact their State Senator and State Representative.

- Action Alert: tinyurl.com/DontHarmPA
- Printable Guide: pafamily.org/resources
- Share a post - facebook.com/PAFamily

3. Write a letter to the editor in your local newspaper.

- Typical word count limit is 250 words or less.
- Many newspapers will only print a letter to the editor after calling the author to verify his or her identity and address. Newspapers will not give out that information - and will usually only print your name and city should your letter be published - but be sure to include your name, address and phone number when you submit.

4. Help organize a meeting to discuss this legislation.

- You may request a staff member from Pennsylvania Family Council to come speak - just call 717-545-0600.

5. Pray.

- Pray by name for your State Senator and State Representative.
- We are currently in the 2017-2018 legislative session.
- Pray for the work of Pennsylvania Family Council and other religious freedom and privacy advocates.

Tell your State Senator and State Representative:

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