



FAIR AND EQUAL MICHIGAN STATEWIDE PETITION

What is the Fair and Equal Michigan proposal and what does it do?

A group called Fair and Equal Michigan is seeking to amend the state's Elliott-Larsen Civil Rights Act (ELCRA) through a statewide petition drive. The ELCRA protects Michiganders from discrimination in housing, employment, education, and public accommodations based on one's religion, race, color, national origin, age, sex, height, weight, and familial or marital status. The petition would redefine "sex" to include "sexual orientation and gender identity or expression."

What does the Church teach about how all people should be treated?

The Catholic Church recognizes all people—male and female—are made in the image and likeness of God. Therefore, all should be treated with dignity and respect, regardless of orientation or identity. *The petition, however, has consequences that go beyond how people treat one another.*

What types of challenges does this petition create for the Church?

Redefining "sex" in state law—and ignoring the reality of the biological differences between men and women—will likely create *significant moral, ethical, and legal challenges* for the Catholic Church. More specifically, it could force:

- Churches and affiliated ministries to hire people who do not share in their religious beliefs,
- Religious schools to change their curriculum, and
- Faith-based charitable agencies either to discontinue services—such as adoption and youth homes to the poor and vulnerable—or risk a lawsuit.

Why is the definition of religion in this proposal problematic?

The petition would define religion as "the religious beliefs of an individual," which actually reduces the current understanding of the term under the law. While other state and federal laws also protect faith-based actions or speech in addition to religious beliefs, this definition does not.

What ministries and activities of the Church would be negatively impacted by the petition?

- Homeless youth shelters
- Independent living homes for youth aging out foster care
- Caseworker and teacher hiring
- Mental health counseling
- Foster care and adoption placements
- State contracts for service programs
- Guidelines for usage of school locker rooms and bathrooms
- Administration of athletic programs
- Shared time instruction
- School curriculum

It is clear the petition *does not protect* religious institutions or faithful Catholics who continue to act in accordance with their deeply held beliefs, including in service to their community.

✗ For the abovementioned reasons, the Catholic bishops of Michigan **DO NOT SUPPORT** the initiative from Fair and Equal Michigan and urge parishioners not to sign the petition.



ANALYSIS OF FAIR AND EQUAL MICHIGAN Impacted Church Ministries and Activities

The following analysis and examples are based on feedback received from legal counsel, the U.S. Conference of Catholic Bishops, diocesan attorneys, and the Michigan Catholic Conference Social Policy Committee, which is comprised of diocesan social service officers.

The proposed Fair and Equal Michigan ballot question seeks to amend the state's Elliott-Larsen Civil Rights Act. The Act prevents discrimination in housing, employment, education, and public accommodations. Fair and Equal Michigan is proposing to redefine the protected class of "sex" to include "gender, sexual orientation and gender identity and expression." This amendment will likely create significant moral, ethical, and legal challenges for the Catholic Church and her ministries for years to come, due to the Church's teaching that males and females were made in the image and likeness of God and are biologically different than one another:

1. The definition of religion would be reduced to "the religious beliefs of an individual," and would not protect faith-based actions or speech, departing from existing state and federal laws.
2. Church teachings and practices based on the biological differences could be challenged.
3. Catholic Charities agencies may be subjected to lawsuits for refusing to participate in placements or services that violate Church teaching.
4. Lay employees at Catholic parishes, schools, and agencies would be allowed to engage in speech inconsistent with Church teachings and to assert a claim for discrimination if an employment decision were to be made based on that inconsistent speech or conduct.

The following ministries or activities would likely be impacted if the proposed amendment becomes law:

- Homeless youth shelters
- Independent living homes for youth aging out of the foster care system (boys and girls)
- Caseworker and teacher hiring
- Mental health counseling
- Foster care and adoption placements
- Any variety of state contracts for service programs
- Guidelines for school locker rooms and bathrooms
- Administration of athletic programs
- Shared time instruction, which allows a nonpublic student to enroll in "non-essential" elective courses at a public school
- School curriculum, especially regarding Catholic teaching about the human person and the biological differences between males and females.