FAQ | Human Rights Amendment Act of 2014 (HRAA)

WHAT DOES THE BILL DO?

If enacted into law, HRAA would repeal the "Armstrong Amendment"— a long-standing provision of the District of Columbia code that was passed directly by Congress in 1989 to ensure that the D.C. Human Rights Act could not be construed to require religiously affiliated schools to officially endorse, fund, or provide other benefits to persons promoting homosexual identity and conduct.

The D.C. Human Rights Act (Section 2-1402.41) currently recognizes the settled constitutional principle that a private organization - in the words of the Act, an "educational institution that is affiliated with a religious organization" – has the freedom to decide when to offer "endorsement, approval, or recognition" to a group organized to promote or condone homosexual activity.

This is the provision known as the "Armstrong Amendment." It recognizes a religious school's freedom in deciding whether to fund or provide facilities or other benefits to such persons or groups. This provision of the Act recognizes the diversity of our City and the freedom of religious organizations truly to practice what they preach. To remove this protection suggests that there is a role for government in determining how a private, religious, educational institution carries out its mission, the sort of intrusion that flouts our Constitution and our civic traditions.

WHY IS HRAA A PROBLEM?

HRAA requires religiously affiliated schools in the District of Columbia to endorse, fund and provide other benefits to groups that are organized to promote views that are directly contrary to the schools' mission and sincerely held religious beliefs regarding marriage and human sexuality.

For many religions, marriage is the union of a man and a woman, and sexual relations are reserved solely for marriage. Thus, a repeal of the Armstrong Amendment would allow the government to force religiously affiliated schools to accept and propogate the government's views on marriage and human sexuality.

For example, a Christian school could be forced to officially endorse a gay rights student group, or hold a gay pride march on their campus, or face penalty from the government. Under the Constitution, private organizations should not be coerced by the government to act contrary to their sincerely held religious beliefs, or to associate with individuals who compromise the organization's message.

ISN'T THIS JUST ABOUT TREATING ALL PEOPLE FAIRLY?

HRAA isn't about fairness for all. If true to their missions, most religiously affiliated schools treat persons who engage in homosexual conduct with kindness, and with the same dignity and respect that is due to all human beings.

Instead, the government is treating religiously affiliated schools unfairly. In the name of "anti-discrimination," HRAA actually discriminates against religiously affiliated schools by penalizing those schools that do not share the government's views on marriage and human sexuality.

IS THIS THE SAME ISSUE AS THE RECENT CONTROVERSY IN INDIANA?

No. That was about what rights individual business owners have to exercise religion in the way they run their for-profit businesses. HRAA denies religious schools the right to practice and teach their faith.

SHOULDN'T RELIGIOUS SCHOOLS RECOGNIZE ALL PERSONS EQUALLY AND GIVE THEM THE SAME ACCESS TO SCHOOL RESOURCES?

The First Amendment and the Religious Freedom Restoration Act (RFRA) protect the right of religiously affiliated schools to practice their faith free from government intrusion.

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Practicing one's religion can mean teaching it to others and operating an educational institution consistent with those beliefs. Religious schools cannot effectively teach their beliefs about marriage and human sexuality when they are simultaneously forced by the government to endorse and support groups that actively oppose those beliefs.

It is also a well-settled constitutional principle that private organizations have the freedom to decide the persons or groups to whom they may offer endorsement, approval or recognition. A school or other entity makes a statement about itself every time it extends official recognition to an affiliate group.

By forcing private organizations to associate — via endorsement, or the provision of funding and benefits — with groups who espouse views that directly conflict with the organization's mission and purpose, the Government wrongfully commandeers the organization's message.

AREN'T THERE EXEMPTIONS FOR RELIGIOUS SCHOOLS ALREADY IN D.C. LAW?

HRAA would repeal the only exemption available to provide religiously affiliated schools relief from the District's overreaching anti-discrimination laws. The District's Human Rights Act contains one other statutory protection for religious organizations, but that exemption only provides religious organizations with the right to hire exclusively co-religionists (for example, Catholic organizations can choose to hire only Catholics without being in violation of the D.C. Human Rights Act or Title VII).

IT SOUNDS LIKE HRAA IS UNCONSTITUTIONAL ANYWAY, SO WHY DOES CONGRESS NEED TO GET INVOLVED?

Without the protections of the Armstrong Amendment, religiously affiliated schools could be subjected to lawsuits and enforcement actions brought by the government, which could force them to expend significant resources to defend their rights in court. And, because the District is a federal jurisdiction, it is Congress's duty to ensure that the District government does not trample upon some of our nation's first and most cherished freedoms—such as the freedoms of religion and association.

Congress should therefore exercise its authority in this case, again, to protect religiously affiliated schools located in the District of Columbia from unlawful government coercion.

DOESN'T D.C. HAVE THE RIGHT TO MAKE ITS OWN LAWS AND GOVERN ITSELF JUST LIKE STATES?

Under the Constitution, Congress has exclusive jurisdiction over the District of Columbia "in all cases whatsoever." (Art. I, Section 8.) While Congress granted certain local governing functions to the District in 1973, Congress still has the official responsibility of oversight and the District must follow all federal laws. This bill is clearly unconstitutional, violates federal law, and is bad policy. Such an aggressive move against religious schools within our Nation's Capital should not be agreed to or allowed by Congress.

CAN CONGRESS STILL ACT? WHAT CAN CONGRESS DO?

Because of the District's unique character as a federal district rather than a city or a state, the Constitution grants Congress the authority to legislate in D.C. The D.C. Home Rule Act of 1973 gave the District the ability to pass laws, but retained to Congress a 30-day window in which to review all legislation before it goes into effect. HRAA was signed by Mayor Bowser on January 25, 2014.

Once it is officially transmitted to Congress, Congress has 30 legislative days to disapprove of this bill. Congress can pass a Disapproval Resolution which, if signed by the President, would veto HRAA.