

STATEMENT OF BARNEY FRANK ON H.R. 2802

TO THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.

Mr. Chairman and Members of the Committee,

I do not understand why people think I should pay taxes that fund a variety of Federal contracts and then be excluded from receiving any benefits from them for which I am otherwise eligible because the contractor who has voluntarily sought these funds doesn't think I should have married the man I love. That contractor is of course fully entitled to be unhappy that Jim and I have been happily married for four years, even though it has so obviously had no effect on him or her that he or she either never knew it or has long since forgotten it.

If, when it is brought to his or her attention, he or she decides not to socialize with me, that is a loss I will bear without complaint. If, on meeting me in a social setting, he or she identifies himself or herself as someone offended by my marriage, I will not only have no objection to him or her avoiding me for the duration of the event, I would find that preferable to a reiteration of arguments I heard years ago, the falsity of which has been long since demonstrated, that Jim and I have in some indefinable way damaged the social fabric by sharing our lives.

But if the contractor in question has successfully pursued a contract by which Federal taxpayers, of whom I am a larger one than I was when I served in this body, pay him or her to provide specified services to class of people that includes me, I object strenuously to being denied them because of an aspect of my life that does him or her absolutely no harm and is wholly irrelevant to the purposes for which he or she is being paid.

My objection in no way means that I do not recognize his or her right to any opinion whatsoever. But neither does it mean my acquiescence in his opinion diminishing my ability to participate in an activity which he has not only volunteered to perform, but has almost certainly worked hard for the right to do so and be financially rewarded for it.

The objection to being forced to set aside your personal impulse to refuse to associate with law-abiding people who behave civilly because of your prejudice against some aspect of their personality was best answered by one of the great former members of this House, Gus Hawkins of California, Chairman of what when Democrats were in power was called the Committee on Education and Labor, when he replied that “when you dip your fingers in the Federal till, you shouldn’t be surprised if some democracy rubs off on them.”

What you are considering today is whether one’s religious beliefs justify an exception to the Hawkins principle. And when his point is properly understood, the answer is no. The question here is not whether people should be free in their personal and individual capacities to follow their religion. It is in the case of this legislative proposal whether the particular religious views of one acting in an official capacity, i.e. as an agent of our democratically elected, publicly funded government, can supersede public policy to the disadvantage of individuals whose legally guaranteed rights conflict with those doctrines.

It is of course the case that this particular proposal is motivated solely by an animus against lesbian, gay, bisexual and transgender people, and is in fact worded in the form I have seen to authorize denial of publicly funded services to anyone in these categories who engages in any physical intimacy with another. That it is an expression of anti GLBT prejudice is beyond

debate. There are a variety of religions with a variety of precepts that differ with Federal policies. This bill singles out one such objection and empowers those who hold this belief—and only them—with a legal right no other religious believer will enjoy.

And no one should be misled that it is simply a protection against an individual being forced into personal activity he or she believes is sacrilegious. Federal funds for the construction of rental housing for people of limited income was one of the issues on which I focused in my tenure here. I am deeply troubled by the possibility that this bill becomes law and allows developers to receive some of the money I fought to make available, and then use it to construct rental units which people like me would be prevented from inhabiting. How in the world does requiring that developer to rent to same-sex couples in any way impinge on his religious freedom?

Finally having noted that this bill is motivated by, and intended to implement dislike of people like me, I do want to disclaim any notion that it would be better if it were more broadly assaultive of people's right to live their own lives free from the prejudices of others. But the warning of Pastor Niemoller is relevant here. This bill, in the unlikely event it is enacted, signed and found to be Constitutional will be a powerful precedent, attracting others who have religious objections to the entirely lawful activities -or personal characteristics—of some of their fellow citizens to subject them to similar penalties.

BIOGRAPHY

Barney Frank was a U.S. Representative in Congress from 1981 to 2013. He is a resident of Massachusetts who spends much of his time in Maine with his husband, Jim Ready, whom he

married in 2012 while he was a Member of the House. He does not know if any other Member or employee felt compelled to violate any religious belief in working with him.