



EEOC Nominee: Lesbian Lawyer Chai Feldblum

Georgetown University Professor Chai Feldblum will violate religious freedom and promote her belief that “gay is good” as an Equal Employment Opportunity Commission member.

January 2010 – President Obama has chosen lesbian activist lawyer Chai Feldblum to become a member of the Equal Employment Opportunity Commission. In this powerful post, Feldblum will have the power to punish businesses and especially Christian business owners who object to the sexual behaviors of gays, lesbians, bisexuals and transgendered (drag queens, heterosexual cross-dressers, transsexuals, she-males) individuals.

Feldblum is one of the key lesbian legal thinkers in the effort to impose the lesbian, gay, bisexual, transgender (LGBT) agenda on America.

Feldblum earned a B.A. from Barnard College and a law degree from Harvard Law School in 1985. She currently teaches gay/gender law at Georgetown University Law School. She formerly worked as legislative council for the AIDS Project of the American Civil Liberties Union; served as legal director for the Campaign for Military Service; founded the Workplace Flexibility 2010 project; and the Moral Values Project. All of her efforts directed at promoting gay, lesbian, bisexual and transgender sexual behaviors as “good” and to force Americans to affirm these sexual activities.

Feldblum was the primary author of the federal Americans With Disabilities Act (ADA) and the [Employment Non-Discrimination Act \(ENDA\)](#), a pro-LGBT bill that will impose draconian regulations on all businesses with 15 or more employees. As a member of the EEOC, Feldblum will ruthlessly enforce ENDA against American businessmen, educators, Christian media companies, Christian day camps and more.

Feldblum has left an extensive paper trail of her beliefs about religious liberty, the gay agenda, and polyamory (the sexual or non-sexual groupings of men, women or she-males into fake “families” that would receive federal affirmation equal to those provided to man-woman marriages.)

As a lesbian activist on the EEOC, Feldblum will play a major role in her goal of “revolutionizing social norms” in the work place. Among those norms are enforcing the belief that “gay sex is good.” She outlined these goals at a conference at U.C.L.A. in 2004. [Her remarks are posted on YouTube](#). Feldblum clearly describes her objective of overturning social norms and forcing all businesses in the U.S. to affirm the gay lifestyle.

At this U.C.L.A. event, Feldblum outlined a strategy for getting Americans to change what is moral in order to support the idea that “gay sex is morally good.”

Two of her strategies were developed in her Workplace Flexibility 2010 Project and her Moral Values Project and are designed to accomplish this goal.

She described 5 points about the Moral Values Project:

Moral Values are important to a healthy society.

Intimate relationships between individuals and in family structures are critical moral and political units that can create a healthy society.

It’s the government’s responsibility to nurture these moral and political units.

People in opposite sex relationships and people in same-sex relationships equally embody this moral good and equally deserve support from public policies (gay sex is just as good as heterosexual sex; gay people just like straight people are more than just about sex).

Our current public policies undermine the moral and political unit of same sex couples and families and that is a moral wrong that needs to be rectified.

There is a war that needs to be fought where we need to convince people that morality demands full equality for gay people

Chai Feldblum wants society to see Gay Sex and heterosexual sex within the same context. In other words, if Gay and Lesbian couples are in committed monogamous relationships and consider themselves a unit, then they are a part of the family unit of society. Therefore, they fit into the moral values context. Homosexual sex is “normal” for them and is not immoral.

Feldblum is manipulating her words in such a way as to convince society that homosexuals deserve the same rights as heterosexuals because it is a moral issue just as much as equality issue. She says that this moral context should complement the efforts of equality arguments. She is trying to convince society to change their norms and what they are used to. If there norms are changed and revolutionized and society begins to implement LGBT rights as a moral issue they may be able to win their fight.

Feldblum describes her Moral Values Project this way:

Moral Values Project is a very deliberate effort to intervene in the public discourse and take back the term Moral Values so that it means what many of us think of as our moral values which are very progressive values around gender, sexuality, and sexual orientation. Morality equals good and bad morality does not equal religion. Morality is right from wrong. Some people derive their moral values from religion and some from the secular beliefs. We need to bring a set of religious and non religious people together to articulate a set of Moral Values. Morality or moral values has been used in efforts to combat poverty, global warming, or the war, all of which are moral issues but it seems like the democratic left is terrified to use morality in the terms of sexuality. This is where the moral values project comes in to reclaim the moral high ground on sexuality and gender issues. This is about the language that we use. The public has to be segmented, and religion has to be dealt with, with religion. If people bring up this argument we have to tell them that how we read and interpret the bible is different. But in reality it is more a lack of awareness, a lack of knowledge, and a lack of a counter. The MVP is about the counter conversation, it is about “do you think it’s good, to be honest and to have integrity, and even more important do you think it’s important to be a full sexual being?” We have to be able to talk about the goodness of sexuality. “If you think it’s good to be a full sexual being, I won’t be a complete full sexual being if I am forced to be with someone with the opposite sex, what do you say about that?”

As will be clear later in this paper, Feldblum is describing the abolition of Judeo-Christian morality in favor of a sexual anarchist “ethic” that permits multiple sex partners without judgment and without societal disapproval. In fact, if she is successful, those with biblical morality will be forced to accept this redefining of social norms or face criminal penalties.

This paper will examine four of her research papers and other writings that provide an understanding of how she will use the EEOC to advance the LGBT agenda in America. These four papers are: “Religion and Marriage Equality”; “Gay Is Good”; and “Moral Conflict And Liberty: Gay Rights And Religion.”

The LGBT Agenda Trumps The First Amendment & Religious Freedom

Lesbian Feldblum believes that the courts and the law should be used to enforce the LGBT agenda on all Americans with only very limited exceptions.

Writing in “Moral Conflict And Liberty: Gay Rights And Religion,” Feldblum lays out her belief that the LGBT agenda should nearly always trump religious freedom and freedom of conscience.

Feldblum uses the example of a Christian couple who operate a bed & breakfast for a Christian clientele. This couple makes it very clear that they will not rent to co-habiting couples – whether heterosexual or homosexual. A gay couple sues the Christian bed & breakfast for violating a state law banning discrimination against a person’s marital status or sexual orientation. The Christians lose the case. Why? Because, according to Feldblum, the law is placing no burden on the Christian’s religious beliefs. No one is requiring the Christians to change their beliefs; they are just being forced to rent to all individuals regardless of their sexual behaviors.

According to Feldblum, a person's religious beliefs (what she calls "belief liberty") can be violated if they conflict with a compelling government interest in preventing discrimination against a group of individuals.

She coins the term "identity liberty" to describe gay, lesbian, bisexual and transgendered persons and their alleged "rights" under the Constitution. According to Feldblum, a person has the right to define who he is – including individuals who think they are the opposite sex. In her essay, "The Right To Define One's Own Concept Of Existence: What Lawrence Can Mean For Intersex And Transgender People," she claims that the Supreme Court's *Lawrence v. Texas* decision gives LGBT individuals a new freedom to define oneself. In this decision, Supreme Court Justice Anthony Kennedy stated that: "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life." This was Kennedy's reasoning for overturning all state laws against sodomy.

Feldblum believes that "identity liberty" should routinely trump "[religious] belief identity" when there are legal clashes.

Feldblum claims that when a government passes a law to protect the alleged "rights" of LGBT individuals, it has "staked out a position of moral neutrality with regard to that way of living."

She admits that the clash between religious freedom and the LGBT agenda is a zero-sum game: "A gain for one side necessarily entails a corresponding loss for the other side."

As a result of this zero-sum game, "An employer who is required to hire a gay person or a hotel owner who is required to rent to a gay couple may continue to believe whatever he or she wishes about the immorality or sinfulness of homosexuality." In short, the religious business owner's deeply-held beliefs are violated by forcing him to hire someone he considers immoral. Feldblum is fine with this. She believes that a religious person should be forced to violate his religious beliefs if it serves a compelling government interest.

According to Feldblum, when a legislature passes a law to protect the "liberty of LGBT" individuals, it is "perfectly reasonable for a legislature not to provide any exemption that will cordon off a significant segment of society from the anti-discrimination prohibition." In essence, she objects to legislatures adding "religious exemptions" to bills that are designed to give legal protections to LGBT individuals.

She states that "moral values are beginning to shift in this country." This means that our American values are being replaced. If our American values are changing everything that America stands for is being replaced as well. Society changes with time but what is morally good and bad does not. The claim that "gay sex is good" is turning morality upside down. If moral values constantly, we lack a firm foundation for determining what is right and what is wrong.

Feldblum even goes so far as to criticize the Supreme Court for its Boy Scout decision. In the *Dale* decision, the Supreme Court held that the Boy Scouts could exclude gay Scout leaders and gay Scouts from its organization because of its Boy Scout Oath that says boys should be morally straight.

Feldblum says the Supreme Court was wrong in *Dale*: "I believe the Court would have appropriately determined that a group as large and as broad-based as the Boy Scouts should not have been granted an exemption from the state law."

According to Feldblum:

Ensuring that LGBT people can live honestly and safely in all aspects of their social lives requires that society set a baseline of non-discrimination on the grounds of sexual orientation and gender identity. If individual business owners, service providers and employers could easily exempt themselves from such laws by making credible claims that their belief liberty is burdened by the law, LGBT people would remain constantly vulnerable to surprise discrimination.

Feldblum makes her position even clearer:

I believe the "zero sum" nature of the game inevitably comes into play. And, in making the decision in this zero sum game, I am convinced society should come down on the side of protecting the liberty of LGBT people. Once an individual chooses to enter the stream of economic commerce by opening a commercial establishment, I believe it is legitimate to require that they play by certain rules.¹²⁹ If the government tolerated the private exclusionary policies of such individuals in the commercial sector, such toleration would necessarily come at the cost of gay people's sense of belonging and safety in society. Just as we do not tolerate private racial beliefs that adversely affect African- Americans in the commercial arena, even if such beliefs are

based on religious views, we should similarly not tolerate private beliefs about sexual orientation and gender identity that adversely affect LGBT people.

In other words, Christians and other religious groups have to accept the life styles of the LGBT and must not refuse the services and employment opportunities. Christian bookstores would have to deal with the behavior of a transgender or make rest room accommodations for the transgender who chooses an opposite sex restroom. She believes that racism and not accepting the behaviors of the LGBT are the same. She tactfully compares the LGBT “struggles” to that of the African-Americans to stir up emotions and passions. The struggle of the African-Americans cannot be compared to that of LGBT; a person does not choose to be black or white. Blacks were segregated, mistreated, abused, killed, and not given equal civic rights. LGBT individuals did not have to sit a back of a bus because of their sexual orientation or have never been denied the right to vote.

Their sexual behaviors were criminalized because the society viewed homosexual conduct as unnatural and immoral. The health statistics certainly prove that at a minimum, homosexual conduct is extremely unhealthy and results in STD infections, mental problems, and early death.

Feldblum ignores the fact that homosexual conduct is not genetic, but the result of psychological factors, temperament and repeated addictive sexual behaviors that impact the brain. No gay researcher has found credible evidence to prove that there is a “gay gene.” Nor, has any gay researcher found a “cross-dressing gene” or a “transsexual gene.”

The bottom line is that Feldblum believes that whenever there is a clash between religious liberty and the LGBT agenda, the LGBT agenda should win the legal argument.

Forcing The LGBT Agenda On Religious Persons

Feldblum’s paper, “Rectifying The Tilt: Equality Lessons From Religion, Disability, Sexual Orientation And Transgender,” compares the government’s treatment of religious individuals in the workplace with LGBT individuals.

In it, she writes:

... it is difficult for civil rights groups to grapple with providing a reasonable accommodation to religious people when providing such an accommodation creates an equality conflict with another group.

She then discusses the passage of the Religious Freedom Restoration Act (RFRA), which was created to protect the rights of religious individuals in the workplace. The RFRA required the government to prove that it had a compelling government interest in restricting the religious liberty of a person of faith in the workplace. The law required businesses to make reasonable accommodations for a religious person’s faith practices but only if such accommodation didn’t place an undue hardship on the business.

Feldblum notes with concern that this law began to be used by religious people who were landlords in refusing to rent to cohabitating, unmarried couples. According to Feldblum:

Some courts ruled that civil rights laws prohibiting marital discrimination were not a burden on the landlords’ religious beliefs. Others ruled that such civil rights laws did burden the landlords’ religious beliefs, but the case law was then mixed on whether such laws were narrowly tailored to a compelling government purpose.

Feldblum believes that the clash between the LGBT agenda and religious persons involves what she terms “rectifying the tilt.”

Feldblum describes the “tilt” as a situation facing individuals with handicaps or different sexual orientations who are in a society where the social norms or architectural structures are different for others. A city with curbs on its streets, for example, is a “norm” for non-handicapped persons, but not for the person in a wheelchair. The wheelchair bound person’s life is on a tilt unless city streets have sloping access ramps to the street.

A gay or transgender person’s life is tilted in a society that considers homosexuality or cross-dressing abnormal.

Feldblum writes: “Because our society is set up with certain norms that make it impossible to treat minority members of society ‘as equals,’ without us, as a society, also taking some affirmative, corrective actions. ... these norms have arisen out of the cumulative set of actions and decisions taken by our society over time – with any disadvantages resulting to other members of society largely ignored and unacknowledged during that time.”

How does Feldblum propose to rectify the “tilt” in the lives of gays, lesbians, bisexuals and transgendered persons? She advocates “changing the societal norm itself (without putting anyone else on a tilt), that usually represents the best means for rectifying the tilt. Such a change not only results in everyone standing upright, it also integrates those with the differential norm into society in a way that best reaches the goal of treating every one ‘as an equal.’”

In a section titled “Morality And The Tilt,” Feldblum writes: “

If the person’s norm that is creating the tilt is morally problematic and/or is threatening to society, a society may legitimately choose not to rectify the tilt under that person. For example, a person who can achieve sexual pleasure only by having sex with young children, or a person who can feel empowered only by inflicting violence on a spouse, are clearly on a tilt to the rest of society. And yet, there is no reason to treat these people “as equals” with regard to those characteristics – precisely because we do not believe those characteristics should be lauded and approved by society.

Of course, it is still considered well within the pale of acceptable social norms to hold the view that homosexuality is immoral. It is simply that homosexuality is no longer inherently, automatically, or necessarily *presumed* to be considered immoral by everyone.

The distinction between tolerating homosexuality and endorsing homosexuality turns out to be key for various public policy decisions. The reality is that most people in this country do *not* believe that homosexuality is morally *equivalent* to heterosexuality. Indeed, a clear majority of the public believes it is “better” to be heterosexual than homosexual, “better” for individuals to be in long-term heterosexual relationships, rather than long-term homosexual relationships, and “better” for children to be brought up in families headed by a heterosexual couple, rather than a homosexual relationship. Thus, most individuals are not comfortable with any public policy that appears to directly condone gay relationships or to endorse such relationships as equivalent to heterosexual relationships

So, what does Feldblum propose to do with religious persons who still object to homosexual conduct, bisexuality or cross-dressing? She presents the example of a Tufts University Christian group on campus that refused to permit a bisexual woman to serve in a leadership position.

In this case, Feldblum is kind enough to agree that the religious group had the right to reject the bisexual from leadership, but she firmly rejects the right of religious persons in the “stream of commerce” or “being an employer or landlord” from using their religious freedom to object to gay, lesbian, bisexual or transgender behaviors. She writes:

... a person should be expected to play by the rules of civil rights laws mandated by the majority for employment or housing. Or, if a person chooses to become a counselor, as opposed to, for example, a secretary, or a nurse, or a construction worker, that person may need to take some responsibility for that decision. It may be that, given shifting societal moral norms, the decision to become a counselor and work for a general company (as compared to, for example, in a religious setting) carries with it a different set of responsibilities to one’s prospective clients.

In other words, if a Christian counselor is employed by a non-Christian company, the counselor should either provide services to LGBT individuals or find another job.

Bottom line: “The premise of this piece is that civil rights laws should be designed to rectify the tilt, as well as to establish formal equality.”

Feldblum Supports Polyamory

Chai Feldblum outlines her views on traditional marriage, gay marriage and other forms of relationships in her paper, “Gay Is Good: The Moral Case For Marriage Equality And More.”

Feldblum has her doubts about traditional marriage:

I, for one, am not sure whether marriage is a normatively good institution. I have moved away from the belief that marriage is clearly the *best* normative way to structure intimate relationships, such that government should be actively supporting this social arrangement above all others.¹⁰ I currently believe that marriage is a normatively “good” framework for most people to aspire to (I think), because it serves some very deep and legitimate human needs. But I also believe all of us are harmed, as members of a society seeking a common good, when society fails to acknowledge the wide array of non-marital intimate social structures that we as humans have ingeniously constructed to negotiate and make sense of the world.

Later in her paper, she describes what she means by “the wide array of non-marital intimate social structures.”

Throughout her paper, she favorably quotes William Eskridge, a gay Yale Law School professor who is a sexual anarchist in his views. [Eskridge testified on behalf of ENDA](#) at a House Committee hearing on September 23, 2009. Eskridge’s extremist views, however, were not discussed. Eskridge is on record as supporting polyamory; opposes laws against prostitution, sado-masochism, pornography and some forms of adult-child sex. Eskridge has co-authored legal papers with Nan Hunter, Feldblum’s lesbian partner.

Feldblum has coined the term “Non-Sexual Domestic Partners” (NSDPs) to describe a wide range of arrangements that she considers “families.” She wants these NSDPs to be given the same kind of state support currently given to traditional marriages.

At the time she wrote her “Gay is Good” paper, she was living with three women in a non-sexual relationship. She considered this her family and says that the state should provide “logistical support” to this kind of arrangement.

These arrangements can include a daughter caring for her mother; two sisters living together; four older women retiring together.

According to Feldblum: “(Indeed, the gay community has pioneered in developing such relationships and non-gay individuals could learn and benefit from developing similar relationships.) My argument is not that such relationships should supplant the appropriate role that the public sector should play in supporting families and retirees. It is simply that the state has an obligation to recognize and support these non-sexual domestic partnerships – these “moral units” of society -- as well as sexual relationships that offer care and support.”

In a footnote to her paper, Feldblum references a paper critical of monogamy and supportive of polyamory. She notes in her footnote that the paper “argues that cultural prescriptions enforcing monogamy obfuscate individual needs and impede self-identification, thereby interfering with real intimacy and satisfaction in love relationships.” The paper is: “Monogamy’s Law: Compulsory Monogamy And Polyamorous Existence” by Elizabeth Emens, New York University, 2004.

The bottom line is that Feldblum questions the value of traditional marriage and supports polyamorous relationships that can include both sexual and non-sexual relationships of multiple partners.

Stop, Think, Justify Violating Religious Freedoms

In Feldblum’s paper, “Moral Conflict: (Some) Religions And Marriage Equality,” she describes how the legal system should deal with systematically violating a person’s religious liberty in favor of the LGBT agenda.

According to Feldblum:

I believe the burden on religious people that will be caused by granting gay people full equality will be *justified* after the “stop, think and justify” requirement has been applied. That is because I believe granting liberty to gay people advances a compelling government interest, that such an interest cannot be adequately advanced if “pockets of resistance” to a societal statement of equality are permitted to flourish, and hence that a law that permits no individual exceptions based on religious beliefs will be the least restrictive means of achieving the goal of liberty for gay people.

Feldblum doesn’t believe laws or policies promoting the LGBT agenda should permit “pockets of resistance” – meaning permitting organizations run by religious individuals to have exemptions in the law for religious freedom reasons.

She goes further:

Obviously, *conduct* by religious people must be regulated in a complex society in a way that *belief* on the part of such religious people need not be. That is a truism. But it does not follow from that truism that conduct on the part of religious people can legitimately be viewed as inherently apart and distinct from their religious beliefs.

... complying with a law designed to establish non-discrimination for one group of people may force a religious person to act in a way contrary to those beliefs. When that happens, the religious person's practice of religion is necessarily burdened.

This is a good and necessary thing, according to Feldblum. She grants that religious people can still think homosexuality is wrong and sinful, but they will be forced by law to act as though it is normal – and will be forbidden to “discriminate” against gays, bisexuals, lesbians or transgendered persons.

She admits that the Supreme Court has not yet ruled that same-sex behavior requires “strict scrutiny” by the courts as a fundamental right or as a right under the equal protection clause of the 14th Amendment. But, she says that “strict scrutiny of such governmental action is required under our federal constitution.” (The [concept of “strict scrutiny” means](#) that a court uses this standard to assess the constitutionality of government classifications based on race as well as those that impinge on fundamental constitutional rights.)

Feldblum obviously believes that being a homosexual or a transgender is a fundamental right guaranteed by the U.S. Constitution – even though the U.S. Supreme Court has not yet ruled this way.

Later in her paper, she states:

When you enter the commercial arena, or interact in society generally, your religious beliefs and practices will sometimes *justifiably* be burdened – because it's the only way to ensure full justice in society.

... in most cases, *not* allowing an exemption to individual religious people will be necessary to achieving this compelling goal of non-discrimination. That is, if the goal of an equality law is to respect and protect the personal dignity of each LGBT person (which I believe it is) – then permitting that person to experience discrimination at the hands of even one religious person necessarily undermines that goal. It does not help that LGBT person if he or she can go down the block and not experience discrimination there. The simple act of experiencing discrimination will be the affront to the gay person's personal dignity.

In Feldblum's view, the LGBT agenda should almost always trump religious freedom. This is a zero-sum game and she wants the LGBT agenda to win.

Robin West: Feldblum's 'Lodestar'

Chai Feldblum says she considers writer Robin West as her “lodestar” when it comes to legal thinking on the Constitution and social issues. West is a law professor at Georgetown University.

According to Feldblum, West has set “forth a progressive theory of constitutionalism that drew its eloquence and power significantly from a moral vision of a society. In this vision, the state has a moral obligation to ensure that its citizens have the opportunity to fulfill their basic human capabilities – include capabilities of love and intimacy.”

West's paper, “Is Progressive Constitutionalism Possible,” describes this vision of the law.

According to West, writing in “Rights, Capabilities, and the Good Society” says this:

A decent and liberal state in a good society must ensure that citizens achieve and enjoy certain fundamental human capabilities (thereby leaving to the citizens the choice whether or not to avail themselves of those capabilities)--including the capability to live a safe, well- nourished, productive, educated, social, and politically and culturally participatory life of normal length.

Robin West's 1994 book, *Progressive Constitutionalism* says this about America:

The political history of the United States...is in large measure a history of almost unthinkable brutality toward slaves, genocidal hatred of Native Americans, racist devaluation of nonwhites and nonwhite cultures, sexist devaluation of women, and a less than admirable attitude of submissiveness to the authority of unworthy leaders in all spheres of government and public life.

In Robin West's book, *Marriage, Sexuality And Gender*, she argues that traditional marriage should be replaced by "civil unions" for all.

This is Chai Feldblum's legal "lodestar" who has guided her own legal thinking.

Bottom Line: LGBT Agenda Wins; Religious Freedom Loses

In all of her writings, Chai Feldblum makes it abundantly clear that she is determined to overturn all social norms in our society in order to impose a new gay, lesbian, bisexual, and transgender "ethic" and legal system upon unwilling Americans.

The First Amendment and religious liberty are simply obstacles that must be ignored in order for her to pursue her LGBT objectives.