



Equality Amendment
(Bill S.51002-Stewart-Cousins/A.41002-Rules (Seawright))
Memorandum of Opposition

The proposed Equality Amendment (Bill S.51002-Stewart-Cousins/A.41002-Rules (Seawright)) would enact a constitutional ban on discrimination based on “ethnicity, national origin, disability . . . or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy.” The Amendment would be binding upon private businesses and private individuals, not just the government.

New Yorkers for Constitutional Freedoms supports equal protection under the law. We also support a constitutional ban on discrimination based upon ethnicity, national origin, and disability (the Constitution already bans discrimination based upon race, color, creed, and religion). We would support a ban on sex discrimination if such a ban did not impact policies on abortion, sexuality, and gender identity. However, we categorically oppose constitutional protections based on “sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy.”

The New York State Constitution should continue to protect New Yorkers in the exercise of our first freedom, freedom of religion; religious freedom is a bedrock principle on which our nation is based. Because it is unjust to treat individuals differently due to matters over which they have no control, the New York State Constitution should also protect New Yorkers against discrimination based on immutable characteristics. Adding constitutional protections based on categories like abortion, homosexuality, and transgenderism would force the state of New York to take sides on controversial matters of personal choice. That is not the purpose of the New York State Constitution. Furthermore, the passage of the Equality Amendment would result in the further erosion of religious liberty for New Yorkers whose faith traditions teach that abortion, homosexuality, and/or transgenderism are immoral, and could subject many faith-based charities and schools to catastrophic liability.

The Equality Amendment was passed by both houses of the New York State Legislature on July 1, 2022. To become effective, the Amendment must pass both houses again next year and must win voter approval at a general election. In the strongest possible terms, New Yorkers for Constitutional Freedoms urges members of the Legislature to oppose second passage of the Equality Amendment.