

## **Nominee for Commissioner, Equal Employment Opportunity Commission**

**NOMINEE:** Chai Feldblum

**BIRTH DATE:** c. 1959

**EDUCATION:** B.A. in Ancient Studies and Religion, Barnard College, 1979. J.D. from Harvard Law School, 1985.

**FAMILY:** Lives with a same-sex “domestic partner,” Georgetown Law Professor Nan Hunter. Previously lived in a “nonsexual domestic partnership” with three other women who pledged to care for each other.

**EXPERIENCE:** Professor of Law, Georgetown Law School; Director of the Law Center’s Federal Legislation and Administrative Clinic; Co-Director of Workplace Flexibility 2010; law clerk for First Circuit Court of Appeals Judge Frank M. Coffin; law clerk for Supreme Court Justice Harry Blackmun; legislative counsel to the AIDS Project of the ACLU, 1988-1990; Human Rights Campaign Fund, 1986-1987.

**Equal Employment Opportunities Experience:** Was the lead drafter for the Employment Non-Discrimination Act, the Americans with Disabilities Act of 1990, and the ADA Amendments Act of 2008. Has written numerous articles and books on the subject of employment, but only on the subject of homosexuals in the workplace—no writings on other minorities other than the disabled.

### **Homosexual Agenda**

#### **Same-sex “Marriage”**

Signatory of the petition “Beyond Same-Sex Marriage,” which reads in part:

- “We hope to move beyond the narrow confines of marriage politics as they exist in the United States today.”
- Feldblum openly admitted to supporting polygamy, arguing that “committed, loving households in which there is more than one conjugal partner” and “queer couples who decide to jointly create and raise a child with another queer person or couple, in two households” should be recognized as loving families.
- Thoughts on conservatives: “the entire legal framework of civil rights for all people is under assault by the Right, coded not only in terms of sexuality, but also in terms of race, gender, class, and citizenship status” and they are “generating an agenda of fear, retrenchment, and opposition to the very idea of a caring society.”
- “Marriage should be one of many avenues through which households, families, partners, and kinship relationships can gain access to the support of a caring civil society.”
- “Our vision is the creation of communities in which we are encouraged to explore the widest range of non-exploitive, non-abusive possibilities in love, gender, desire and sex.” [http://www.beyondmarriage.org/full\\_statement.html](http://www.beyondmarriage.org/full_statement.html)

### **On Homosexuality**

Feldblum believes that one’s “identity as a gay person would have little real meaning if you were consistently precluded from having sex with your same-sex partner.” She also argued in her writings that an evangelical Christian hotel owner who asked homosexual patrons to not have sex in his establishment would be engaging in discrimination. Feldblum continued with her pro-

homosexual agenda by stating, “I believe that heterosexuality and homosexuality are morally neutral characteristics (similar to having red hair or brown hair), and I believe that acting consistently with one’s sexual orientation is a morally good act...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.” Chai Feldblum, “Moral Conflict and Liberty: Gay Rights and Liberty,” Becket Fund, n.d. <http://www.becketfund.org/files/4bce5.pdf>.

"Gay sex is morally good," Feldblum said. "Now you may think that might be a little crazy to go out there and say gay sex is good. But think a second. Society definitely believes that heterosexual sex is good. Right. Heterosexual sex within a certain framework -- marriage -- I mean, you can't get more dewy-eyed and romantic in this society about how wonderful that is..." If you're not being cynical for the moment, I think that does reflect a correct understanding that sex is often a basic building block for intimacy and that intimacy and connections within couples and within families are integral building blocks for a healthy society." Chai Feldblum, [http://www.youtube.com/watch?v=uOghvpWTl\\_U](http://www.youtube.com/watch?v=uOghvpWTl_U).

### **Sexual License vs. Religious Liberty**

Feldblum founded the “Moral Values Project,” which states that the following are immoral activities: “when transgender people are not assisted in living in the gender of their choice; when intersex infants are subjected to genital surgery; or when young women are denied effective contraception -- our society is not living up to its important moral values.” Chai Feldblum, “The Moral Values Project,” *The Moral Values Project*, 2005. <http://www.law.georgetown.edu/moralvaluesproject/>.

Was the lead drafter for ENDA, which she would be responsible for enforcing if she is confirmed to the EEOC. When questioned on the rights of Christians hiring employees of their choice, Feldblum stated “Gays win; Christians lose.” Thomas Peters, “Chai’s ENDA vs. Religious Liberty,” *American Principles Project*, October 26, 2009. <http://www.americanprinciplesproject.org/blogs/chais-enda-vs-religious-liberty.html>.

Similarly, Feldblum, when questioned about how she would decide when religious liberty and homosexual “rights” conflict, she would have “a hard time coming up with any case in which religious liberty should win.” “Obama’s EEOC pick, Chai Feldblum: Sexual liberty wins in conflict with religious liberty,” *Alliance Defense Fund*, September 14, 2009. <http://www.alliancealert.org/2009/09/14/obama-picks-chai-r-feldblum-for-eec-commission/>.

Defined the battle plan for homosexual activists in the “fight for equality”: “As a practical matter, changing the public’s perception of the morality of gay sex and of changing one’s gender may ultimately be necessary to achieve true equality for LGBT people...” “Obama’s EEOC pick, Chai Feldblum: Sexual liberty wins in conflict with religious liberty,” *Alliance Defense Fund*, September 14, 2009. <http://www.alliancealert.org/2009/09/14/obama-picks-chai-r-feldblum-for-eec-commission/>.

### **Domestic Partnerships for All**

In perhaps her most radical paper, Chai Feldblum “nonsexual domestic partnerships” should be respected and “supported” by the State, and benefits should extend to them and believes these tax-supported partnerships can consist of people who are merely “really good friends.” Other excerpts from the article include:

- “Moreover, to the extent that the struggle for marriage equality focuses solely on achieving the right to marry because that is what a pure equality discourse calls for, the

movement will also miss the chance to make a moral case for supporting the range of other creative ways in which we currently construct our intimate relations outside of marriage. And that would be as much of a missed opportunity as would be the lost opportunity of convincing the general public of the moral equivalence of gay and heterosexual sex . . .”

- “I believe homosexuality is as morally neutral as heterosexuality and, moreover, I believe gay love embodies the same moral goods as heterosexual love. My agenda would be for the rest of the country to believe those things as well.”
- It is unfortunate that “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.”
- Revealing that she is unsure about how she would decide in regards to the Catholic Archdiocese of Boston being forced to grant adoption to same-sex “couples”: the “state should be permitted to withhold tax exempt status, as in the Bob Jones case, from a group that is clearly contrary to the state’s policy. But to go further and say to a group that it is not permitted to engage in a particular type of work, such as adoptions, unless it also does adoptions for gay couples, that’s a heavier hand from the state. And I would hope we could have a dialogue about this and not just accusations of bad faith from either side.” Chai Feldblum, “Gay is Good: The Moral Case for Marriage Equality and More,” *Moral Values Project*, 2005.

[http://www.law.georgetown.edu/moralvaluesproject/Library/Papers/Feldblum\\_Gay\\_is\\_Good\\_Marriage.pdf](http://www.law.georgetown.edu/moralvaluesproject/Library/Papers/Feldblum_Gay_is_Good_Marriage.pdf).

### **Abortion**

Clerked for Justice Harry A. Blackmun, the author of the infamous *Roe v. Wade* decision, which allowed for the universal “right to abortion” in the United States.

Patrick Reilly of the Cardinal Newman Society said about Feldblum that “the news of Feldblum’s nomination is especially noteworthy for Catholics given the EEOC’s recent infringement on Catholic Belmont Abbey College’s religious liberty by claiming it discriminated against women when it removed contraceptive coverage from its employee health insurance plan...If confirmed by the Senate, Feldblum would serve on the EEOC for five years and could decide cases related to abortion.” Steven Ertelt, “Obama’s Pro-Abortion Nominee to EEOC Panel, Chai Feldblum, Faces Opposition,” *LifeNews*, October 21, 2009. <http://www.lifenews.com/nat5594.html>.

### **Authorship**

Feldblum has authored or contributed to the following books: *The Moral Values Project: Deploying Moral Discourse for Gay Equality*; *The Federal Gay Rights Bill: From Bella to ENDA*; *Rights & Wrongs: Morality in the Gay Marriage Debate*; *Moral Conflict and Liberty: Gay Rights and Religion*; *The Right to Define One’s Own Concept of Existence: What Lawrence Can Mean for Intersex and Transgender People*; *Gay is Good: The Moral Case for Marriage Equality and More*; *Gay People, Trans People, Women: Is It All About Gender?*.

### **Video**

<http://www.youtube.com/watch?v=dBZ98qADxbs>

