



DIOCESE OF ROCKVILLE CENTRE
OFFICE OF THE BISHOP

September 23, 2024

Dear Brothers and Sisters in Christ,

At this year's general election, New York voters will decide whether to approve a proposed amendment to the State Constitution. Officially known as "Proposal One", the amendment would add new language to the State's version of the "Bill of Rights" that, if approved, could insert gender ideology into child and adult sports, schools, hospitals, and even our churches.

The proponents of Proposal One refer to it as the "Equal Rights Amendment" and claim that the amendment is intended to protect the right to access an abortion. Proposal One, however, does nothing to ensure "equal rights" nor does it have anything to do with the legality of abortion in New York.

Since 1938, the State Constitution has guaranteed the right to the equal protection of the laws and has barred discrimination against any individual by a public or private institution based upon "race, color, creed or religion." Now, eighty-five years after the adoption of the Constitution's prohibition on discrimination, the State Legislature has discovered that we need an "Equal Rights Amendment" that ensures a "right" to an abortion in New York.

New York's abortion laws are already among the most permissive in the nation. Proposal One does nothing to alter the abortion laws or to further liberalize them. In fact, the word "abortion" does not appear anywhere in the proposed amendment. New Yorkers who vote in favor of Proposal One because they believe it will provide additional legal guarantees related to abortion are victims of a misleading campaign that masks the true purpose of the amendment.

Voters need only to read the language set forth in Proposal One to learn its actual purpose and to discern its potential for harm. While they will find no mention of abortion, voters will discover that, if adopted, Proposal One would prohibit discrimination based upon "gender identity" or "gender expression." This language would transform the laudable and longstanding anti-discrimination article in the State Constitution into a legal weapon that would force institutions across the state—public and private, religious, and secular—to accommodate the most radical forms of gender ideology.

Under this language, for example, a CYO girls' basketball team, or a local girls' soccer club, could be forced to allow a biological male to participate on the team if he wishes to do so because of his "gender expression." To bar such a person from the team would constitute an act of illegal discrimination.

The same language can be employed against health clubs, public and private schools, restaurants, and other public places to mandate that these institutions open their bathrooms and locker rooms to anyone, regardless of biological sex, based upon an individual's "gender identity." To restrict access to a bathroom or locker room according to biological sex would be another form of unconstitutional discrimination.

Furthermore, Proposal One would undermine the bedrock religious liberty protections that the State Constitution is supposed provide for Catholic parishes, schools, and hospitals, as well as for the religious institutions administered by other faiths. The amendment would expose a church or school to a lawsuit if, for example, it refused to hire a "transgender" catechist or dismissed an employee for the promotion of notions about gender that are antithetical to Church teaching. A teacher could demand to be called by a "preferred pronoun", as could any student, regardless of age. A refusal to adopt this sort of language regime would violate the Constitution.

Catholic hospitals that do not perform gender-related surgeries could be sued for illegal discrimination against people who wish to express their gender identity through a medical procedure.

Supporters of Proposal One dismiss these concerns as far-fetched fearmongering. Yet they cannot offer any other plausible application of the language in the amendment. Unlike proposals in other states that were designed to limit the power of a state legislature to regulate access to abortion, Proposal One never mentions abortion, nor does it expressly restrict the power of the State Legislature to pass laws related to abortion. Instead, the amendment adds a "word salad" of terms to the State Constitution that would turn the shield of anti-discrimination protection into a sword that can be used to pierce religious and secular institutions in order to impose, by force of law, a gender ideology that voters have never endorsed.

New York's Constitution has, for nearly a century, expressly prohibited discriminatory practices. Proposal One does nothing to enhance the universally accepted principle of equality before the law. Proposal One is, instead, a deceptive effort to impose an ideological agenda upon the State disguised by popular and inoffensive rhetoric about "equal rights" and by appealing to voters who believe the state's abortion laws are at risk of change. But, to paraphrase the Gospel, by its language you shall know it. The words of Proposal One reveal its true intent and the effects it would have if adopted.

New Yorkers who do not wish to see the State Constitution used to implement a harmful gender ideology that would reach into nearly every facet of ever day life, from sports to schools, from bathrooms to gyms to hospitals—even into churches, synagogues and mosques—must vote "NO" on Proposal One.

Sincerely in Christ,

A handwritten signature in black ink that reads "John O. Barres". The signature is written in a cursive style with a cross at the beginning.

Most Reverend John O. Barres
Bishop of Rockville Centre