

INCHING TOWARD EQUAL DIGNITY

DENISE BROGAN-KATOR†

In 2004, I was forty-nine years old and the first openly transgender student to attend the University of Michigan Law School.¹ My path to the law was improbable and, frankly, undertaken not because I admired lawyers, but rather the opposite. But here I am, leading the work on federal and state policy for a national LGBTQ rights organization and collaborating with the true heroes in the movement.

I got off to a slow start. I dropped out of high school when I was sixteen, and on my seventeenth birthday—during the Vietnam War—enlisted in the Navy. I served four years on a submarine in the South Pacific and Southeast Asia during the wind-down of that war. I was honorably discharged when I turned twenty-one, with a submarine insignia, or “dolphins,” tattoo but absolutely no idea what I would do next or how my life would unfold. Nevertheless, having been blessed with straight white male privilege and, thanks to my mom, no small measure of self-confidence, I was on my way.

I worked various jobs, earned an accounting degree, and was certified as a CPA, later obtaining an MBA while working full time. My personal life was a picture of domestic bliss: I married my high school sweetheart, and we had three wonderful red-haired daughters in quick succession. It seemed like every year I was moving up to a better job, a better house in a better place (ultimately settling in Florida)—a better opportunity to live the American Dream.

And then. Without warning, a feeling about myself that I could not control, could not ignore (although I tried), and could not suppress began to surface, although I had no name for it and no understanding of it. I could not escape the realization that the man everyone else perceived me to be was not really *me*. I was playing a male role, but it was just that: a role assigned to me at birth that I had been acting out but was getting harder and harder to perform.

Copyright © 2020 Denise Brogan-Kator. Edited by the *Michigan Law Review*.

† Chief Policy Officer, Family Equality.

1. Three years later, I believe I was the first openly transgender member of the Michigan Bar. At the time, there were only a handful of openly trans lawyers in the country, and we all knew each other. Several are friends, and I am proud to know them. But to the extent we were trailblazers, that trail has become a highway. I just recently attended the annual Lavender Law conference (a national gathering of lawyers and law students who identify as LGBTQ or allies, sponsored by the LGBT Bar Association), and I found it remarkable how many trans-identified people were there.

To question my gender identity in the 1990s was, for me, like sailing off the map of the known world. I thought I was all alone. At first, I tried to navigate between the equally fraught paths of self-denial and of coming out to a hostile world. I attempted to maintain normalcy at work and at home, while exploring my feminine identity in a few relatively safe spaces.² But after my wife discovered what I felt was my shameful secret, our marriage became tumultuous; we hung on for a few years but couldn't make it work. In contrast, when my employer found out about my off-hours conduct, there was no equivocation; I was immediately and abruptly fired despite years of glowing performance reviews.

Up to that time, I had not given much thought to the law; it was part of the business world in which I operated, but it had nothing to do with me personally. When I consulted a lawyer in 1995 about my humiliating termination, the law suddenly became very real and very personal. I expected advice on how to fight back. Instead, as I told my story, the lawyer's expression changed from one of interest to one of disgust—not for what my employer had done, but at me. He brusquely informed me that the law afforded me no recourse; there were no legal protections—federal, state, or local—from discrimination for people like me.³

There is nothing like being the victim of injustice to galvanize your resolve to advocate for change. I became involved in the push to add “T” to the agenda of the gay rights movement. I attended meetings, protested, marched, and lobbied. In the mid-1990s, I attended a lobby day in D.C. to

2. At that time, the term “transgender” was not in common use, and I did not know of it. If I had to give myself a label, I would have said I was a “cross-dresser,” in that I expressed my gender identity by presenting myself as a woman, wearing women's clothing, a wig, and makeup. I did not identify as a “transsexual,” a term for someone who had made the complete transition to a female identity, and certainly not as a “transvestite,” who derives sexual gratification from wearing female clothing. Nor was I ever a drag queen, who dresses glamorously for performance purposes. I just wanted to feel like, and be perceived and treated as, a woman. It was only during those brief times that I was *me*, and fully happy.

3. Although my lawyer didn't bother to actually explain it to me, the courts had uniformly held that Title VII's prohibition on discrimination on account of “sex” did not apply to transgender people. *See, e.g.,* *Ulane v. E. Airlines*, 742 F.2d 1081, 1084–87 (7th Cir. 1984). It was not until 2004 that a court declared that the Supreme Court's decision in *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989), “eviscerated” *Ulane's* approach and that the term “sex” encompassed gender identity and expression because discrimination on that basis is impermissible sex stereotyping. *Smith v. City of Salem*, 378 F.3d 566, 573–75 (6th Cir. 2004). Now, fifteen years later, the Supreme Court is deliberating whether to roll back those years of progress and exclude gender identity from the protections of Title VII. *EEOC v. R.G. & G.R. Harris Funeral Homes, Inc.*, 884 F.3d 560 (6th Cir. 2018), *cert. granted*, 139 S. Ct. 1599 (2019). This issue may no longer directly affect me, but it is critical for thousands of trans men and women who are the victims of pervasive discrimination, not just in employment, but in all aspects of society. I was asked to speak from the steps of the Supreme Court on the day of oral arguments; I talked about my wrongful termination, but I also spoke from my heart about the need to stop some people from making other people afraid to be who they are for fear of not getting, or losing, their job. Surely that was what Title VII was meant to do.

advocate for an inclusive Employment Non-Discrimination Act (ENDA) and ran into my home-state senator. When I stopped him and introduced myself as a constituent, he smiled and asked what brought me to the capitol. As I explained, he looked puzzled, and I had to explain to him what “transgender” meant. He recoiled from me as if I had a contagious disease, and his aide stepped between us, obviously considering me a threat. I wish I could say that their prejudice was shocking, but it was just a little more extreme than I had come to expect. Trans people at that time were treated as pariahs, even within the lesbian and gay community, not to mention frequent targets for hate-based violence in the straight world (as we still are⁴).

As demoralizing as it was to repeatedly lose employment and to be politically marginalized, that feeling could not compare to the fear and anger I felt when I next encountered the legal system. During protracted negotiations over alimony and visitation at the end of my divorce proceedings, my wife’s lawyer decided that their best strategy for leverage was to file a motion to terminate my parental rights—meaning I could have no contact with the three girls I loved more than anything—on the grounds that, because I was transgender, I was an unfit parent.⁵ Although my wife eventually told her lawyer to withdraw the motion, I still bear the emotional and financial scars from that trauma twenty-five years later.

Meanwhile, I tried once again to find employment by hiding my gender identity. I applied for a position as a chief financial officer for a small software company in Tampa. As the company owner was about to offer me the job, he asked me: “Is there anything else I need to know?” I blanched but decided to tell him the whole truth. After assuring him that I would not let my gender identity affect my performance or embarrass him in any way, he hired me. Thanks to his faith in me (and my desire to reward that faith), we were able to grow the company and, several years later, sell it for \$200 million. At the risk of understating things, this remarkable man changed my life. Not only was I able to transition to living full-time as Denise,⁶ the generous bonus he paid me also gave me the opportunity to take my life in a new direction, and I seized it.

During my early years of activism, I had seen that it takes more than marching, letter-writing, and pigeon-holing legislators to change the law. As they say, if you’re not at the table, you’re on the menu. Who’s at the table?

4. Rick Rojas & Vanessa Swales, *18 Transgender Killings This Year Raise Fears of an ‘Epidemic,’* N.Y. TIMES (Sept. 27, 2019), <https://www.nytimes.com/2019/09/27/us/transgender-women-deaths.html>.

5. It was no idle threat. There was at least one reported decision in which a father had lost parental rights by transitioning; the court held she had “terminated her own parental rights as father” because she could not be a father and female at the same time. *Daly v. Daly*, 715 P.2d 56, 59 (Nev. 1986). For a comprehensive review of court decisions involving transgender and gender-variant parents’ parental rights, see Sonia K. Katyal & Ilona M. Turner, *Transparenthood*, 117 MICH. L. REV. 1593 (2019).

6. By the way, transitioning from male to female or vice versa is a lot harder than you might think. It is not just about changing your clothing, your hairstyle, and your name. To have what is called “passing privilege” (and thus move more safely through the world), most trans people have to try to change the secondary sex characteristics that provide visual cues about gender. Some of us, with enough money and other privileges, can access the various tools available to help make that happen. Those without that privilege are at greater risk for unemployment, trafficking, and violence. See Rojas & Swales, *supra* note 4.

Lawyers. So, despite my previous personal experience with the legal profession, I decided to take the LSAT, apply to law school (in my ignorance, I applied to only one), and see what happened. Once again, a good person—this time the dean of admissions at the University of Michigan Law School—saw something in me and changed my life.

When I entered law school in Ann Arbor in 2004, Michigan was consumed with the fight over Proposal 2, the proposed constitutional amendment banning same-sex marriage, allegedly to benefit children.⁷ This smacked of the same “save our children” refrain I had heard in Florida as a cover for the homophobia-driven ban on gay adoptions, the echoes of which hung in the air in my divorce case. While I knew that it wasn’t just transgender people who were unprotected from discrimination, this attack on same-sex couples’ ability to form legally recognized relationships with each other and with their children opened my eyes to the much larger struggle for equality being waged around me.

During law school, I did not spend as much time in the ivory tower of academia (or the bowels of the underground law library) as perhaps I should have. Instead, I engaged with my professors, fellow law students, and the larger university community as much as I could. I participated in the university’s Speakers Bureau to share my story with students who might not have ever met a trans person. When I became aware that the university’s bylaws prohibiting discrimination did not include gender identity and expression, I joined a campaign to change that, speaking at meetings of the Board of Regents and petitioning for an inclusive nondiscrimination policy.⁸

Outside the campus, I joined the board of the local LGBTQ resource center and got involved in the statewide LGBTQ civil rights organization. In the summer before my third year, I interned in D.C. at Servicemembers Legal Defense Network, a nonprofit providing resources to, and advocating for, gay and lesbian service members before the repeal of “don’t ask, don’t tell.” I got a taste of how LGBTQ nonprofits have to work very hard to do more

7. MICH. CONST. art. I, § 25 (“To secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose.”). I fought against this measure and was truly shocked when it passed with almost 59 percent of the vote, *DeBoer v. Snyder*, 772 F.3d 388, 397 (6th Cir. 2014). It took ten years for a federal court to declare the law unconstitutional, *DeBoer v. Snyder*, 973 F. Supp. 2d 757 (E.D. Mich. 2014), and another year for that ruling (after reversal in the Sixth Circuit, *DeBoer*, 772 F.3d 388) to be affirmed by the U.S. Supreme Court, *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015).

8. I may have been a bit overzealous in my advocacy when I led a group of students through the university administration building with a bullhorn demanding protection for trans members of the university community. But the year after I graduated, the Regents invited me back to attend their meeting when they voted to add gender identity and expression to the nondiscrimination policy in the university bylaws.

with less, to make tough choices about where to put their meager resources, and to compete for funding from funders and donors. It taught me about some of the challenges of working for social justice instead of profit.

After graduation, my wife Mary—a lawyer whom I had met during law school⁹—and I started our own law practice to serve the legal needs of LGBTQ people in southeastern Michigan. We envisioned that the practice would largely involve helping LGBTQ couples navigate the lack of legal recognition of their relationships and help them secure ties to each other and their children through conventional tools such as wills, powers of attorney, and real estate deeds. But we quickly found out that our clients had diverse problems that took us to family court, to probate court, to federal court (civil rights litigation), and everything in between. We helped two moms get both their names on their child’s birth certificate, and we helped trans people get gender-marker changes on theirs. Inequality manifests itself in small ways—like needing to convince a judge that a person changing her first name from a masculine one to a feminine one is not inherently “fraudulent”—and in big ways, such as needing to sue a municipality for targeting gay men with police sting operations and wrongful arrests.

While practicing law, I was asked to join the board of Triangle Foundation, a statewide LGBTQ advocacy organization now known as Equality Michigan. I eventually left private practice to serve as its executive director, the first openly “T” person to do so at any statewide LGBTQ equality organization. It was then that I began to fully appreciate the politics that permeate the LGBTQ movement. We are a community of diverse needs and desires. Our movement includes everyone from the stereotypical rich gay couple to trans women living on the street; we are middle class, working class, urban, suburban, rural, every color and religion, every walk of life and every political persuasion. We are single, we are coupled, we are families; we are youth—often bullied and even homeless—we are millennials, we are boomers, and we are elderly. To get a majority of our community to focus their energies on specific goals, and to agree on strategies to effectuate those goals, is in itself nearly impossible. To keep dissenters from tearing everyone

9. One aspect of being transgender is that you never know who will accept you and who will reject you. When I came to law school, I was divorced and openly transgender, and I wondered if I would ever find someone who would love me for who I am. One day, during my 1L year, the profile of a lawyer named Mary popped up on Match.com. I messaged her, referencing our shared connection to Michigan Law School, and was disappointed by her response that, despite my charming profile, she didn’t think we “were meant to be.” (I later learned that this was solely because I was transgender, and she didn’t know how or what to think about that, having never before met a trans person.) But sometimes what we imagine our fate will be is not what fate has in store. Mary and I met as friends in real life, she thought to herself “she’s a woman with a remarkable life story,” and, long story short, we have now been married for fourteen years, thanks to the progressive marriage laws of Canada. In fact, she now tells me that she has an easier time dealing with the fact that I used to live as a man than that I used to be a Republican.

else down while we gather enough allies to achieve political victory is practically a miracle.

One of the toughest challenges we face is prejudice against trans people (particularly trans women, like me) being used as a wedge to divide our community.¹⁰ When the infamous HB2 passed in North Carolina, it invalidated local ordinances that protected the entire LGBTQ community, but the primary selling point was keeping trans women out of the bathrooms. We saw the same thing in Houston when the voters repealed that city's nondiscrimination ordinance. Whenever an expansion of civil rights laws to protect LGBTQ people is proposed, you can count on someone to say, right out loud, that they have no problem with gay people, but they just can't abide "men in women's restrooms." No matter how I move through the world or how everyone who knows me perceives me, I become relegated to that hateful trope.

Now, as the Chief Policy Officer at Family Equality, I am working at the federal, state, and local levels across the country to collaborate on issues affecting LGBTQ families. We do not usually get involved in litigation, working instead behind the scenes to have a positive impact on state and federal policy.¹¹

The most difficult task I have in my work for LGBTQ equality is responding to the post-*Obergefell* backlash against recognition of our relationships and our families. For LGBTQ families, *Obergefell* was a watershed moment, in that there are so many rights, obligations, and benefits that are based on the marriage relationship. But not every governmental

10. Perhaps the most famous example of this is when ENDA, which sought to add protections to Title VII based on sexual orientation and gender identity, was before Congress in 2007. In an effort to make it more palatable to conservatives, an amendment was proposed that dropped protections based on gender identity. One faction of the LGBTQ community, most notably the Human Rights Campaign (HRC), argued that it was better to gain employment protection for the majority of the community at the expense of the few; others would not abide a strategy of leaving the most vulnerable of us behind. See Emily Douglas, *An Uneasy Alliance*, AM. PROSPECT (Oct. 23, 2008), <https://prospect.org/features/uneasy-alliance>. That rift took years to heal. See Chris Johnson, *10 Years Later, Firestorm over Gay-Only ENDA Vote Still Informs Movement*, WASH. BLADE (Nov. 6, 2017, 7:50 PM), <https://www.washingtonblade.com/2017/11/06/10-years-later-firestorm-over-gay-only-enda-vote-still-remembered>. In any event, the exclusive bill passed the House but died in the Senate. *Id.* It was not until 2019 that a new, inclusive version called the Equality Act passed the House, but it is also expected to die in the Senate. H.R. 5, 116th Cong. (2019); see also Catie Edmondson, *House Equality Act Extends Civil Rights Protections to Gay and Transgender People*, N.Y. TIMES (May 17, 2019), <https://www.nytimes.com/2019/05/17/us/politics/equality-act.html>.

11. As an exception, we were plaintiffs in the case that finally forced Mississippi to abandon its ban on adoption by gay couples. Campaign for S. Equal. v. Bryant, 64 F. Supp. 3d 906 (S.D. Miss. 2014), *affirmed*, 791 F.3d 625 (5th Cir. 2015). That was the last adoption ban to fall. Bill Chappell, *Judge Strikes Down Last Same-Sex Adoption Ban in the U.S.*, NPR: TWO-WAY (Apr. 1, 2016, 10:38 AM), <https://www.npr.org/sections/thetwo-way/2016/04/01/472667168/judge-strikes-down-last-same-sex-adoption-ban-in-the-u-s>.

entity has embraced the moment. State laws and policies that were created based on the assumption of different-sex marriage have not been updated in many places so that they clearly apply equally to same-sex married couples.¹² And those who disagreed with *Obergefell* have transformed its holding—that a state cannot constitutionally deprive same-sex couples of the fundamental right to marry—into an attack on “religious liberty.” Thus, in order to protect that liberty, the argument goes, no one should be forced to treat same-sex married couples and their families with the same dignity as everyone else, if doing so would amount to condoning something contrary to their religious beliefs.

This concept of protecting religious liberty reached its logical extreme in Mississippi, where we unsuccessfully fought to defeat Mississippi House Bill 1523, the so-called Protecting Freedom of Conscience from Government Discrimination Act. Passed in 2016, the bill provides protections for persons, religious organizations, and private associations who choose to provide or withhold services discriminatorily in accordance with any of three “sincerely held religious beliefs or moral convictions”: (a) that marriage is and should be an exclusively heterosexual union; (b) that “[s]exual relations are properly reserved for such a marriage”; and (c) that “[m]ale (man) or female (woman) refer to an individual’s immutable biological sex as objectively determined by anatomy and genetics at time of birth.”¹³ So, in Mississippi, it’s perfectly fine to refuse service or otherwise discriminate against not only same-sex married couples, but also against anyone who has had gay sex, or any sex not between husband and wife, or against anyone who is transgender. If that weren’t enough, it expressly protects any person who refuses to provide medical or mental-health services to a trans person.¹⁴ While I used to travel to Ole Miss to work with law students, I honestly don’t feel safe going back now.

We have had success in opposing legislation in many states seeking to protect faith-based discrimination against LGBTQ individuals, couples, and families (which we term “license to discriminate” bills), but we still face a tremendous challenge dealing with long-standing discrimination against gay

12. For example, the state of Arkansas refused to place the name of the same-sex spouse of a birth mother on the child’s birth certificate as the child’s other parent because she was not a man, arguing that the “presumption of paternity” on which the birth-registration law was based did not apply. After the Arkansas Supreme Court upheld the state’s position, the plaintiffs filed a petition for a writ of certiorari to the U.S. Supreme Court, which summarily reversed. *Pavan v. Smith*, 137 S. Ct. 2075 (2017). Family Equality filed an amicus brief to highlight the importance to children that both of their parents’ names are on their birth certificates and the real-life consequences when that protection isn’t there.

13. MISS. CODE ANN. § 11-62-3 (2017).

14. Needless to say, this horrific bill has been the subject of court challenges, but those have been stymied due to standing issues. *See, e.g., Barber v. Bryant*, 860 F.3d 345 (5th Cir. 2017), *cert. denied*, 138 S. Ct. 652 (2018).

and transgender families in the child welfare system.¹⁵ Make no mistake, these attempts to prevent LGBTQ people from fostering and adopting are rooted in a deep-seated but wrong-headed belief that people like me shouldn't be raising children, notwithstanding all the evidence to the contrary.¹⁶ Since *Obergefell*, nine states have passed legislation that protects the contracts of faith-based foster care and adoption agencies that continue turning away qualified prospective parents who do not comport with the agency's religious tenets, especially LGBTQ people.¹⁷ These laws, which have been justified by noting the valuable service these agencies provide and how it would hurt children if they were "forced" to cease operations, fail to address the real problem. It is not a shortage of child-placing agencies; it is the shortage of qualified foster and adoptive homes for the thousands of vulnerable children in every state who are waiting for a safe, secure, and loving home. LGBTQ couples are *seven* times more likely to foster or adopt than other couples.¹⁸ As states such as Massachusetts, California, and Illinois—which prohibit discrimination by child-placing agencies—demonstrate, the system works best when the pool of prospective foster and adoptive parents is as large as possible.¹⁹

15. At any given time, there are hundreds of thousands of children "in the system,"—that is, *in the custody of the state*, having been removed from their homes because of abuse or neglect. The state is responsible for placing children in suitable foster or group homes and often contracts with child-placing agencies—many of which are religiously affiliated—to recruit foster families and place children. In the absence of, or in some cases in spite of, laws or regulations prohibiting discrimination, some child-placing agencies have in the past freely discriminated against LGBTQ individuals and couples.

16. *E.g.*, ABBIE E. GOLDBERG ET AL., WILLIAMS INST., RESEARCH REPORT ON LGB-PARENT FAMILIES 17–25 (2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/lgb-parent-families-july-2014.pdf>; REBECCA L. STOTZER ET AL., WILLIAMS INST., TRANSGENDER PARENTING: A REVIEW OF EXISTING RESEARCH 11–12 (2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/transgender-parenting-oct-2014.pdf>; Nanette Gartrell et al., Correspondence, *National Longitudinal Lesbian Family Study—Mental Health of Adult Offspring*, NEW ENG. J. MED., July 19, 2018, at 297.

17. The state of Michigan was sued for entering into such contracts in *Dumont v. Lyon*, a case brought by the ACLU of Michigan and a lesbian married couple that had been turned away by a religiously affiliated foster care agency. 341 F. Supp. 3d 706 (E.D. Mich. 2018). The federal district court denied the state's motion to dismiss, ruling that the plaintiffs had stated claims for violation of the First Amendment's Establishment Clause and the Equal Protection Clause of the Fourteenth Amendment. *Id.* at 733–43. The case settled in 2019 after the newly elected Michigan attorney general announced that the state would not defend the case. *See* Stipulation of Voluntary Dismissal with Prejudice, *Dumont v. Gordon*, No. 2:17-cv-13080-PDB-EAS (E.D. Mich. 2017), ECF No. 82. But a separate case brought by a faith-based agency challenging the settlement is now winding its way through a different federal court. *Buck v. Gordon*, No. 1:19-CV-286, 2019 WL 4686425 (W.D. Mich. Sept. 26, 2019), *appeal filed*, No. 19-2185 (6th Cir. Oct. 15, 2019).

18. SHOSANA K. GOLDBERG & KERITH J. CONRON, WILLIAMS INST., HOW MANY SAME-SEX COUPLES IN THE U.S. ARE RAISING CHILDREN? (2018), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Parenting-Among-Same-Sex-Couples.pdf>.

19. *See, e.g.*, Brief of Massachusetts et al. as Amici Curiae Supporting Respondent, *Fulton v. City of Philadelphia*, 922 F.3d 140 (3d Cir. 2019) (No. 18-2574).

At the federal level, I am involved in a pitched battle over whether discrimination against LGBTQ couples and families by child-placing agencies that receive federal funds will be permitted. On one side is the “Child Welfare Provider Inclusion Act,” which protects agencies that discriminate.²⁰ On the other is the “Every Child Deserves a Family Act”—my organization’s signature legislation, sponsored in the House by civil rights icon John Lewis—which was introduced with bipartisan support to prohibit discrimination by child-placing agencies.²¹ We are optimistic about its chances for passage, and I hope to be around when it is signed into law.

We are a divided nation—now, more than ever before in my lifetime—and in many ways, the LGBTQ community has been used as a wedge. The local, state, and federal debates over whether to provide protection from discrimination to LGBTQ people, or to provide protection to those who wish to discriminate against us, cleave this nation in two. *Masterpiece Cakeshop*, involving a baker who refused to provide a wedding cake for a gay couple, was not about cake. It squarely challenged the ability of government to mandate equal treatment of the LGBTQ community, essentially raising the question whether a person or business has a *constitutional right*, based on their religious beliefs, to treat me or any other LGBTQ person unequally—regardless of relevant civil rights laws. The Court’s split-the-baby outcome means that discrimination against the LGBTQ community will continue. Cases will continue to be filed testing whether there is a constitutional right to discriminate.

I had to fight for my right to be seen and recognized as a woman—a fight that cost me dearly. But engaging in that fight helped me realize that oppression of women and of minorities is real. If my life’s journey and my work in the law has taught me anything, it is that regardless of what the law is or what the courts may say, we must keep working until it is universally recognized that all people, *all people*, are equally entitled to human dignity. Our voices, as women, are vital to that quest.

20. H.R. 897, 116th Cong. (2019). The Act would prevent *any state*, including those with laws prohibiting discrimination by child-placing agencies, from taking adverse action against such agencies if they discriminate on the basis of their religious beliefs.

21. H.R. 3114, 116th Cong. (2019); *see also About the Every Child Deserves a Family Act*, EVERY CHILD DESERVES A FAMILY, <https://everychilddeservesafamily.com/about-ecdf-act>.