

TOP TEN REASONS WHY NH'S GENDER IDENTITY BILL IS ANTI-LIBERTY

1

It interferes with private contract

Freedom of contract and association are two fundamental principles for a functioning free market, and this law significantly erodes both. One of the keys to thriving American industry has always been our at-will employment doctrine, which allows businesses to hire and fire as they please. Adding additional privileged classes introduces additional risk to an employer—stifling job creation—by interfering with a business owner's ability to terminate a contract with an employee.

2

It's an unnecessary bureaucratic solution

The culture is already largely aligned against discrimination on the basis of sexual orientation and gender identity. In the past few years, 83 percent of Fortune 500 companies have already voluntarily adopted SOGI policy provisions. The government doesn't need to step in—the free market is already working to prevent discrimination without the heavy hand of the law.

3

It erodes our economic freedom

The free market incentivizes employers to consider only those factors that truly matter to their mission. Likewise, a competitive marketplace gives them every reason to accept business unless it really conflicts with their deepest moral convictions. Market competition provides more nuanced solutions for particular situations that are far better than a coercive, one-size-fits-all government policy on gender identity, with all its unintended consequences.

4

It censors small business owners and their employees

Whereas corporations often have entire departments devoted to helping the company discern the line when it comes to hostile work environment claims, small businesses often have fewer resources available to navigate newly promulgated regulations and fight costly and unpredictable legal battles. Employers with political or religious views that differ from the government orthodoxy on gender identity can be subjected to enormous legal liabilities, which will require them to censor themselves and employees, denying them freedom of speech and individual expression. We are already seeing cases in Texas and Iowa where the state is using SOGI as a weapon to censor certain organizations.

5

It enshrines anti-liberty thought crimes into law

Because this law establishes and enforces a single opinion on gender identity, it creates a cultural and business speech code, arbitrarily regulated by an unelected commission. Employers are required to enforce the speech code in the business place, in schools, and in universities already plagued by political correctness, thus crushing the free exchange of ideas upon which America is built. Free citizens censoring other free citizens is not consistent with the state of liberty.

6

It neuters the power of individual choice

Many parents, in particular, exercise their individual choice over which school is best for their child—a choice that often includes consideration of the school environment. There are a huge number of parents who don't want their children prematurely exposed to questions about sex and gender by school administrators. Under this law, however, schools are required to prioritize the self-professed identities of teachers and employees over the concerns of parents, stripping parents of their choice and replacing it with a top-down, government mandated approach to gender issues.

7

It gives government control over someone else's property

In a state of liberty, citizens would be free to establish their own policies when it comes to their property. Right now, businesses, schools, and other facilities are free to decide the policies of the use of bathrooms, changing rooms, and other places of privacy on their premises. This law would supersede any determination on the part of the property owner and force property owners to adopt the government-mandated policy.

8

It radically expands government power

While to some this change may seem insignificant, this policy radically transforms the law and its reach, handing the government even more power. It prioritizes subjective (unverifiable) feelings over biological (verifiable) truth. It moves government from the realm of governing embodied persons to making claim over a mental state that rejects embodiment. In short, it expands the coercive power and reach of the government even further into the lives of New Hampshire citizens—using the force of law to silence or punish citizens who disagree with the popular politically correct ideology of the day.

9

It is subjective and makes existing laws unenforceable

It is just a plain fact: “sexual orientation and gender identity” are not objective, unchangeable, outwardly verifiable traits like race or sex. Enshrining the subjective and changeable nature of SOGI (remember, activists claim such identities are on a spectrum) into law would, therefore, make certain laws unenforceable. Without objective verification of an individual's gender identity, prosecution for privacy violations, for example, would become nearly impossible.

10

It adds yet another privileged class

This law is one more means of state intervention in private affairs for the sole purpose of creating an egalitarian social order. Adhering to the principles of liberty require allowing individuals to exercise their natural rights, so long as they do not interfere with the liberty of others, without interference from the state. By creating one more privileged class, we are elevating the civil rights of individuals in the newly-privileged over the natural rights of everyone else.