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Opening Statement
Ranking Member Elijah E. Cummings

Hearing on H.R. 2802, the First Amendment Defense Act (FADA)
July 12, 2016

Today is a terribly sad day for the LGBT community—and for America. Today is the one-month anniversary of the deadly shooting spree at the Pulse nightclub in Orlando, Florida that killed 49 people and injured dozens of others.

Throughout the day today, there will be commemorations across the country. In fact, Members of Congress are holding a vigil this evening on the steps of the Capitol.

With everything going on in this country right now—these horrific shootings of gay people, black people, police officers—what we should be doing is coming together as a nation, not tearing each other apart, which is exactly what this bill does.

As I sit here now, it is difficult to imagine a more inappropriate day to hold this hearing. Even if you truly believe that being gay is morally wrong, or that people should be allowed to discriminate against gay people, why in the world would you choose today of all days to hold a hearing on this discriminatory legislation?

To say that this hearing is ill-timed is the understatement of the year.

Now, I do not believe the Chairman did this intentionally. He may not have even realized before this week that today is the one-month anniversary. But we asked repeatedly to cancel today's hearing, or at least postpone it. And dozens of groups and other stakeholders made the same request in letter after letter after letter to the Committee—all without success.

Mr. Chairman, I ask unanimous consent to place into the record the letters and statements from 80 groups and organizations relating to today's hearing.

I also ask unanimous consent to place into the record a letter opposing this legislation signed by more than 3,000 faith and clergy leaders across the country.

At any rate, we are here now. For the record, I do want to thank the Chairman for agreeing to our request to have three minority witnesses on this panel. It is much more balanced, and I commend the Chairman for agreeing to our requests.

We are honored to have with us today our former colleague and friend in the House of Representatives, Congressman Barney Frank.

We are also very honored to have Jim Obergefell [oh-BUR-guh-fell], the lead plaintiff in the Supreme Court's recent case legalizing same sex marriage. He has a very important and poignant story, and we thank him for being here today.

Finally, our third witness is Katherine Franke [FRANK-ee], a nationally-renowned legal expert and Director of the Center for Gender and Sexuality Law at Columbia Law School. Thank you as well.

I would like to address my remaining comments to Senator Lee and Rep. Labrador, the two Members of Congress who are here today sponsoring this legislation in the Senate and the House.

I had hoped that we would have the opportunity to ask you questions about why you believe your bill is a good idea, but now I understand that you will not be taking any questions from Members of our Committee. So, I would like to ask just one question now so you can address it in your opening statement.

I am the son of two pastors, and I strongly believe that people have the right to freely express their religious beliefs.

But Senator Lee and Congressman Labrador, my question for you is this: what is the difference between discriminating against someone who is black and someone who is gay?

For centuries in our nation, black people and white people could not get married. Those in power justified this doctrine on religious grounds, and they codified it in our laws. But in 1967, the Supreme Court changed all that in the case of *Loving v. Virginia*. The Court held that this discrimination is unconstitutional.

Now, we have a similar situation with same sex couples. For centuries, gay people could not marry. This discrimination was also justified on religious grounds, and it was also codified in our statutes. But last year—nearly 50 years after the decision in *Loving v. Virginia*—the Supreme Court ruled that this discrimination is also unconstitutional.

I acknowledge that this is a change, and change is sometimes difficult. But the paramount lesson we have learned over our nation's history is that if we are separate, we will never be equal. That is the lesson we should be reinforcing across our country every single day—especially now—and that is the lesson I hope our Committee takes to heart today.

Thank you, Mr. Chairman.

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