

Virginia Gov. Terry McAuliffe: No State Contracts if You're 'Anti-LGBT'

Virginia Gov. Terry McAuliffe sent a frightening message to businesses that uphold biblical views of sexuality, biological sex and marriage:

Virginia won't do business with you.

In a new executive order, McAuliffe decreed that the state's Executive Branch will only will only contract with "those who abide by the non-discrimination policies set forward in Executive Order 1 (2014), namely that discrimination on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, political affiliation, disability or veteran status is prohibited." Additionally, Executive Order 61 states services will not be withheld on the basis of sexual orientation or gender identity.

McAuliffe's order includes a lengthy explanation:

Virginia's founding creed is that all people "are by nature equally free and independent," and that they share the inherent rights to "the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety" [Virginia Declaration of Rights, Section 1 (1776)]. Indeed, it is the very function of our government to ensure these rights to all Virginians.

Our modern society is more reflective of this fundamental belief than ever before. Virginia today welcomes people from across the globe, of every background, to join in building a prosperous and free society. The work of my administration has been committed to this end of building a new Virginia economy—an economy that embraces the diverse world in which

we live.

Recent events have demonstrated the negative effects of allowing prejudice, while also showing the positive growth that comes from an open and inclusive state government. States and localities that have promoted discriminatory laws are seeing businesses abandon development projects. States and localities that have pursued more inclusive policies have reaped the benefits of businesses expanding and relocating to their jurisdictions. Companies with which Virginia does business, including those critical for building a new Virginia economy with high-paying jobs, have increasingly implemented their own policies prohibiting discrimination based on sexual orientation and gender identity. The global economy in which Virginia must compete demands a dynamic workforce that is competitive, diverse and educated.

Additionally, federal procurement policy prohibits federal contractors from discrimination based on sexual orientation and gender identity. Federal contractors have thus already changed their internal policies and practices accordingly and are unlikely to reverse course, even if the federal requirement is adjusted. Many federal contractors also deliver services to the Commonwealth. Current procurement policy in Virginia is not sufficiently aligned with these non-discrimination policies to promote economy and efficiency in state procurement. Having Virginia policy align with this federal non-discrimination policy will not only further my administration's goal of building a more diverse, open and welcoming Virginia, but also will give uniformity to contractors that serve many government entities, resulting in economic benefits to Virginia taxpayers.

This executive order states it is intended only to provide direction for Executive Branch entities, and that it does not create any new rights or judicial remedies for third parties.

It went into effect the moment McAuliffe signed it on Jan. 5.

Victoria Cobb, president of the Family Foundation of Virginia, wrote a stern rebuke of the new order and its impact on religious freedom in the state:

Yesterday, Governor McAuliffe issued an Executive Order declaring that the state government would no longer contract for goods or services with anyone unless they sign a form stating that they will not “discriminate” based upon “sexual orientation” or “gender identity.”

In essence, the Governor is saying that you can’t do business with the state unless you allow men into women’s bathrooms and fully embrace the administration’s view that there are no distinctions between male and female, as well as its definition of marriage. This affects hundreds of entities that provide goods and services to or on behalf of the state, including many churches, charities and other faith-based institutions.

This unconstitutional act of intimidation and bullying of businesses and charities that are operated by people of faith, from Christians to Jews to Muslims, is not only unnecessary but dangerous. There is no evidence of discrimination in Virginia by any businesses or charities that work with the state, and this executive order could require the state to investigate the personal, private beliefs of business owners, an action that should frighten anyone who believes in protecting civil liberties.

Sadly, this action was predictable as Gov. McAuliffe and Attorney General Herring are far more interested in divisive politics and appeasing their base in a crucial election year than they are in providing real economic leadership. Instead of providing real economic leadership, they are advocating government discrimination against people of faith, Christians, Jews and Muslims, simply because they disagree

with their beliefs.

It is also in direct violation of the Virginia Constitution, which states that “the right to be free from any governmental discrimination upon the basis of religious conviction ... shall not be abridged.” Virginians should be free to earn a living, care for the poor, help the sick and serve their communities in accordance with their faith without being attacked and discriminated against by state government.

Virginians should be appalled by this act of blatant religious bigotry. As Virginia continues to slide further down on the list of states in which it's best to do business, the Governor, Lt. Governor and Attorney General have no real solutions other than pandering to their base.

But rest assured, we intend to fight this unlawful order by every available means. With the stroke of a pen, the Governor just “upped the ante” on religious liberty in our Commonwealth, and he cannot be allowed to get away with it.