I only learned about the proposed rule about thirty minutes ago. It is not possible for me to present a very cogent comment with such little time to prepare. Therefore, except for a brief comment below, I will simply adopt the comments of the Christian Legal Society which I endorse.

In a nutshell, it seems to me that there is a clear internal contradiction in the proposed rule itself. It seeks to protect a variety of groups and their rights including gays, lesbians, those with non-conforming gender identities and those who cohabit outside of marriage. It also purports to protect those who are religious. But what happens when the rights of two or more of such "protected groups" clash? In this case, the clash is between undeniably sincere religious convictions (most of which have been the dominant view in our own culture and most all others since time began and all of which are not held even today by only a few fringe fanatics but by a huge number of Americans) and the rights and interests of the groups I mentioned above. It would appear that the answer to the question reached by those who propose the amended rule is to reach a "compromise" that allows for religious convictions to be followed in an attorney's "private sphere," but not in his professional life. In effect, the rule adopts the compromise, only in reverse, of what used to be called, "Don't ask, don't tell." In my view, the proposed professional/private distinction is not really a compromise at all. It is a clear preference for the rights of the LGBT community and the other groups and a subjugation of the right and desire of Christian attorneys to freely exercise their religion.

I am a practicing attorney. I am also a practising Christian. My faith is inextricably intertwined with my practice. It affects, I would even say dictates, what I do, why I do and how I do what I do as an attorney. This is part and parcel of my religion. My religion does not say to me to be true to my God and glorify him in my "private sphere." It tells me to honor and glorify and reflect the truth about my God in "whosoever my hands find to do" -- that is, in all my labors and pursuits, but particularly my vocation. To tell me and countless other similar attorneys that our religious convictions must be unseen, unheard and undetectable when we enter the office or the courtroom, but that we can speak and act upon them again when we return to the private sphere of our own home is deeply offensive to me and it should be to anyone who GENUINELY wants to protect against discrimination or coercion based on religion (as this very rule purports to do).

The Oregon New Lawyers Division (and implicitly the ABA) asks the rhetorical question: What could be more important to the integrity of the law than ensuring that those who seek out legal representation are not subject to discrimination, harassment, or intimidation simply because of the color of their skin, their gender or gender identity, having a disability or being lesbian, gay, or bisexual? Apparently they think there is no possible answer to this question than: Nothing!. But that seems quite far from obvious to me. For one thing, I notice that of all of the list of concerned parties in this list, they conspicuously omitted the one which the rule itself clearly threatens: religion. Is the integrity of the law not at least as equally threatened by a lack of protection of the religious convictions of those that provide legal
services? My answer to the question asked by the young lawyers in Oregon is: Lots of things. How about the fundamental right of any citizen to not only hold a religious belief, but to act on it? What about the right of minority, counter-cultural or unpopular opinions to be freely expressed and acted upon without retribution or coercion. I think the integrity of the law is threatened, not protected by an overactive and coercive "thought police" and "speech police" which will not tolerate any opinion but their own.

I would conclude with a few questions of my own. Are gays and lesbians really having a hard time getting quality legal representation in this country? Is there some widespread crisis in this country that genuinely threatens the ability of someone of "non-conforming" gender identity from finding competent or zealous counsel? I think not. In fact, I would say that, it is quite obvious that the contrary is true. So why then has this controversial rule been proposed? Could it be that the real point is to impose an agenda? Is it possible that the true motivation is to silence opposition and to punish those who dissent from the cultural consensus? Should we not ALL be very afraid that this is really a Trojan horse -- masquerading as an effort to protect cherished rights when its true goal is to gradually erode them?

I vote no. I don’t expect it will matter.

Cleve Powell