

Gap Shareholder Meeting – Proposal #6
Justin Danhof, Esq., General Counsel and Free Enterprise Project Director
National Center for Public Policy Research, May 17, 2017

I'm Justin Danhof of the National Center for Public Policy Research. I move proposal number six.

We ask investors to support our proposal as it will hopefully shine some light on why Gap has joined with other corporations in vilifying religious freedom. In response to religious freedom measures in Indiana and Arkansas, Gap claimed that such efforts “legalized discrimination” and that “[t]hese new laws and legislation, that allow people and businesses to deny service to people based on their sexual orientation, turn back the clock on equality and foster a culture of intolerance.”ⁱ That’s a sensational lie.

The federal government and 31 states have heightened religious freedom laws. These laws say that the government should not interfere with an individual’s religious freedom unless doing so is necessary to reach an important government goal. Next, they say that if the government can reach its goal in a way that does not abridge religious freedom, it should choose the other method. That’s it. The federal religious freedom restoration law was co-authored by Senator Ted Kennedy and signed into law by President Bill Clinton. The Indiana and Arkansas measures imitated these other laws. Did Gap speak out against the Clinton/Kennedy federal religious freedom law?

Religious freedom has been part of American jurisprudence since our nation’s founding. So, it’s fair to ask: why is Gap voicing objection to this basic civil right now?

Corporations and the mainstream media have expressed concern that religious freedom laws will lead to discrimination, in part, against homosexuals. There is zero evidence for this concern. These laws only require the government to avoid interfering with religious freedom if it can do so while still achieving important government goals. One of these goals, and established law in every state of the union, is outlawing discrimination.

Last year, Gap also joined a legal brief supporting the Obama Administration’s lawsuit against North Carolina’s so-called “bathroom bill.”ⁱⁱ Again, the company’s position distorted the issues. The DOJ was actually seeking the authority to rewrite federal law in violation of the U.S. Constitution’s basic separation of powers. This obviously unconstitutional behavior is what the company was supporting. While many in this room would likely have little problem with the Obama Administration revising federal law, they would likely scream bloody murder if President Donald Trump gave himself the sole authority to rewrite federal statutes. But that’s just the type of power he would have now if the DOJ lawsuit had proceeded successfully.

In response to our proposal that the company review and report on its policies for operating in high-risk regions, the company's board claimed that "[w]e do not believe exiting certain regions protects or enhances human rights. On the contrary, local engagement protects and improves human rights." Where is your engagement on the level the company used in Indiana, Arkansas and North Carolina – or your cries of "legalized discrimination" – in nations where Gap operates that actually persecute homosexuals and give women few, if any, rights? It's hard to take the company's statement at face value since the far-left movement that Gap is a major part of has called for economic boycotts of states such as Indiana and North Carolina over the same legislative efforts that Gap opposes.

Our proposal simply asks management to prepare a report identifying Gap's criteria for operating in regions with significant and systemic human rights violations. If the company is worried about basic religious freedom laws in the U.S., then we must question why the company operates in regions with actual discrimination and human rights atrocities. Please join me in supporting proposal six.

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ⁱ <https://www.forbes.com/sites/clareoconnor/2015/03/31/gap-inc-levis-denounce-indiana-discrimination-and-urge-fellow-retailers-to-join-in/#2933784075e8>

ⁱⁱ <https://www.recode.net/2016/7/8/12128698/apple-cisco-intel-salesforce-68-companies-north-carolina-anti-lgbt-law-hb2>