

## Brief History of Family Action Council of Tennessee (FACT) July 30, 2025

With the encouragement of Focus on the Family Action, FACT was formed in early 2006 as a family policy council at the time Tennessee was preparing to vote on a marriage amendment that Fall. Fact led a successful state-wide campaign that saw 81% of Tennesseans vote to recognize marriage as only the union of one man and one woman.

Over the next decade, lobbying efforts led to TN passing:

- a strong Religious Liberty Non-Discrimination Act;
- arguably the strongest abstinence-based state sex education instruction law in the country, which included a parent's right to bring a civil rights-type cause of action against any outside organization used by public schools that teach content which violates the curriculum allowed under the law;
  - the first and only law in the nation, known as the Equal Access to Intrastate Commerce Act, that prohibits local governments from imposing "sexual orientation" and "gender identity" onto private businesses as grounds for employee discrimination claims (a state anti-SOGI law);
  - a law that limits the definition of "sex" for state-based discrimination actions to male or female as indicated on the individual's birth certificate;
  - a law that prohibits adults-oriented establishments within one thousand feet "of a childcare facility, a private, public, or charter school, a public park, family recreation center, a residence, or a place of worship";
  - a law protecting student religious organizations on public college campuses from discrimination on the basis of religious content;
  - a law protecting the religious liberty of students on public college campuses; and
  - a law protecting the religious beliefs of state-licensed family therapists by preventing state licensing boards from simply deferring to ethical guidelines written by liberal national organizations.

In 2014, FACT joined the coalition known as *Yes on 1* to pass a constitutional amendment to remove from TN's state constitution a right to abortion that had been judicially added due to a 2000 TN Supreme Court ruling. Notably, that right was legally stronger than that in *Roe v. Wade*. FACT's founding President wrote that very amendment as a member of the TN State Senate in 2001, advocating for it while still in the legislature. FACT then advocated for its passage from its founding and then through *Yes on 1* until its successful vote in 2014. TN became the first state in the nation to ever remove a right to abortion from a state constitution.

After the 2015 U.S. Supreme Court ruling in favor of gay "marriage", FACT turned its focus on strategies to overturn that ruling. It first went into State Courts on behalf of Pastors in an effort to highlight that the TN marriage licensing law was incompatible with the *Obergefell* ruling, and therefore county clerks no longer had any statutory authority to issue marriage

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licenses. Turned away ultimately by the TN Supreme Court after a multi-year effort, FACT built a national team of legal minds to create legislative options. This led to the writing of the Marital Contract Recording Act, which to date has not been voted into law. This act appears to be the only legislative proposal in the country to directly require state recognition and protection of a marital relationship defined exclusively in terms of male and female and not “created” by government permission or license.

Due to these efforts, FACT wrote and filed amicus briefs with the United States Supreme Court in *Dobbs v. Jackson*, arguing that abortion is prohibited by the 14th Amendment, and in *U.S. v. Skrametti*, arguing that male and female are real categories of human existence upon which objective evaluations of health care could be made.

Back in 2016, FACT was the first organization in TN to advocate for protecting the privacy of women in bathrooms, locker rooms and showers in public schools. The effort was passed out of the House Education Committee, right at the time that North Carolina needed support from other states, just to be upended by the Republican Governor at the time. This groundwork led to its passage a number of years later.

Its founding President retired on December 31, 2024, leaving quite a legacy of legislative advocacy and accomplishment, including as his final act an amendment in the 2024 Parental Rights Law that prevented the state legislature from purposefully agreeing that state parental rights are subject to the control of federal judges.