Georgia insight

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"She hath done what she could."
Mark 14:8a
"…and having done all … stand."
Ephesians 6:13c

Indiana RFRA Pits the Sexual Revolution against Christianity

In an April 21, 2015 speech in the Hillsdale[1] College Center for Constitutional Studies and Citizenship in Washington, D.C., David French outlined and expanded upon four critical truths that were obvious in the attack on the Indiana Religious Freedom Restoration Act. They are:

1. *The battle is not between gay rights and religious liberty – although religious liberty is certainly at stake – but between the sexual revolution and Christianity itself.*
2. *Not a single orthodox denomination is making or even contemplating such changes, meaning tens of millions of Americans will remain – indefinitely – opposed to the continued expansion of the sexual revolution.*
3. *Cultural conservatism is showing increasing strength at the grassroots.*
4. *Conservative grassroots and conservative public intellectuals are united. There is no wavering among America's most influential conservative writers and thinkers.*

Conservative Muscle: Observations by Mr. French

- Cultural conservatives answered the Left's attempted Chick-fil-A boycott with a **"buycott"** that swamped stores nationwide, even causing some to run out of food for customers eager to show support for a beloved restaurant, owned by people who share their moral principles.
- Leftist pressure against Hobby Lobby failed. Customers were either supportive of the owners or indifferent to politics, and boycotts had no effect on Hobby Lobby's bottom line or its willingness to fight. Not only did Hobby Lobby win its Supreme Court case, its owners are set to open a massive new Museum of the Bible near the National Mall.
- Efforts to drive Phil Robertson – of *Duck Dynasty* fame – off the air after controversial comments on sexual morality failed, giving cultural conservatives a victory in a medium (cable television) seen as almost uniformly hostile to orthodox Christianity. While Robertson has remained a polarizing figure (and often says things that make many of his supporters uncomfortable), there has been no serious repeat efforts to remove him from the air.
- In Houston, leftist government officials were forced to backtrack within days after issuing subpoenas requiring area pastors to turn over the contents of their sermons and other communications. The public outcry was so swift and so great that the city capitulated even before a judge could rule on motions to quash.
- Even in Indiana, as Republican politicians quickly caved to corporate and media pressure, the grassroots response in support of Memories Pizza soon swamped the Left. A GoFundMe (sic) account set up to support the owners raised more than $800,000 in small donations in a matter of days (including over $200,000 in one day), putting the pizza restaurant in a far superior financial position than it had enjoyed before the controversy. The message was clear: Cultural conservatives are not, in fact, culturally isolated but rather have the support of millions of Americans who oppose leftist bullying.

[1] "The Battle of Indiana and the Promise of Battles to Come," by David French, *Imprimis* April 2015, Hillsdale College Reprinted by permission from **Imprimis**, a publication of Hillsdale College.

Religious Freedom Restoration Act (RFRA): Federal, Georgia and Indiana

Since sexual behavior has trumped expressions of religious and/or Biblical morality in the amended RFRA in Indiana, could the federal RFRA be used to challenge RFRA restrictions on religious freedom in Indiana?

Federal. The Religious Freedom Restoration Act[1], Pub. L. 103 – 141, 107 Stat. 1488, took effect November 16, 1993, and for 22 years has been enforceable by the federal government.

Georgia. For two years, Georgia legislators have introduced bills for a *state* Religious Freedom Restoration Act, but none has passed. However this year's version, S.B. 129 by Senator Josh McKoon, passed the Senate and remains in the House Judiciary Committee for action in 2016.

Legislators, please be cautious. Reportedly, a high-ranking Georgia official declared that a Georgia RFRA must include nondiscrimination language. That's disturbing, considering the situation in Indiana, where nondiscrimination language curtails expression of Biblical morality.

Indiana RFRA. In March 2015 Indiana passed a version of RFRA similar to Georgia bills that failed to pass in 2014 and 2015. The original Indiana bill that passed was meant to reflect the 1993 federal RFRA, but federal RFRA *does not* provide special protection for sexual behavior.

However, to appease a vociferous fragment of the population, Indiana amended[2] its state RFRA with Engrossed S.B. 50, signed by Governor Pence April 2nd. That amendment (1) gave special protection to sexual orientation and gender identity, (2) gave equal status to variant sexual behavior and public religious expression, and (3) rendered expressions of Biblical morality welcome only in tax exempt worship centers and activities, (4) but unwelcome in public.

The amended Indiana RFRA restricts Biblical religious freedom as follows:

(a) It prohibits the refusal of services, facilities, public accommodations, goods, employment, or housing to the general public on the basis of race, color, religion, ancestry, age, national origin, disability, sex, *sexual orientation, gender identity*, or U.S. military service.

(b) *It does not provide a defense to a civil action or criminal prosecution* to refusing services, facilities, public accommodations, goods, employment, or housing to a member or members of the general public on the basis of race, color, religion, ancestry, age, national origin, disability, sex, *sexual orientation, gender identity*, or U.S. military service.

(c) It exempts a church, or other federal tax exempt nonprofit religious organization or society, affiliated schools, a rabbi, priest, preacher, minister, pastor, or designee of a church or other nonprofit religious organization or society *when the individual is on-the-job* in a religious or affiliated educational function of a church or nonprofit religious organization or society.

(d) HOWEVER, a rabbi, priest, preacher, minister, pastor, or designee of an exempt religious organization or society *may not, as an individual off-the-job,* allow Biblical or religious morality to affect his or her behavior toward others, once he or she leaves the confines or campus of a tax-exempt religion, or religious employment, or affiliated religious function.

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[1] Federal RFRA: Pub. L. 103–141, § 2,Nov. 16, 1993, 107 Stat. 1488. The purposes of this chapter are—
(1) to restore the compelling interest test as set forth in Sherbert v. Verner, 374 U.S. 398 (1963) and Wisconsin v. Yoder, 406 U.S. 205 (1972) and to guarantee its application in all cases where free exercise of religion is substantially burdened;
(2) to provide a claim or defense to persons whose religious exercise is substantially burdened by government.

[2] Indiana S.B. 50, signed by Governor Pence April 2, 2015, inserted *sexual orientation and gender ID* to "fix" RFRA

Natural Marriage in the Crosshairs

"[Marriage] has been honored in law and custom for more than 5,000 years and every civilization in history has been built upon it. It has been the bedrock of culture in Asia, Africa, Europe, North America, South America, Australia and Antarctica. Admittedly, there have been periods in history where homosexuality has flourished including the biblical cities of Sodom and Gomorra and during the Roman Empire. None of those civilizations survived. Only in the last few years has what has been called gay marriage been given equal status with biblical male-female unions…. God help us if we throw the divine plan for humankind on the ash heap of history. To put it succinctly, the institution of marriage represents the very foundation of human social order."

– Dr. James Dobson, Christian Psychologist and Author (emphasis in original)

Pertinent Questions

Q. Who was the first sitting U.S. Supreme Court Justice to perform a same sex marriage?

U.S. Supreme Court Justice Ruth Bader Ginsberg in August 2013, again a week later

Q. Who was the first U.S. Supreme Court Justice to officiate over a same sex marriage in the Supreme Court Building?

Retired U.S. Supreme Court Justice Sandra Day O'Connor in October 2013

Q. Has any other sitting U.S. Supreme Court Justice officiated over a same-sex marriage?

Yes. Sitting U.S. Supreme Court Justice Elena Kagan in September 2014

ACTION – Pray that the U.S. Supreme Court will NOT redefine marriage. The Court ruling is scheduled for June.

Since so many lawsuits have challenged the definition of marriage, the U.S. Supreme Court granted certiorari for four cases – one each from Michigan, Ohio, Kentucky and Tennessee – where restrictions on same-sex marriage were upheld by a Cincinnati appeals court in late 2014. The Court consolidated those cases, heard two and one-half hours of debate in April, and will rule on the following questions in June:

1. Does the Fourteenth Amendment require a state to license a marriage between two people of the same sex?
2. Does the Fourteenth Amendment require a state to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state?

[3]

Georgia Congressman authored the Defense of Marriage Act (DOMA). When natural marriage was under attack 19 years ago, Representative Bob Barr wrote DOMA and introduced it in Congress May 7, 1996. It passed with veto-proof margins; Democrat President Bill Clinton signed it September 21, 1996; and the federal definition of marriage was the legal union of one man and one woman and spouse a "person of the opposite sex who is a husband or a wife," until June 26, 2013, when DOMA's marriage definition was ruled unconstitutional.

Before 1996, Georgia defined marriage as "an actual contract," without explaining who could enter the contract. So, the Georgia General Assembly passed legislation in 1996 to clarify who could marry whom. As he signed it into law, Governor Zell Miller said, "H.B. 1580 defines marriage in Georgia as the union between a man and a woman. Further, the bill forbids the issuance of a marriage license to persons of the same sex or for the state of Georgia to recognize marriage licenses from other states that do not meet Georgia's definition of marriage."

In 2004, 72.6 percent of Georgia voters passed a constitutional amendment (a) that defined marriage as between a man and a woman and (b) prohibited recognition of same-sex licenses issued elsewhere. In April 2014 Lambda Legal challenged Georgia's definition of marriage on behalf of three same-sex couples and a woman whose "wife" died. Also, a national million-dollar "modernize" the Republican Party marriage plank campaign was launched in April 2014.

Governor Deal and His Post-Session Duties

The governor has 40 days after the General Assembly adjourns *sine die* to exercise veto power over bills he may choose. Two categories of legislation are beyond the reach of his veto – proposed constitutional amendments and bills providing for a new constitution. Also, he has line-item veto power over the budget, which he used, sparingly, in the FY 2016 appropriations.

Before signing the $21.8 billion FY 2016 state budget May 11th, Governor Deal used his line-item veto power to delete $809,900 that had been designated to build a seawall on Hutchinson Island in Savannah, explaining that the project did not meet constitutional requirements for state funding. Then, on May 12th he vetoed eleven bills.

Six of the vetoed bills would have affected local governments, but S.B. 76 had state-wide implications. It would have eliminated the current 15-inch height restriction on motorcycle handlebars, which would have allowed higher handlebars, although handle bars raised beyond 15 inches make cycles more difficult to control and steer. Statistics from 2014 reveal that motorcycle and bicycle crashes accounted for 13 percent of fatalities on Georgia roads. The governor also vetoed two tax bills and another bill that would have created a separate agency for the Division of Aging Services.

The FY 2016 budget increases k – 12 funding over half-billion dollars, which, reportedly, is meant to restore instructional days, eliminate furlough days and raise teacher salaries. It also increases the number of strategic industries for which the full cost of tuition is covered for Georgia technical college students "to help meet demand for available workers" – further evidence that the focus of education has become workforce training instead of academics.

The budget also includes $36 million for services to Georgia children in need, including funds for more caseworkers and additional money to implement Child Welfare Reform Council recommendations to promote the safety and effectiveness of caseworkers.

On May 5th Governor Deal announced 136 local education authorities that would receive over $25.3 million to pay for high-speed broadband access to digital and blended learning. Because the state provided these matching funds, 134 school districts and two state charter schools are eligible for $90.9 million in federal funding for school and classroom network infrastructure. Previous grants for $37 million were awarded 104 local education authorities, with more grants scheduled to be awarded in July. Caution: additional federal grants mean more federal control.

Rural Hospital Recommendations

In April 2014 Governor Deal appointed a 15-member Rural Hospital Stabilization Committee to identify needs of the rural hospital community and provide potential solutions.

On February 23, 2015 the committee proposed a "hub and spoke" arrangement to take the burden off hospital emergency departments. Four hospitals – Union General, Appling Health System, Crisp Regional and Emanuel Regional Medical Center – would be designated as hubs statewide in a pilot project to direct patients to the facility that would provide appropriate care.

Governor Deal commented, "Just as a medical emergency can't wait, neither can we wait to act upon these recommendations. It is my hope that these efforts are not a temporary fix, but rather the beginning of a long-lasting road to recover for our rural health systems."