

Focus On Issues Relating to Threats of a Non-Discrimination Ordinance

Dick Pence - Billings Family Action committee rapence45@gmail.com

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(This document is laid out so that you can print only the issue you wish to use.)

Non-Discrimination Ordinances in Montana are a Solution in Search of a Problem.

A very relevant question that must be asked is: Are we looking for a solution to a documentable problem? Are there significant examples where an LGBT (Lesbian-Gay-Bisexual-Transgender) person has been discriminated against in terms of employment, housing etc. in the state of Montana? The answer to that question according to the Montana Family Foundation and other sources is no - these issues have not been successfully brought before the courts. When they have, investigations have shown that the cases were not substantiated by reasonable evidence.

A recent article in the Billings Gazette from the proponents of these NDO's made it clear that in the last three years, since Missoula passed their NDO, there has not been a single case brought before the courts or Human Rights Commission. While they may claim that this was because of the NDO, they have no prior history of complaints to point to substantiate their argument of its success.

While we recognize that there most certainly are times when LGBT citizens are treated with disrespect, the allegation of need for additional legal protection is undocumented. And, as Billings City Councilman Shaun Brown graciously pointed out at the meeting 05/12/14, unfortunately, an NDO would not stop incidences of verbal abuse in private settings by insensitive people.

Relevant to this discussion also is the claim that LGBT clients might not have been able to afford counsel to bring allegations forward. This claim is diminished by the fact that across the country, the ACLU has been quick to take up these cases - even search for them - and encourage litigation when the individual would not have otherwise pursued the matter.

Montana has laws that protect all citizens from discrimination relative to housing, employment, etc. The real issue at hand is that the LGBT community is requesting designation as a *Unique Class* of citizens with special rights based upon sexual orientation, gender identity, or gender expression.

The Montana Legislature has turned back these efforts for over a decade. They recognized the needed protection has already been addressed by legislation. They also recognized that the NDO idea will result in "unintended consequences." These consequences would include *Forced Participation* in arenas LGBT Activists have historically stated that they intend to occupy. Organizations such as civic groups, Not-For-Profit groups, and faith based groups etc. would be affected by opening the door for law suits because they would not employ LGBT people in faith based organizations. Businesses, churches, day care centers, faith based schools and medical centers, etc. would be forced to hire homosexual and transgender individuals on their staff. If they refused services to the LGBT community, they could be sued.

Now the LGBT agenda is clear, they intend to circumvent the legislature in a stealth manner by taking the issue city by city. If they are successful, they will return to the legislature with a "mandate from the people" when in fact it would be a mandate from a very small unique group within city governments.

In states where this type of legislation has passed, there are numerous incidences of businesses being forced to participate in homosexual weddings etc. Resultant lawsuits have been lethal to these organizations. See *A Tale of Ten Cases* from Alliance Defending Freedom or at <http://bigskyworldview.org/docs/links/RightsOfConscienceCases.pdf>

In summary, the "Problem" in Montana (and Billings) does not exist; the LGBT community has not suffered from documented discrimination. Montana law is adequate to protect the LGBT community. Their "Solution" is in actuality, an attempt to move forward with their long term plainly stated objectives of forced participation of the public in their lifestyle choices.

Montana Cities Have No Legal Grounds for Passing an NDO - They Would be in Violation of State Law.

This NDO is another example of what has become a pattern of lawlessness endorsed by Progressives and in this case championed by the ACLU, an organization that is almost always in opposition to the ethics that are ingrained in American culture.

Ken Peterson, former Billings City Attorney and former Legislator has written a letter to the City Council pointing out how the enactment of such an Ordinance by Billings City Council (BCC) would exceed its authority as a self government. Michael J. San Souci, attorney from Bozeman area has written a similar letter. Both have been placed in the hands of the BCC and can be found at <http://www.bigskyworldview.org> Resources/Useful Resources/NDO in Montana Letters to the Councils. (Acknowledgments to these two attorneys for much of material you will read below)

Mr. Peterson's letter points out to the Council that:

..."I can tell you based on experience that the City has not fared well in the Courts when it has attempted to exceed [it's] powers. In one case the City and the taxpayers paid about \$500,000.00 because it exceeded its authority. Not only did the Federal Court hold the City liable but it held each individual Council person liable. In another case where the City Council wanted to exceed its authority they were told by the then City attorney that the City would get sued and the City would lose."

He continues saying "These issues came before the legislature every session I was there [4 terms] and came up again in 2013. What the advocates are trying to do is backdoor these issues to try to circumvent the legislative process. They have asked the legislature to change the law but the legislature has refused. They are putting the Cities in a position to be sued for exceeding their authority and the Cities are unwittingly going along."

The Montana Constitution is the basic law that governs all laws, persons and entities in the State of Montana. Adopting an NDO will cause and allow some of the rights granted to everyone to be infringed. See Article I Sections 3, 4, 5 and 10.

The Constitution of the State of Montana Article XI section 6 describes the extent of the self government powers as follows:
Self-government powers, a local government unit adopting a self-government charter may exercise any **power not prohibited by this constitution**, law or charter. . . . (Emphasis provide by writer)

The legislature has passed laws that prohibit self-governments from exercising powers:

MCA § 7-1-111(1) any power that applies to or affects **any private or civil relationship**

MCA § 7-1-113 (1) A local government with self-government powers is prohibited the exercise of any power in a manner **inconsistent with state law** or administrative regulation in any area affirmatively **subjected by law to state regulation** or control. An area is affirmatively subjected to state control if a state agency or officer is directed to establish administrative rules governing the matter or if enforcement of standards or requirements established by statute is vested in a state officer or agency.

The whole area of illegal discrimination has been affirmatively subjected by law to state regulation and control **MCA title 49 part 2**. The Montana Human Rights Commission is directed by the State legislature to establish administrative and procedural rules in implementing the act, **MCA § 49-2-204**. Therefore a self-government City [such as Billings] is prohibited from passing any ordinance dealing with discrimination.

Attorney Michael San Souci from Bozeman voiced similar concerns as he said: "My analysis is based on two distinct, but inseparably interrelated, fundamental concepts:

(1) that the entire field of anti-discrimination regulation of this nature is clearly a matter of statewide concern preempted by, and exclusively reserved to, state law and the State Legislature, and (2) that a municipality, such as the City of Bozeman, also would be acting well beyond the scope of its recognized legal authority in attempting to create new avenues of legal redress in the process."

San Souci points out that he is aware that the Bozeman Commission was under considerable pressure from the ACLU to pass an NDO and that he reviewed previous opinion letter from the ACLU's Montana Public Policy Director addressed to the issue of potential state preemption of a similar local ordinance seeking to regulate discrimination based on sexual orientation and gender identity. The essence of the ACLU's contention in this regard is as follows:

"The local ordinance is creating a **separate scheme**, with its own violations, enforcement mechanism, and remedy, thereby not implicating the [Montana Human Rights Act] or state constitution."

This lawless attitude typifies the current Whitehouse administration and encourages cities to ignore state statute as they wish.

Referencing a Montana Supreme Court case (see the brief) San Souci states: In relevant part, §7-1-111, MCA, expressly prohibits a self-governing city, such as Bozeman [or Billings] from exercising "(1) any power that applies to or affects any private civil relationship, except incident to the exercise of an independent self-government power." Section 7-1-112, MCA, expressly provides that among those powers requiring a legislative delegation is "(4) the power to exercise any judicial function, except as incident to the exercise of an independent self-government administrative power." Clearly, either, or both, of these statutes would invalidate the NDO being urged by the ACLU, and currently under consideration by Bozeman.

It seems beyond cavil that the Montana State Legislature has signified its intent to preempt, and control, virtually the entire field of discrimination law on a uniform, statewide basis, and thereby avoid what already has occurred in other cities.

While we recognize that merely pointing out that an action is unlawful or unconstitutional carries less weight these days, never the less, we see this as a strong argument that needs to be made.

Is The LGBT Comparison of Their Situation to The Race Discrimination Issue (Civil Rights) Justifiably?

Key Links:

<http://www.heritage.org/research/reports/2014/04/marriage-reason-and-religious-liberty-much-ado-about-sex-nothing-to-do-with-race>

http://www.fourwinds10.net/siterun_data/peace_freedom/civil_rights/news.php?q=1392826737

The Civil Rights Act of 1964 bars discrimination based on “race, color, national origin, sex, and religion.” The first four are included largely because they are inborn, involuntary, and immutable. Religion, while voluntary, is explicitly protected by the 1st Amendment. The LGBT (Lesbian-Gay-Bisexual-Transgender) meet none of these criteria and their activists are lobbying for an NDO to establish them as another "unique class". Eventually, this will make the expression of disagreement with them against the law. If you referred to their life style as sin you would be liable. If a religions group refused them certain accesses, they would be fined.

Their pivotal argument is driven by emotion and a bit of a philosophical leap. They object by comparing our opposition to same-sex marriage to Jim Crow laws that prohibited marriage between people of different races. We want to briefly look at two issues in this argument. First, what are conservative African Americans saying about this comparison? Second, does this comparison pass the test of history?

What Are Black Pastors saying about this comparison?

Is opposition to LGBT Non-Discrimination efforts (and same-sex marriage) at all like opposition to interracial marriage? Black pastors in the South say comparing the push for homosexual ‘marriage’ to the civil rights movement is offensive and destructive. Rev. Ronnie Wallace, a retired African American pastor who was born and raised in the South, agrees that homosexuals’ use of civil-rights-language is insidious. “Anyone can look at what was happening during the civil rights movement – the brutality that men were willing to inflict on other men because of their color – anyone can look at that and see that it was wrong,” he says. And it’s that sentiment, according to Wallace, which homosexuals are trying to align themselves with... homosexuals can’t legitimately compare their agenda to the civil rights movement because homosexuality is a behavior one chooses while race is a color one is born with."

In Massachusetts, the Black Ministerial Alliance of Greater Boston, a group of African American ministers, refuted homosexuals’ attempts to frame the issue of homosexual “marriage” as the next “civil rights movement” in America. The group signed a statement asserting that “homosexual marriage’ is not a civil right.”

The Rev. Charles Reese, Charlotte, N.C., echoes the voice of many conservative people of color when he says “That the homosexual radical agenda would use the blood of our ancestors to justify their immoral cause and bring guilt and manipulation upon others is an atrocity.” 1)

In Detroit, a coalition of 110 African Americana pastors filed an amicus brief... asking the court to overturn a lower court’s decision that declared Michigan’s

marriage amendment unconstitutional. Voters in Michigan had passed a marriage amendment in 2004 that made it unlawful to conduct or recognize same-sex "marriages" in the state. "The fact that American media or other factions erroneously characterize the traditional meaning of 'marriage' as being on par with the civil rights deprivations of Black Americans does not make it so," he stated. "Comparing the dilemmas of same-sex couples to the centuries of discrimination faced by Black Americans is a distortion of our country's cultural and legal history."

The pastors said that one's racial background is a completely different issue from a person's sexual activities. "A person's sexuality and sexual preferences, however, are not their state of being, or even an immutable aspect of who they are, as race is," they asserted. "The truth of the matter is that it is merely activity in which they engage. 2)

What does history suggest about this comparison?

Bans on interracial marriage and Jim Crow laws, were aspects of a much larger insidious movement that denied the fundamental equality and dignity of all human beings and forcibly segregated citizens. When these interracial marriage bans first arose in the American colonies, **they were inconsistent not only with the common law inherited from England**, but also with the customs of prior world history, which had not banned interracial marriage. 3)

Thinking that marriage has anything at all to do with race is unreasonable, and **as a historical matter, few great thinkers ever suggested that it did.** Searching the writings of Plato and Aristotle, Augustine and Aquinas, Maimonides and Al-Farabi, Luther and Calvin, Locke and Kant, Gandhi and Martin Luther King Jr., one finds that the sexual union of male and female goes to the heart of their reflections on marriage but that considerations of race with respect to marriage never appear. 4)

Dr. Frank Beckwith, Professor of Philosophy at Baylor University explains that **"history shows that bans on interracial marriage had nothing to do with reasoning about the nature of marriage itself...** anti-miscegenation laws were part of a much larger regime that denied human equality in order to hold a race of people in a condition of economic and political inferiority and servitude. They had nothing to do with the nature of *marriage*. At their heart was a mistake about the dignity of all human beings." 5)

The comparison of same-sex marriage to Jim Crow laws of the past is an attempt to distract and depends upon a non-critical analysis. Historically, interracial marriage has not normally been denied for good reason. Historically, marriage has been accepted as between male and female - again, for good reasons and that is a discussion in itself. But to compare Race to claimed Sexual Orientation is both offensive to people of color and without logical or historical basis. 6)

It is clear that the comparison of Race in the NDO arguments is an attempt to manipulate the public emotionally and does not stand the tests of reason, logic, or history.

1) *A Moral Wrong Is Not A Civil Right* – Black Pastors Fight Homosexual ‘Marriage’

2) May 18, 2014: in Christian News, Heather Clark

<http://christiannews.net/2014/05/18/black-pastors-comparing-homosexuality-to-civil-rights-fight-is-distortion-of-history/>

3) See Fay Botham, *Almighty God Created the Races: Christianity, Interracial Marriage, and American Law* (Chapel Hill: University of North Carolina Press, 2009), Kindle edition, locations 730–740, and Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000), Kindle edition, location 483

4) Ibid. John Finnis, *Human Rights and Common Good: Collected Essays*, Vol. 3 (New York: Oxford University Press, 2011), pp. 315–388; John Witte Jr., *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition*, 2nd ed. (Louisville, KY: Westminster John Knox Press, 2012); and Scott Yenor, *Family Politics: The Idea of Marriage in Modern Political Thought* (Waco, TX: Baylor University Press, 2011). Witte, *From Sacrament to Contract*, and Yenor, *Family Politics*.

5) See Francis Beckwith, Baylor University Philosophy Department. “Interracial Marriage and Same-Sex Marriage,” *Public Discourse*, May 21, 2010

6) Ibid.

Is the Normal View of Marriage Exclusively Between a Man and Woman - Historically Accepted and Only Christian and How Does this Relate to an NDO?

The heart of the NDO debate is in essence an agenda by the LGBT community for same-sex marriage. That is one of their clear, stated goals. Great thinkers throughout human history - and from every political community up until the year 2000 - thought it reasonable to view marriage as the union of male and female, husband and wife, mother and father. Indeed, support for marriage as the union of man and woman has been a near human universal. The belief that marriage is a male-female union is shared by the Jewish, Christian, and Muslim traditions; by ancient Greek and Roman thinkers untouched by these religions; and by various Enlightenment philosophers. 1)

Marriage is the institution that different cultures and societies across time and place developed to maximize the likelihood that a man would commit to a woman and that the two of them would then take responsibility for protecting, nurturing, and educating any children that they may create.

Far from having been devised as a pretext for excluding same-sex relationships - as some now charge - marriage, as the union of husband and wife, arose in many places over several centuries entirely independent of and well before any debates about same-sex relationships. Indeed, it arose in cultures that had no concept of sexual orientation and in some that fully accepted homoeroticism and even took it for granted. 2)

Marriage must be color-blind, but it cannot be gender-blind. The melanin content of two people's skin has nothing to do with their capacity to unite in the bond of marriage as a comprehensive union naturally ordered to procreation. The sexual difference between a man and a woman, however, is central to what marriage is.

Anti-miscegenation (miscegenation refers to laws enforced at the level of marriage and intimate relationships) supporters were very much like contemporary same-sex marriage proponents, for in both cases they introduced a criterion other than male-female complementarity in order to promote the goals of a utopian social movement: race purity or sexual egalitarianism. **This is why, in both cases, the advocates require state coercion to enforce** their goals. Without the state's cooperation and enforcement, there would have been no anti-miscegenation laws and there would be no same-sex marriage. 3)

The reason for this, writes libertarian economist Jennifer Roback Morse, is that "marriage between men and women is a pre-political, naturally emerging social institution. Men and women come together to create children, independently of any government." Hence, this explains its standing as an uncontroversial common law liberty. "By contrast," Morse goes on to write, "same-sex 'marriage' is completely a creation of the state. Same-sex couples cannot have children. Someone must give them a child or at least half the genetic material to create a

child. The state must detach the parental rights of the opposite-sex parent and then attach those rights to the second parent of the same-sex couple 4)

1) John Finnis, *Human Rights and Common Good: Collected Essays*, Vol. 3 (New York: Oxford University Press, 2011), pp. 315–388; John Witte Jr., *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition*, 2nd ed. (Louisville, KY: Westminster John Knox Press, 2012); and Scott Yenor, *Family Politics: The Idea of Marriage in Modern Political Thought* (Waco, TX: Baylor University Press, 2011).

2) John Finnis, *Human Rights and Common Good*, pp. 315–388.

3) Dr. Francis Beckwith *Interracial Marriage and Same-Sex Marriage - Why The Analogy Fails* by [Francis J. Beckwith](#) May 21, 2010 The Witherspoon Institute

4) Jennifer Roback Morse, "Same-Sex 'Marriage' and the Persecution of Civil Society," *National Catholic Register* (3 June 2008), available at <http://www.ncregister.com/site/article/15099>

Is It Reasonable to Assume that an NDO - When Taken to The State Level - Will Not Interfere With Religious Freedoms? A Summary Look at Ten Cases

Those proposing an NDO contend that such measures will not impact religious freedom issues and that protections will be written into the ordinances. However, the overwhelming evidence from states where this type of legislation has been passed at the state level argues against that claim. We will also briefly reference how such legislation (and similar claims) has not held up in England. It can also be argued that such exceptions violate the stated goals of the LGBT Activist Elite. (See Understanding the Gay Agenda)

Almost everyone agrees that discriminating against people because of things they cannot change about themselves, such as their biological sex or skin color, is wrong. The vast majority of us would agree that people should not be denied basic services, like those provided by restaurants, hotels, and stores, because of these types of immutable characteristics. Similarly, most people would say that people should not be denied basic services because of their religious beliefs or their political viewpoints.

There are times, however, when these general rules against discrimination should give way to more important principles against forcing someone to violate their conscience. Take, for example, the case of a printing business that is owned by a committed vegan and animal rights activist who believes that using animals for food is morally wrong. Should that business be forced to produce tee shirts printed with Chick-fil-A's slogan, "Eat More Chicken?"

Most people would agree that business owners should be free to "discriminate" in order to avoid violating their consciences and creating messages that are reprehensible to them. So, while we tend to agree that discrimination is wrong, we also tend to recognize that sometimes there are exceptions to that general rule. And one such exception occurs when a business owner is asked to engage in conduct, or create a message, that is at odds with their deep-seated convictions of right and wrong.

Sadly, we are increasingly seeing a tendency to refuse to grant these types of exceptions to people of faith when their religious convictions prevent them from offering services that would legitimize or promote what they believe is sinful behavior.

Referencing Alliance Defending Freedoms document March 11, 2014 *A Tale of Ten Cases - Rights of Conscience Cases Arising in the Context of Nondiscrimination Laws*, we will briefly demonstrate how this is playing out in states where NDO legislation has passed. The full documentation is available.

New Mexico: Elaine and Jonathan Huguenin operated Elane Photography, which specialized in wedding photography. Elaine, an artist and she employs a photojournalistic style in her work, using her pictures to tell stories for her clients.

In going about her work, Elaine was mindful about the messages communicated through the photographs. Company policy ensured that they will never tell a story or convey a message contrary to their belief system

In September 2006, Vanessa Willock asked Elaine to create pictures of her same-sex commitment ceremony. Elaine believed that the pictures she would create at the event would tell a story of marriage at odds with her religious convictions and declined.

Unwilling to let the Huguenins be free to conduct themselves consistent with their religious beliefs, Ms. Willock sued the company under the New Mexico Human Rights Act, alleging unlawful discrimination on the basis of sexual orientation. The New Mexico Human Rights Commission used the Act to punish Elaine and Jonathan for declining to photograph Ms. Willock's ceremony, and ordered them to pay nearly \$7,000 in attorneys' fees. The New Mexico Supreme Court upheld the decision, ruling that the Huguenin's religious rights, guaranteed by the Constitution, must yield to the state's antidiscrimination law. One of the judges wrote that, while he understood that all the Huguenins wanted was to be let alone to live their lives according to their faith, **they must surrender their right to freely exercise their religion as "the price of citizenship."**

Colorado: Masterpiece Cakeshop owner Jack Phillips has been using his artistic talents to design wedding cakes and baked goods for the last 40 years. Jack seeks to operate his business in accordance with his faith, even when it costs him. He will not bake any Halloween-themed goods, even though Halloween typically provides bakeries increased revenue-making opportunities, because he believes that Christians should not promote Halloween

In July 2012, Charlie Craig and David Mullins asked Jack to make a wedding cake to celebrate their same-sex ceremony. Phillips politely declined, explaining that he would gladly make them any other type of baked item they wanted but that he could not make a cake promoting a same-sex ceremony because of his faith.

Represented by the ACLU, Craig and Mullins, filed a complaint with the Colorado Civil Rights Division. An administrative law judge found in favor of Craig and Mullins

Washington State: Sixty-eight-year-old Barronelle Stutzman, the sole owner of Arlene's Flowers in Richland, WA, has for her entire career served and employed people who identify as homosexual. One of her longtime clients, whom she had served for nine years while knowing that he identified as homosexual, asked her to design the floral arrangements for his same-sex "wedding." Ms. Stutzman had always considered him a friend. She responded by telling him that, while he knew she loved him, her religious convictions would not allow her to design floral arrangements that would support same-sex "marriage." He responded by bringing suit against her, as did the State of Washington. Both suits allege

violations of Washington state's nondiscrimination law. The State Attorney General came after her. This cost her the business.

Kentucky: Blaine Adamson is the owner of Hands On Originals, a printing company in Lexington that specializes in producing promotional materials. He avoids having the company design, print, or produce materials that convey messages or promote events or organizations that conflict with his sincerely held religious convictions. Hands On Originals has served customers that Blaine knew identified as homosexual, and it has employed (and currently employees) persons who identify as homosexual. But Blaine does not want to produce printed materials that promote homosexual behavior.

In March 2012, the Gay and Lesbian Services Organization (GLSO), an advocacy organization that promotes same-sex relationships and homosexual conduct, asked Blaine and his company to print promotional shirts for the Lexington Pride Festival, which celebrates same-sex relationships and homosexual conduct. Blaine politely declined.

GLSO filed a discrimination complaint with the Lexington-Fayette Urban County Human Rights Commission, alleging that Hands on Originals unlawfully discriminated on the basis of sexual orientation. GLSO and its allies began a public campaign against Hands On Originals in the community, which included, among other things, a page on the group's website and a "Boycott Hands On Originals" Facebook page.

In November 2012, the Commission found probable cause to believe that Hands On Originals violated the local nondiscrimination ordinance

Hawaii: Aloha Bed & Breakfast. Phyllis Young resides with her husband in their family home in Honolulu. It has 1,926 square feet and 10 ½ rooms—4 bedrooms, 2 ½ bathrooms, a family room, dining room, living room, and kitchen. The Young's have owned this house for 35 years. It is their family home, where they raised their children and are visited by their grandchildren. They do not advertise and their guests share the family room etc.

Diane Cervelli and Taeko Bufford, a couple who identify as "lesbian," asked to rent a room with a single bed in Mrs. Young's home. Mrs. Young declined because allowing a same-sex couple to share a room with only one bed in her home violates her sincerely held religious beliefs. Ms. Cervellie and Ms. Bufford complained to the Civil Rights Commission, which found probable cause that Mrs. Young had violated the state nondiscrimination law, which prohibits discrimination on the basis of sexual orientation.

Oregon: Melissa and Aaron Klein own Sweet Cakes by Melissa, a bakery located in Gresham, Oregon. They declined, because of their religious beliefs, to bake a wedding cake for a same-sex "wedding." The couple filed a complaint against them, which is currently pending before the Oregon Bureau of Labor and Industries.

New York State: Liberty Ridge Farm, in Schaghticoke, NY, is the home of the Gifford family. It is a working farm that has been in the family for many years, and the main structure on the property is where the Gifford's reside, raise their children, and engage in the private affairs of family life.

The Gifford family also chooses to allow people on their property for certain select events on given days at given times. Their home is not opened indiscriminately like a hotel, and although visitors pay for certain events held on the property, the Gifford's determine the types of activities they will or will not allow.

Melissa Erwin and Jennifer McCarthy are a same-sex couple who wanted to hold their “wedding” at Liberty Ridge Farm. The Gifford's declined to allow them to do so because of their religious beliefs. Ms. Erwin and Ms. McCarthy then filed a complaint with the New York Division of Human Rights

Vermont: In the bucolic Vermont countryside, Jim and Mary O'Reilly operate the Wildflower Inn, a family owned bed-and-breakfast. For many years operating in a State that legally recognizes same-sex unions, the O'Reillys, a committed Catholic family, had an established business practice. Their practice was when approached by anyone asking the inn to host an event celebrating a same-sex marriage or civil union, they explained that their faith convictions would not allow them to participate. The Vermont Human Rights Commission found no problem with their stance. But in 2011 the ACLU teamed up with the Human Rights Commission, the same entity that had blessed the O'Reillys' conduct just six years before, in a lawsuit against Wildflower. The lawsuit began when a former Wildflower employee falsely claimed that the inn would not allow a same-sex wedding reception.

But the ACLU and the government did not merely challenge Wildflower's alleged unwillingness to host a same-sex reception; they directly attacked the O'Reillys' approved practice of honestly disclosing their religious beliefs about marriage to potential customers.

Although the Commission agreed that the O'Reillys acted in good-faith reliance on its 2005 ruling, the government and the ACLU demanded that the O'Reillys pay \$10,000 to the Commission as a civil penalty and \$20,000 to a charitable trust set up by the ACLU's clients. Forced with the prospect of potentially losing their business, the O'Reillys relented and agreed to these terms in August 2012. This case was not about access to services, it was about their expression of their beliefs.

New Jersey: The Ocean Grove Camp Meeting Association was founded in 1869 by a small band of Methodist clergymen on the New Jersey shore. It is a religious association that provides a venue for religious services, including Sunday services, Bible studies, camp meetings, revival gatherings, gospel music programs, religious educational seminars, and other religious events. Upon its

incorporation, the Association pledged that it would use its facilities for God's glory and would abstain from using them in any way "inconsistent with their doctrines."

In 1997, the Association began operating a wedding ministry in many of its private places of worship, including the Boardwalk Pavilion. Because this ministry was a means of Christian outreach to the community, the Association permitted members of the public to have their weddings in the Boardwalk Pavilion.

In March 2007, Harriet Bernstein asked the Association if she could use the Pavilion for a civil-union ceremony with her same-sex partner, Luisa Paster. The Association denied the couple's request because the proposed use of the facility violated the Association's sincerely held religious beliefs.

In June 2007, the couple filed a discrimination complaint with the New Jersey Division on Civil Rights, alleging that the Association's denial of their request amounted to unlawful discrimination under the New Jersey Law Against Discrimination. As is all too common, the Division agreed, concluding in October 2012 that the Association had violated the State's nondiscrimination law, despite the fact that the Pavilion was a place of religious worship used by a religious organization.

Michigan State University: Julia Ward was a student in a graduate counseling program at Eastern Michigan University ("EMU"). As part of a practicum course, Julea was assigned a potential client seeking assistance for a same-sex relationship. Julia knew that she could not affirm the client's relationship without violating her religious beliefs about extramarital sexual relationships, so she asked her supervisor how to handle the matter. Consistent with ethical and professional standards regarding counselor referrals, Julea's supervisor advised her to refer the potential client to a different counselor. Julea followed that advice. The client was not in the least negatively impacted, and indeed never knew of the referral.

Shortly thereafter EMU informed Julea that her referral of the potential client violated the American Psychological Association's nondiscrimination policy, which mirrors many nondiscrimination laws enacted across the country. EMU also told Julea that the only way she could stay in the counseling program would be if she agreed to undergo a "remediation" program, the purpose of which was to help her "see the error of her ways" and change her "belief system" as it related to providing counseling for same-sex relationships. Julia was expelled after a nasty interrogation. However, she later won a case before the Sixth Circuit.

Understanding the Gay Agenda - Foundational Reasoning for Opposing a Non-Discrimination Ordinance?

In order to understand what is in play before us, you need to understand what has been a long term agenda of the LGBT (Lesbian-Gay-Bisexual-Transgender) Activist Elite that underlies this entire discussion. Without an understanding of this plan, their emotional ploys are more persuasive.

Over the past several decades, these Elite have been very open about their agenda to transform the Ethic of America to conform to their life style. This quote is representative of what they have openly stated.

*"Being queer is more than setting up house, sleeping with a person of the same gender, and seeking state approval for doing so. It is an identity, a culture.... It is a way of dealing with the world... Being queer means pushing the parameters of sex, sexuality, and family, and in the process **transforming the very fabric of society**... We must keep our eyes on the goals of providing true alternatives to marriage and of **radically reordering society's view of family.***

(Paula Ettelbrick, formerly a lawyer at Lambda Legal Defense and Education Fund, Executive Director of the International Gay & Lesbian Human Rights Commission and member of the National Gay and Lesbian Task Force in *Out/Look*, fall 1989, "Since When is Marriage a Path to Liberation?")

The majority of the Founding Fathers are on record *stating that* "without a moral base, our Representative Republic can not survive."

The LGBTactivists basic motivation is not just a small adjustment to the idea of tolerance. While we recognize that there are sincere citizens who would not adhere to this manifesto's tactics, there is a well-funded elite driving the debate.

The following is a summary of their 1987 manifesto "*The Overhauling of Straight America.*" revealing their agenda in their own words that is accessible on line.

Overhauling Straight America

by Marshall K. Kirk and Erastes Pill

[A Summary of the Six-point Strategy:]

"The first order of business is desensitization of the American public concerning gays and gay rights... to help it view homosexuality with indifference... we would have straights register differences in sexual preference **the way they register different tastes for ice cream**... A large-scale media campaign will be required in order to change the image of gays in America...

And any campaign to accomplish this turnaround should do six things:

STEP 1: TALK ABOUT GAYS AND GAYNESS AS LOUDLY AND AS OFTEN AS POSSIBLE. ...The main thing is to talk about gayness until the issue becomes thoroughly tiresome... The principle behind this advice is simple: **almost any behavior begins to look normal if you are exposed to enough of it...**

... **When conservative churches condemn gays...** use talk to **muddy the moral waters**... we can **undermine the moral authority** of homophobic churches by portraying **them as antiquated backwaters**...

STEP 2: PORTRAY GAYS AS VICTIMS, NOT AS AGGRESSIVE CHALLENGERS

In any campaign to win over the public, gays must be **cast as victims in need of protection so that straights will be inclined by reflex** to assume the role of protector. If gays are presented, instead, as a strong and prideful tribe promoting a rigidly **nonconformist and deviant lifestyle**, they are more likely to be seen as a public menace that justifies resistance and oppression...

... The straight majority does not recognize the suffering it brings to the lives of gays and must be shown: graphic pictures of brutalized gays; dramatizations of job and housing insecurity, loss of child custody, and public humiliation: and the dismal list goes on...

STEP 3: GIVE PROTECTORS A JUST CAUSE

... A **media campaign that casts gays as society's victims** and encourages straights to be their protectors must make it easier for those to respond to assert and explain their new protectiveness... Our campaign should not demand direct support for homosexual practices, but should instead **take anti-discrimination as its theme**... It is especially important for the gay movement to hitch its cause to accepted standards of law and justice... [Civil Rights, Women's suffrage, etc.]

STEP 4: MAKE GAYS LOOK GOOD

...Portray Gays as *Everyman*... **superior pillars of society**. Yes, yes, we know--this trick is so old it creaks. Other minorities use it all the time in ads that announce proudly, "Did you know that this Great Man (or Woman) was gay?"... The honor roll of prominent gay or bisexual men and women is truly eyepopping. From Socrates to Shakespeare, from Alexander the Great to Alexander Hamilton, from Michelangelo to... [Where is the evidence] the list is old hat to us but shocking news to heterosexual America. **In no time**, a skillful and clever media campaign could have the gay community looking **like the veritable fairy godmother to Western Civilization**.

STEP 5: MAKE THE VICTIMIZERS LOOK BAD.

...At a later stage of the media campaign for gay rights--long after other gay ads have become commonplace - it will be **time to get tough** with remaining opponents. To be blunt, **they must be vilified**.

...Our goal here is twofold. First, we seek to replace the mainstream's self-righteous pride about its homophobia **with shame and guilt**. Second, we intend to **make the anti-gays look so nasty** that average Americans will want to dissociate themselves from such types.... The public should be shown images of ranting homophobes... images might include: the Ku Klux Klan demanding that gays be burned alive or castrated...

STEP 6: SOLICIT FUNDS: THE BUCK STOPS HERE

...The appeal should be directed both at gays and at straights that care about social justice... [Their income is 60% above the national average and their pressure on the business community is well documented in *The Homosexual Agenda; Exposing the Principal Threat to Religious Freedom Today* by Alan Sears and Craig Osten with Alliance Defending Freedom, a book full of good documentation related to this issue.]

How Will This Type of Legislation Affect the Church? Evidence From England that "Exception Clauses" Will Not Hold Up.

See: <http://www.lifesitenews.com/news/i-am-still-not-getting-what-i-want-gay-couple-suing-church-for-refusing-wed>

While America assumes that Non-Discrimination Ordinance type legislation will not affect the church, evidence in other countries is mounting that so called "exception clauses" will not stand the test of the courts.

Two weeks after England signed the Marriage Bill into law, a prominent homosexual activist launched a lawsuit against the Church of England Parish in Maldon for refusing him and his partner the lavish wedding of their dreams. "I am still not getting what I want" said Barrie Drewitt-Barlow

Section 9 of the Marriage (Same Sex Couples) Act 2013 grants anyone in a civil partnership the ability to convert that partnership into a "marriage." **But the law contains measures specifically to preclude unwilling churches from being forced to participate.** The question is, will that clause stand in the courts?

Will the Gay community be satisfied with this legislation as it stands? Drewitt-Barlow said, "**The only way forward for us now is to make a challenge in the courts against the church.** It is a shame that we are forced to take Christians into a court to get them to recognize us."... But we don't want to force anyone into marrying us – it is supposed to be the happiest day in my life and that would make me miserable and would spoil the whole thing," he said. "Aren't Christians meant to forgive and accept and love?"

Drewitt-Barlow is a high-profile homosexual campaigner who in 1998 went to court in the U.S. to force government for the first time to allow only him and his partner, Tony, to be named on the birth certificate of their twins, who were conceived with a donated ovum and carried by a surrogate in California. As you can see, Barrie gets around a bit. The Christian Institute reported that Barrie Drewitt-Barlow has donated around £500,000 to groups lobbying for same-sex marriage.

Legislators had insisted that churches and clergy would not be subject to legal harassment over the proposal. Equalities Minister Maria Miller unveiled a series of amendments, called the "quadruple lock," that the government said would stave off attempts of this kind.

However, both the Catholic Church and Church of England, as well as legal experts, dismissed the government's promises, saying that no law in Britain was safe from being overturned by the European Court of Human Rights.

Moreover, existing Equalities law could allow local councils to enact reprisals against religious groups who refuse to "marry" homosexual partners, including refusing them the use of community center facilities.

In June, an openly homosexual Government Justice Minister, Crispin Blunt, admitted to the BBC that the attempt to proscribe Church of England participation in “gay marriages” “may be problematic legally.”

Similar issues are going on just across our border in Canada. We are naive if we believe that so called "exception clauses" in NDO's will hold up in our liberal courts, especially in the Montana Supreme Court.

Public Decorum and Safety - How Will NDO Initiations Affect The Safety of Youth and Woman?

Where gender non-discrimination laws are in place, men are using female's restrooms, locker rooms, and dressing rooms. This opens the door to indecent exposure, voyeurism, and sexual predation.

There have already been incidents where a transgender person came into the locker room of a group of girls and exposed him-them-selves. When the parents complained to authorities, they were told that this person was within the law and they could do nothing about it.

These laws are aiding Transgender people at the expense of real women. This has caused some freethinkers to start understanding that biology, not subjective feelings, determines a person's sex.

Government should not allow people, male or female, to use personal facilities based on what sex they think they are. A man or woman could say they are expressing an opposite-sex side at any time and gain access to any restroom, locker room, or dressing room.

For a handful of people to make everyone else uncomfortable and put people in danger makes no sense. We must value public decorum and safety for the majority more than transgender "rights."

(Thanks to Mark Carlstrom for comments above. A document on this specific issue is coming soon from Alliance Defending Freedom)