

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**CAMPAIGN FOR SOUTHERN EQUALITY
and THE REV. DR. SUSAN HROSTOWSKI,**

PLAINTIFFS

v.

CIVIL ACTION NO. 3:16-cv-442-CWR-LRA

**PHIL BRYANT, in his official capacity as
Governor of the State of Mississippi; JIM
HOOD, in his official capacity as Mississippi
Attorney General; JOHN DAVIS, in his
official capacity as Executive Director of the
Mississippi Department of Human Services;
and JUDY MOULDER, in her official capacity
as Mississippi State Registrar of Vital Records,**

DEFENDANTS

PLAINTIFFS' EXHIBIT LIST

NO.	DESCRIPTION	SPONSOR	ID.	EVID.
	CSE-1	Hudson Garner, <i>My Day in Court</i> , Huffington Post (December 22, 2015)		
6/23	CSE-2	Letter from The Rt. Rev. Brian R. Seage (June 3, 2016)	Hrostowski	X
6/24	CSE-3	Equal Marriage Rights for All, United Church of Christ (July 4, 2005)		X
6/24	CSE-4	Reflections on "Marriage Equality," Rev. John H. Thomas, General Minister and President, United Church of Christ (September, 2005)		X
6/23	CSE-5	The Union of Reform Judaism ("URJ") Resolutions: Human Rights of Homosexuals (1977)	Simons	X
6/23	CSE-6	URJ Resolutions: Support for Inclusion of Lesbian and Gay Jews (1987)	Simons	X

NO.	DESCRIPTION	SPONSOR	ID.	EVID.
6/23	CSE-7 URJ Resolutions: Civil Marriage for Gay and Lesbian Jewish Couples (1997)	Simons		X
6/23	CSE-8 Central Conference of American Rabbis: Resolution On Same Gender Officiation	Simons		X
6/23	CSE-9 URJ Resolutions: Resolution on the Rights of Transgender and Gender Non-Conforming People	Simons		X
6/23	CSE-10 Compilation of Social Media Posts by Legislators Relating to HB 1523	NeJaime		X
	CSE-11 Rep. Criswell, <i>Rep. Dana Criswell – At Your Capitol, Week of March 28</i> (April 2, 2016)			
	CSE-12 Senator Cochran Press Release (June 25, 2015)			
	CSE-13 Governor Bryant Press Release (June 26, 2015)			
6/24	CSE-14 Robert P. Jones, <i>Beyond Same-Sex Marriage: Attitudes on LGBT Nondiscrimination Laws and Religious Exemptions</i> , Public Religion Research Institute (2016)	Jones		X
	CSE-15 Religion Big Factor for Americans Against Same-Sex Marriage (Gallup, 2012)			
6/24	CSE-16 Support Steady for Same-Sex Marriage and Acceptance of Homosexuality (Pew Research Center, 2016)	Jones		X
	CSE-17 Jackson, MS Code of Ordinances § 86-193			
	CSE-18 Jackson, MS Code of Ordinances § 126-161			
	CSE-19 Jackson, MS Ordinance Amending Chapter 86 Offenses			
	CSE-20 2014 ACA Code of Ethics			

NO.	DESCRIPTION	SPONSOR	ID.	EVID.
CSE-21	Health Care Refusals Harm Patients: The Threat to LGBT People and Individuals Living with HIV/AIDS (May, 2014)			
CSE-22	Health Care and HIV Testing Experiences Among Black Men in the South: Implications for 'Seek, Test, Treat, and Retain' HIV Prevention Strategies			
CSE-23	Longitudinal Relationships Between Antiretroviral Treatment Adherence and Discrimination Due to HIV-Serostatus, Race, and Sexual Orientation Among African-American Men with HIV			
CSE-24	LGBT Bias and Discrimination Occurrence Outcomes and the Impact of Policy Change			
CSE-25	Health Care and HIV Testing Experiences Among Black Men in the South: Implications for 'Seek, Test, Treat, and Retain' HIV Prevention Strategies			
6/24 CSE-26	CV of Robert P. Jones, Ph.D.	Jones		X
6/23 CSE-27	CV of Professor Douglas NeJaime	NeJaime		X
6/23 CSE-28	Unofficial Transcript of Legislative Debate Regarding HB 1523	NeJaime		X
6/23 CSE-29	Family Policy Alliance Press Release, April 5, 2016	NeJaime		X
CSE-30	Declaration of the Rev. Dr. Susan Hrostowski in Support of Plaintiffs' Motion for Preliminary Injunction			
CSE-31	Declaration of Rev. Jasmine Beach-Ferrara, Executive Director of the Campaign for Southern Equality in Support of Plaintiffs' Motion for Preliminary Injunction			



THE
EPISCOPAL
CHURCH[®]
IN MISSISSIPPI

The Rt. Rev. Brian R. Seage
Bishop

June 3, 2016

Dear Friends,

At Diocesan Council in January, I promised parish resources for discussions on same-sex marriage. Thank you for your patience while I gathered and prepared resources for your use. I promised the resources would be available during the Easter season — I apologize for taking beyond the great 50 days to deliver! I am indebted to a small group of clergy who assisted and advised me in the creation of these materials. Further, I owe a debt of gratitude to clergy and lay leaders who spoke openly with me about the Church's pastoral response, as well as community anxiety related to marriage equality. Time spent on retreat last fall with a diverse group of clergy was also a powerful and formative experience for me.

With this letter and effective immediately, I give permission to the congregations and clergy of the Diocese of Mississippi, canonically resident or licensed to serve here, to use the liturgies included in Liturgical Resources I: I Will Bless You and You Will Be A Blessing, Revised and Expanded 2015. With The Book of Common Prayer (1979), these liturgies permit marriage in church for all couples legally entitled to marry, and are to be used according to the instructions and “rubrics” that accompany them, and for the purposes for which they are intended.

This significant modification of our former Diocesan policy means that parishes and missions are no longer required to engage in a process of discernment and study, culminating with formal vestry action and submission to me of a petition requesting approval to perform same-sex weddings. Since the sacrament of marriage occurs within a community of faith, and is an outward and visible sign of the care and support extended to a couple, *I strongly encourage parishes and missions to engage in such discernment and study if that has not already been completed.* The resource page is intended to assist parishes and missions that may want to have conversations on this very important matter.

This next statement is important: While General Convention 2015 made multiple changes to the Marriage Canon, one part of the Canon did not change: **“It shall be within the discretion of any member of the clergy of this Church to decline to solemnize or bless any marriage (Canon I.18.7).”** Clergy have always had the discretion to marry, or not marry, any specific couple for any reason — this continues to be the case. While individuals or the vestry of a congregation may offer wisdom, influence and other concerns, I want to emphasize the decision remains with the priest in charge of the parish. The LGBT community does not want to be a “lightning rod” for conflict within their church home! It is critical for you to understand your parish's ability to respond when asked if they will support this couple in their new life in Christ.

John Maury Allin Episcopal Diocesan House

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Facebook: www.facebook.com/TheEpiscopalChurchinMississippi • Twitter: @EpisDioMS #being1church

PLAINTIFF'S
EXHIBIT
CSE-2

It is my responsibility as bishop to provide access to the marriage liturgies approved for trial use by General Convention 2015. I realize that some of our clergy are willing to officiate and solemnize the marriage of same sex couples while others are not. I respect the faith and ministry of anyone who is unable *“to solemnize the marriages of same sex couples, because of their own conscience or because of their determination that to do so would cause irreparable harm to the unity of the congregation they serve. All clergy have my support, and will not face any disciplinary measures simply because of their personal theological position (Skirving - 2015).”* My only request is that you refer, to me, any same sex couple seeking marriage, so arrangements can be made to offer these services of the church.

While these changes are beyond what we spoke of at Council in Biloxi, I believe that the changes are warranted in order to provide pastoral and spiritual support for everyone in our Diocese. I am aware that any change brings anxiety, but I’m also aware of the grace-filled way our church has walked together and supported the differing viewpoints that exist. I’m calling on all of us to be pastors to each other.

While discerning this call to the episcopate, I spoke openly and honestly at the diocesan “walk-about” and other venues about my support for marriage equality and full inclusion for the LGBT community. I did not get to this point in my faith journey “lightly or unadvisedly.” I arrived here after a lot of prayer and discernment, as well as engagement with Holy Scripture, the traditions of the Church and human reason.

In these initial two years of my Episcopate, I’ve learned a great deal from men and women who do not share my opinion on this subject. Thank you for taking the time to speak with me while patiently sharing your concerns. I have emerged from those conversations enlightened by your faith and commitment to Christ. Further, you have clearly and carefully showed how your opinions are grounded, like mine, in discernment, prayer and study. We both hold divergent, yet strongly held, religious beliefs. Our Anglican history is very important to me as I know it is to you. I believe in the “via media” we represent and further believe that it is possible for scripture, tradition, and reason to support differing theological viewpoints. I know that differing viewpoints can create great discomfort. I’m certain there are many who agree with me. I’m also certain there are many who disagree with me. Further, I’m certain there are faithful individuals on both sides of the issue who have already left the church.

I pray that our Diocese will do what it does best, by *being one church*. Specifically, we must continue to be a place of welcome to all people and a community centered in Christ, while affirming and nurturing the theological diversity of all people. I believe we can be a Church that promotes unity among its membership while simultaneously reaching out, in the name of Christ, to the world at large. Our baptismal covenant calls each of us to welcome, respect, and value those who are different, or hold different opinions, from us while expecting the same in return.

I continue to use the hashtag #being1church, yet, I am very aware of the variety of divergent opinions in this area. I pray that this letter and the attached resources will provide a way for our congregations to be together in spite of the well-constructed theological differences that exist. I am confident that our clergy and vestries will exercise the sort of leadership that will allow congregations to honor and respect all of their members, even across significant differences.

I humbly ask the LGBT community to continue to have patience with me and our Church. Your sacrifices through the years have been a ministry above and beyond the selfless giving you offer your faith communities. Please know that even if you have worshiped in a specific church for years, and are active in their ministry, there remains the possibility that the church and priest

may be unable to officiate at your wedding. Please find a way to be patient with them as they work with me to find a priest willing to solemnize your marriage. Remember that I have committed to making these services available to all members of the church.

Allow me to close by simply saying I'm sorry to all who are hurt by these actions as well as past action or inaction of the church. I suspect the list is long and includes people on both sides of this issue. I strongly believe that we are a church that can live as part of the *via media*. I strongly believe that we can still be *One Church* in spite of significant differences of opinion. As I've said before, whether clergy or lay we are called to live into our baptismal covenant ... respecting the dignity of every human being. I am confident that the Diocese of Mississippi can do that in spite of differences of opinion and thought. Please call on me if you have any questions but be patient — I suspect my inbox and voicemail will be quite full for a little while.

On the diocesan webpage (www.dioms.org) you can now find a *Marriages and Blessings* resource page under the drop-down menu entitled *Resources*. The links provided offer the assistance of which I spoke; please feel free to adapt these as necessary for your use. We intentionally tried to offer balanced material offering a comprehensive approach to any discussion. In particular, I commend to you the material *I Will Bless You and You Will be a Blessing*, which contains excellent essays written by people on both sides of the issues at hand.

Thank you for your ministry — May the Peace of the Lord be always with you,

+Brian R. Seage (signed)

The Rt. Rev. Brian R. Seage
Bishop of Mississippi

EXHIBIT NO. CSE 2
CAUSE NO. 3:16-cv-442-CWR-LRA
WITNESS Thomas J. Davis
CLERK JOYCE SMITH

JUN 23 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
C. Bond, REPORTER

EQUAL MARRIAGE RIGHTS FOR ALL

[Adopted at the Twenty-fifth General Synod on July 4, 2005]

WHEREAS the Bible affirms and celebrates human expressions of love and partnership, calling us to live out fully that gift of God in responsible, faithful, committed relationships that recognize and respect the image of God in all people; and

WHEREAS the life and example of Jesus of Nazareth provides a model of radically inclusive love and abundant welcome for all; and

WHEREAS we proclaim ourselves to be listening to the voice of a Still Speaking God at that at all times in human history there is always yet more light and truth to break forth from God's holy word; and

WHEREAS many UCC pastors and congregations have held commitment services for gay and lesbian couples for some time, consistent with the call to loving, long-term committed relationships and to nurture family life; and

WHEREAS recognition of marriage carries with it significant access to institutional support, rights and benefits; and

WHEREAS children of families headed by same-gender couples should receive all legal rights and protections; and

WHEREAS legislation to ban recognition of same-gender marriages further undermine the civil liberties of gay and lesbian couples and contributes to a climate of misunderstanding and polarization, increasing hostility against gays and lesbians; and

WHEREAS a Constitutional Amendment has been introduced to this Congress to limit marriage to "only the union of a man and a woman"; and

WHEREAS equal marriage rights for couples regardless of gender is an issue deserving of serious, faithful discussion by people of faith, taking into consideration the long, Council of the United Church of Christ in April, 2004 called the church to action and dialogue on marriage;

THEREFORE LET IT BE RESOLVED, that the Twenty-fifth General Synod of the United Church of Christ affirms equal marriage rights for couples regardless of gender and declares that the government should not interfere with couples regardless of gender who choose to marry and share fully and equally in the rights, responsibilities and commitment of legally recognized marriage; and

LET IT BE FURTHER RESOLVED, that the Twenty-fifth General Synod of the United Church of Christ affirms equal access to the basic rights, institutional protections and quality of life conferred by the recognition of marriage; and

LET IT BE FURTHER RESOLVED, that the Twenty-fifth General Synod calls for an end to rhetoric that fuels hostility, misunderstanding, fear and hatred expressed toward gay, lesbian, bisexual and transgender persons; and

LET IT BE FURTHER RESOLVED, that the Officers of the United Church of Christ are called upon to communicate this resolution to local, state and national legislators, urging them to support equal marriage rights for couples regardless of gender.

In recognition that these resolutions may not reflect the views or current understanding of all bodies, and acknowledging the pain and struggle their passage will engender within the gathered church, the General Synod encourages the following:

LET IT BE FURTHER RESOLVED, that the Twenty -fifth General Synod calls upon all settings of the United Church of Christ to engage in serious, respectful, and prayerful discussion of the covenantal relationship of marriage and equal marriage rights for couples regardless of gender, using the "God is still speaking, about Marriage" study and

discussion guide produced by Wider Church Ministries of the United Church of Christ (available online at UCC.org); and

LET IT BE FURTHER RESOLVED, that the Twenty-fifth General Synod calls upon congregations, after prayerful biblical, theological, and historical study, to consider adopting Wedding Policies that do not discriminate against couples based on gender; and

LET IT BE FINALLY RESOLVED, that the Twenty-fifth General Synod urges the congregations and individuals of the United Church of Christ to prayerfully consider and support local, state and national legislation to grant equal marriage rights to couples regardless of gender, and to work against legislation, including constitutional amendments, which denies civil marriage rights to couples based on gender.

Funding for the implementation of this Resolution will be made in accordance with the overall mandates of the affected agencies and the funds available.

EXHIBIT NO. CSE-3
CAUSE NO. 3:16-cv-442-CWR-LRA
WITNESS _____
CLERK JOYCE SMITH

JUN 24 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
C. Bnd, REPORTER

Reflections on "Marriage Equality"

John H. Thomas
General Minister and President
United Church of Christ

September, 2005

Since the July 4, 2005 action of the General Synod affirming "marriage equality" I have received many letters and emails ranging from affirmation and appreciation to bewilderment and anger. Conversations with United Church of Christ members in several local churches have revealed a similar range of perspective. Several local churches have expressed through a formal vote their dissent from the position of the General Synod. A few local churches have voted to leave the United Church of Christ. Some local churches, not currently affiliated with the United Church of Christ, have expressed interest in affiliation. Many local churches are studying the General Synod's action and many more will be entering into study processes this fall. The following reflections are one contribution to this dialogue taking place in the life of our church and seek to respond to some of the questions frequently asked by those who have corresponded with me.

Many have asked, "**How did we arrive at this decision in the life of the United Church of Christ?**" Quite frankly, some, though by no means all, have felt shocked, even "blind-sided" by this decision, and assume it is a response merely to the current national political debates in our nation. In fact, this decision of the General Synod, while obviously responding to a pressing social and moral question, is part of a long trajectory going back as far as four decades. It was not an "issue" or the alleged "gay agenda" that caught the attention of the church. It was the presence of gay and lesbian persons in our churches, as well as their families, who began to be unwilling to be silent about their sexual orientation, and who began to say to us that it is wrong to ask our gay, lesbian, bisexual, and transgender members to choose between their baptismal identity and their sexual identity.

A study on human sexuality commissioned by the Synod in the 1970's explored emerging understandings of homosexuality from a moral, theological, biblical, and scientific perspective. While a significant minority in the church dissented from the perspectives offered in *Human Sexuality*, the General Synod affirmed these perspectives which called in part for a more welcoming stance toward persons of all sexual orientations, and challenged the church to incorporate them into our common life. Also in the 1970's, local churches began to participate in the "Open and Affirming" process which invites congregations, after careful study, to declare that they are open and affirming to the membership of gay, lesbian, bisexual, and transgender persons in the life and ministry of the church. Local churches were not forced to participate in this initiative, but over the years several hundred have made this commitment.

At about the same time, Committees on Ministry in our Associations (which have the responsibility for examining candidates and ordaining on behalf of the whole church) began to be approached by openly gay and lesbian persons who were discerning calls to ministry and

presenting themselves for examination as candidates for ordination. Over time this experience led the General Synod in the early 1990's to encourage Associations to no longer consider sexual orientation, in and of itself, as a bar to ordination. Associations were, of course, free to accept or reject this advice, and some determined that they would not follow the Synod's encouragement on this issue. But increasingly most Associations have demonstrated their readiness to ordain openly gay or lesbian candidates who have received a call to an authorized ministry in the UCC and who meet the qualifications for ordination set forth in *Manual on Ministry*. Many of these persons have been called to serve as pastors by local churches and are now serving with distinction in all settings of the United Church of Christ.

Also in the late 1990's, ecumenical conversations and proposals led to dialogue on the various churches' convictions about the membership and ministry of gay, lesbian, bisexual, and transgender persons. While it is clear that the position of the United Church of Christ differs from that of many other denominations, in our partnership with the Christian Church (Disciples of Christ), our participation in Churches Uniting in Christ, and in our full communion agreement with the Presbyterian Church (USA), the Reformed Church in America, and the Evangelical Lutheran Church in America, views on homosexuality have consistently been deemed important and significant, but not "church dividing." In particular, an extensive formal dialogue on this matter with the Reformed Church in America determined that one could hold positions affirmed by the General Synod while remaining faithful to Scripture.

Finally, in recent years many same sex couples have approached their local churches requesting services of "blessing" for their covenantal partnerships or holy unions. Due to the autonomy of each setting in our polity, this decision, as with all other matters related to the worship and sacramental life of the church, remains the prerogative of a local church and its pastoral leadership. However, as these services of blessing have occurred, congregations have begun to experience the value of bringing the same sex relationships of their members within both the blessing and the discipline of the church where those relationships, like those of heterosexual couples, can be nurtured and shaped in healthy ways.

Affirmation of same gender marriage is, admittedly, a new step in this journey, one that is deeply challenging to many in our church even as others celebrate it. But it is a step that is part of a much longer theological and pastoral journey, a journey prompted not by political considerations, but by the gift and the challenge of gay, lesbian, bisexual and transgender persons in our midst. I know that the action of the General Synod did come as a shock to many of our members. But those who have been attentive to our life together for these four decades were not surprised, regardless of whether they agreed or disagreed with the decision.

Many who have written to me, while acknowledging all that I have written, continue to be offended by an action that, to them, appears to ignore or demean the Bible. **"How can we square this action of the General Synod with what the Bible says about homosexuality or about marriage?"** Those who raise this question typically point to six or seven passages in Genesis, Leviticus, and the letters of Paul. These texts have been the source of intense debate among scholars, though in recent years a consensus is emerging. First, it is now no longer clear that the passage in Genesis associated with Sodom refers to homosexuality at all; most scholars

believe the “sin of Sodom” was a failure to exhibit hospitality to strangers. Indeed, the issue is not merely failure to offer hospitality; it is the attempt by the men of Sodom to assault the visitors to Lot’s home. The sexual relations judged in Genesis 19 are not homosexual acts between loving adults, but violent abuse and rape committed by some citizens in Sodom against Lot’s guests. Curiously, Lot’s solution - offering his daughters to the mob for sexual violation - goes unchallenged in the story and, by inference, is affirmed. This affront to our modern sensibilities ought to caution us about too easily translating an ancient story into a contemporary ethical position. Just because the name “Sodom” has been associated with homosexuality in history should not deter us from a much more critical reading of the text. Throughout the Old Testament the injunction to show hospitality to strangers is lifted up as a high value. Many thoughtful readers of the text now believe that the sin of Sodom is violent treatment of the stranger, the abuse of the guest, not homosexual behavior between two loving partners.

Prohibitions in Leviticus are mingled with numerous other prohibitions about dietary, liturgical, sexual, and ethical matters which no one today believes are binding for Christians. On what basis do we select a verse or two on homosexuality as valid when there are no special criteria offered in the text itself for doing so? Why do we privilege some passages in Leviticus, while dispensing with many, indeed most others? No one has shown a reasonable criteria within the text itself, leaving us wondering whether we are using external cultural values to determine which text remains in effect, and which texts do not.

Paul’s admonitions against homosexual behavior seem clear, but he was writing in a time when no one had any concept of anything called sexual orientation. For Paul, only heterosexual activity was “natural.” But today there is a growing consensus among scientists of many disciplines that there is a percentage of the population that is oriented toward same gender sexual attraction. Thus it appears that, for some, homosexual relationships are “natural.” Paul writes with no knowledge of men or women involved in life-long, monogamous homosexual relationships. What he does know about is homosexual relationships between men and boys, a not uncommon practice in the ancient world. If this is true, then what appears to be so clear in Romans or Corinthians may not, in fact, be clear at all for us today.

Frankly, the Bible says very little about homosexuality and, as shown above, much of our traditional interpretation of those few texts is, at the very least suspect. The Bible does say a great deal about covenanted relationships. Fidelity, not homosexuality, is at the heart of the Gospel, and the call to fidelity is a gift and a discipline that makes as much sense for same gender couples as for heterosexual couples. Isn’t this what the church should focus on?

Over the years the church has heard the scripture speaking in new ways. There was a time when Christians believed the Bible condoned slavery. There was a time when Christians believed the Bible prohibited women from offering certain kinds of leadership in the church. In each case a few passages were identified to “prove” the point. But as Christians began to listen more carefully to the whole of Scripture, new insights emerged. Recently I saw a magnificent tomb stone behind an Episcopal Church in Georgia. It marked the grave of a prominent church member in pre-Civil War America. The inscription reads, “A profound statesman who laboured faithfully for the public good. A man gentle and true, a devoted husband and father, a kind

master.” Today no one would praise “a kind master.” As the hymn puts it, sometimes “time does make ancient good uncouth.” Not every new theological and biblical insight is true or valid. But we must recognize that interpretations change in light of new understandings, that to embrace new insights is not necessarily to abandon scripture but rather to read scripture in the light of life’s new challenges and opportunities under the guidance of the Holy Spirit. And it is to read every text in Scripture against the highest law which is the love of God and the love of neighbor.

If we are at least open to the possibility that our traditional reading of some texts in the Bible may be challenged, **are there other passages which encourage us to embrace a theology of inclusion?** Several stories in the Acts of the Apostles are suggestive. The baptism by Philip of the Ethiopian eunuch would have jolted the reader of Acts in Luke’s day with the story of welcome for a person doubly excluded because of his nationality and his sexual deformity. The story of Cornelius and Peter centers on the religious laws and purity codes prohibiting Jews from associating with Gentiles. Peter’s dream of being told to eat ritually unclean animals - “what God has made clean you must not call profane” - prompts him to determine that “God shows no partiality.” And the experience of the Holy Spirit being poured out on the Gentiles at the end of this story so astounded Peter and the others among the circumcised, that Peter moves to offer baptism: “Can anyone withhold the water for baptizing these people who have received the Holy Spirit?”

These stories are not about homosexuality. They are about the central question challenging the early church, a question as bitterly debated as today’s questions about homosexuality. Not all will find in these stories a persuasive argument for welcoming gay and lesbian persons into the full blessing and discipline of the church. Even so, they are a powerful reminder that inclusion, not exclusion, is the core trajectory of the Gospel witness from the very beginning. This becomes especially compelling when we look at the life and ministry of Jesus.

A thoughtful reading of the Gospels reveals time and again that Jesus was willing to share in table fellowship with those who were condemned or rejected by the cultural and religious norms of his day. Throughout his ministry Jesus challenged those who exclude. **But didn’t Jesus say even to those he welcomed, “Go and sin no more?”** Yes, but this begs the core question: “Is homosexual behavior sin?” Some behavior certainly is. Abusive or manipulative behavior is sin as it is for heterosexual couples. Promiscuous behavior is sin as it is for heterosexual couples. But is a commitment to life long fidelity by two persons sin simply because they not only share love, but also their gender? Can we not see that same gender couples who enter into the covenants of marriage are bearing witness to fidelity, not “living in sin.”

But what about the Bible’s affirmation of marriage? Actually, the Bible doesn’t say much about marriage either, particularly if we think only of the “traditional marriage” of one man and one woman of the last few centuries. The same Hebrew Bible that includes prohibitions about homosexuality in Leviticus offers models of family that include multiple wives. Jesus own genealogy in Matthew is filled with non-traditional relationships. The New Testament does include strong admonitions against divorce, including Jesus’ words that to divorce and remarry is

to commit adultery. While divorce is certainly not celebrated in our churches today, it is clearly accepted as a difficult and deeply disappointing step that is sometimes necessary and that should not separate a Christian from the care and love of the church. And no one who discovers new love after the pain of divorce is accused by our pastors of being an adulterer. Do Christians who divorce fail to take the Bible seriously? Or do they read the texts about divorce in the context of the whole Biblical message about a Gospel of forgiveness and grace? The phrase from one of the creation stories about “a man leaving his father and mother and clinging to his wife and becoming one flesh” is repeated several times. It is included in our marriage services as well. The Bible doesn’t talk about two men or two women becoming one flesh. But this is hardly surprising since the Biblical writers would never have experienced a committed, life-long covenantal relationship between a same-gender couple. The Bible describes, but does the Bible proscribe in this instance? To argue that the Bible’s silence about same gender marriage must be read as prohibition is like saying that because the Bible says nothing about new medical procedures allowing some women to conceive a child outside of “normal” sexual intercourse, such a procedure must be prohibited on Biblical grounds.

So if the Bible is not quite so clear about homosexuality and marriage as we sometimes want to think, what does the Bible say about relationships? At the center, of course, is the story of God’s faithfulness to a people, a fidelity that endures in spite of human sin and betrayal, a fidelity that is as intimate as the relationships within the Trinity, a fidelity that honors the flesh and its passions and pain through the Word made flesh of the incarnation. It is a fidelity that is to be lived out in our relationships to all that God relates us in covenant: the creation, the poor and the vulnerable, the stranger in our midst, and those who become our intimate partners in life. Sexual orientation, by itself, offers no inhibition to fulfilling these covenantal responsibilities. In our marriage service we describe marriage as a sacred covenant so that couples can “come to know each other with mutual care and companionship and share their new life with others as Jesus shared new wine at the wedding in Cana.” Theologically it is a sign of the “image of the union of Christ with the church.” These are vocations same gender couples are just as able to fulfill as heterosexual couples.

Even if one agrees with all or much of what I’ve said, some wonder **why we couldn’t talk about “blessing” instead of “marriage” for same gender couples.** Indeed, some same gender couples may prefer to have their union “blessed” by the church. It is clear, however, that marriage confers specific and important rights and responsibilities in the civil society and in the church. To deny some access to the name of marriage, and to some or all of the rights and responsibilities afforded heterosexual couples is to permanently relegate them to a lesser status, including the ability to care for life-long partners in a terminal illness, or to adopt children. Obviously there are many in our country today, and some in the church, who believe that such a lesser status is appropriate. Such a belief is strange in a country that “pledges liberty and justice for all.” Even if we could guarantee the same rights and responsibilities, separate has seldom meant equal in our society. Some same gender couples may prefer the blessing of a union to a marriage. But many yearn for a marriage equal in name and status. Throughout the Bible we are told to welcome the stranger. We in the United States have an ambiguous history when it comes to the stranger or the alien. Those who are different have received an uncertain welcome. But throughout the Hebrew texts we are reminded to welcome the alien in our midst as a “citizen.”

A marriage license is a sign of citizenship, just like a driver's license, a passport, and a social security card. In this land that honors freedom and equality, on what basis can we deny some this important sign of citizenship?

Finally, and quite apart from anything I've said thus far, some ask how the General Synod could take such an action without first asking our members their views. **Why wasn't I asked what I believed? Shouldn't each local church have gotten a vote? Shouldn't the action of a General Synod be submitted to the churches to be ratified?** There is nothing inherently wrong in any of these proposals. Some denominations do function in this way. Our polity, our way of decision making, is different. Does that mean the Synod or its officers don't care what our members think? No. In fact, there were numerous opportunities for local churches and individual members to study this issue well in advance using resources prepared by the national setting. Resolutions were published well prior to Synod on our web site and in *UCNews*. Delegates were encouraged to hear the views of the churches in the conferences they represent. In a representative polity, persons elected by local churches make decisions in Associations and Conferences; persons elected by Conferences or Associations make decisions at the Executive Council or the General Synod. In each case local church members are the ones who act, basing their vote on their own conscience, on their own interpretation of the Bible, on their own knowledge of what is good for the church, on their own conviction about what is just and right. Every Synod delegate I encountered in Atlanta was very aware of the diverse perspectives in the church. Those diverse perspectives were shared and discussed thoroughly. They were heard with respect. The discussion on the floor was prayerful and thoughtful. This discussion was no political debate in which one side tried to dominate the other. It was a time when the diverse views of the church were shared, tested, and heard. Our vote was followed not by celebration, but by prayer asking for God's presence in the weeks and months to come.

What difference will this vote make? Many members of the United Church of Christ, and many local churches, are thinking about marriage in a more intense and thoughtful way than ever before. Often this is in the midst of conflict and diverging views and, quite frankly, many do not appreciate the discomfort such conflict causes and wonder if having this particular question pressed right now is helpful to the church. I understand that concern and want you to know that I, too, wrestled with that question prior to the Synod. No time ever seems like the right time. Such has been the case throughout our history when the church has been asked to speak on an issue of compelling moral importance. Would local churches have had the conversation about marriage had some states not offered to marry same gender couples and the General Synod not spoken on the subject? I think it is likely that only a very few would have engaged their members on this question of such importance to both the church and the state.

Along with prompting needed dialogue, I have heard from countless people inside the United Church of Christ and beyond who experienced our vote as a witness to the Gospel, a word they had despaired of hearing from the church, a word that felt graciously liberating when what is often heard from the church sounds rigid and excluding. I don't think this vote will make us much bigger or much smaller. New members have been attracted by the vote in some places, something we celebrate. But in other places some members have felt they must leave. Those decisions are terribly painful for those congregations and for me. Also painful are

decisions by churches to withdraw mission support through Our Church's Wider Mission. While such an action may make a statement, it also deprives Conferences and the National Setting of dollars that nurture and support the church in countless ways, ways that unite us around common concern for the poor, for the vulnerable, and for the health and vitality of our congregations.

Does this vote make us a "one issue church?" No, in 2005 alone we have helped raise and distribute over \$4 million for tsunami relief, have started new congregations, have produced an exciting array of new worship resources, have placed ads on national television raising the visibility of our church, have advocated for peace and justice in the Sudan, in Israel/Palestine, and in the Philippines. I personally helped dedicate a dormitory for impoverished high school girls and a peace institute for a conflicted community, both in India, both made possible by gifts to Our Church's Wider Mission. Just a few weeks after Synod churches and members holding diverging views on marriage joined together in great generosity for the survivors of Katrina. If we are a one issue church, the issue seems to be compassion. **Does this vote lead us toward becoming a "gay church?"** No, our new members and our newly ordained ministers are gay and straight. What this vote does do is say we are a church seeking to extend an extravagant welcome, a church that is willing to follow its forebears in acts of evangelical courage. It does say that today the issue of equality is important to this church, that today those in our community who often feel most excluded and sometimes most vilified, particularly those who are gay, lesbian, bisexual, or transgender, are welcome here.

These reflections are intended to be a witness to my own conviction, convictions I believe were shared by many at our General Synod. I understand that many who read them will not be convinced. Deep differences remain between us. Because of that we will need to continue to listen to each other and to others who offer insight. In that spirit let me commend to you a new book on this subject: *What God Has Joined Together? A Christian Case for Gay Marriage* by David G. Myers and Letha Dawson Scanzoni (HarperSanFrancisco). This book begins not with individual rights, but with the importance of marriage, and argues that the church should do everything it can to strengthen marriage and extend it to all. Let me also commend to you the resources on marriage found on our website at ucc.org.

I close with the prayer I offered immediately following the vote on marriage equality at General Synod. It was a prayer that attempted to include all, regardless of how they voted. It continues to be my prayer for the church today:

Lord Jesus, to you we live, to you we suffer, to you we die. Yours will we be in life and in death. Today, as in ancient Bethlehem, the hopes and fears of all the years are met in you. We give thanks for your presence during these days of prayer and discernment, and especially for your presence here this morning. We have felt your warm embrace, stilling us as we tremble with joy, with hope, with fear, with disappointment. Remind us that as we are tempted to run from each other, so too we run from you. We know that every choice confers a cost, so let us attend in the coming hours and days to those for whom this decision confers a particular burden. Let us find words that comfort rather than congratulate; let us seek to be a community of grace and forgiveness rather than organizing constituencies of protest, let us use our hands not to clap but to wipe away

every tear. And in all this may we know in surprising new ways the comfort of belonging to You. This is our prayer. Hear us, Lord Jesus. Amen.

Note: These reflections are a slightly revised version of a paper written and circulated informally in August, 2005.

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Resolutions

Human Rights of Homosexuals

WHEREAS the UAHC has consistently supported civil rights and civil liberties for all persons and

WHEREAS the Constitution guarantees civil rights to all individuals,

BE IT, THEREFORE, RESOLVED THAT homosexual persons are entitled to equal protection under the law. We oppose discriminating against homosexuals in areas of opportunity, including employment and housing. We call upon our society to see that such protection is provided in actuality.

BE IT FURTHER RESOLVED THAT we affirm our belief that private sexual acts between consenting adults are not the proper province of government and law enforcement agencies.

BE IT FURTHER RESOLVED THAT we urge congregations to conduct appropriate educational programming for youth and adults so as to provide a greater understanding of the relation of Jewish values to the range of human sexuality.

Year Adopted:

1977

Topic(s):

[Civil Rights and Civil Liberties \(/resolution-topic/civil-rights-and-civil-liberties\)](#)

Tag(s):

[Human Rights \(/tags/human-rights\)](#), [Gay/Lesbian/Bisexual/Transgender Issues \(/tags/gaylesbianbisexualtransgender-issues\)](#)

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Resolutions

Support for Inclusion of Lesbian and Gay Jews

BACKGROUND

God calls upon us to love our neighbors as ourselves. The prophet Isaiah charges us further: "Let my house be called a house of prayer, for all people..." (Isaiah 56:7). And, armed with the other teachings of our faith, we Jews are asked to create a society based on righteousness, the goal being tikkun olam, the perfection of our world. Each of us, created in God's image, has a unique talent which can contribute to that high moral purpose; and to exclude any Jew from the community of Israel lessens our chances of achieving that goal.

In consonance with these teachings, in 1977 the Union of American Hebrew Congregations resolved to support and defend the civil and human rights of homosexuals, and we have welcomed into the UAHC congregations with special outreach to lesbian and gay Jews. But we must do more.

Sexual orientation should not be a criterion for membership of or participation in an activity of any synagogue. Thus, all Jews should be welcome, however they may define themselves.

Service of lesbian and gay Jews as rabbis is currently under consideration by the Central Conference of American Rabbis. It has appointed a Committee on Homosexuality in the Rabbinate to consider all aspects of the subject. The committee is directed to present a final report at the 1989 CCAR convention. Representatives of the UAHC and the Hebrew Union College-Jewish Institute of Religion are serving on the committee.

THEREFORE , BE IT RESOLVED that the Union of American Hebrew Congregations:

1. Urge its congregations and affiliates to:
 - A. Encourage lesbian and gay Jews to share and participate in the worship, leadership, and general congregational life of all synagogues.
 - B. Continue to develop educational programs in the synagogue and community which promote understanding and respect for lesbians and gays.
 - C. Employ people without regard to sexual orientation.
2. Urge the Commission on Social Action to bring its recommendations to the next General Assembly after considering the report of the CCAR committee and any action of the CCAR pursuant to it.



3. Recommend to the CCAR Committee on Liturgy that it develop language that is liturgically inclusive.

Year Adopted:

1987

Topic(s):

Civil Rights and Civil Liberties (/resolution-topic/civil-rights-and-civil-liberties)

Tag(s):

Gay/Lesbian/Bisexual/Transgender Issues (/tags/gaylesbianbisexualtransgender-issues)

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Resolutions

Civil Marriage for Gay and Lesbian Jewish Couples

Adopted by the General Assembly
Union of American Hebrew Congregations
October 29–November 2, 1997 Dallas

Background

In 1987, the Union of American Hebrew Congregations (UAHC) reaffirmed its commitment to welcoming gay and lesbian Jews into its congregations and encouraging their participation in all aspects of synagogue and communal life. In 1993, Rabbi Alexander M. Schindler, President of the UAHC, called upon the Reform movement to support the right of gay and lesbian couples to adopt children, to file joint income-tax returns, and to share in health and death benefits provided to heterosexual couples by federal, state, and local governments and by both large and small corporations. Following Rabbi Schindler's call, the UAHC, in 1993, resolved that full equality under the law for gay men and lesbians requires legal recognition of monogamous domestic gay and lesbian relationships.

In 1990, the Central Conference of American Rabbis (CCAR) adopted a position paper encouraging rabbis and congregations to treat with respect and to integrate fully all Jews into the life of the community regardless of sexual orientation and acknowledging the need for continuing discussion regarding the religious status of monogamous domestic relationships between gay men or lesbians and the creation of special ceremonies. In April 1996, the CCAR adopted a resolution supporting the right of gay and lesbian couples to share fully and equally in the benefits of civil marriage.

In addition, the Canadian Council for Reform Judaism (CCRJ) has supported the extension of spousal benefits to same-sex partners in relationships which would be deemed "common law" marriages if the partners were heterosexual. The CCRJ also supported the 1996 amendments to the Canada *Human Rights Act* to add "sexual orientation" as a prohibited ground for discrimination.

In the years since first the UAHC and subsequently the CCAR gave their support for full equality for gay men and lesbians in congregational life, gay men and lesbians have increasingly come forward to participate in the life of Reform Judaism on national, regional, and local levels. No less than heterosexual couples, gay men or lesbians living in monogamous domestic relationships have demonstrated, like their counterparts, love for one another, compassion for the sick, and grief for the dead.

The UAHC has for decades provided moral leadership to the Jewish community and to our nation, recognizing our differences and diversity, but acknowledging that we are but one family, equal before God. In this spirit, the UAHC must now move more forcefully to support the monogamous domestic relationships of gay men and lesbians.

Legal recognition of monogamous domestic gay and lesbian relationships and congregational honoring of these couples will together provide these men and women and their families with dignity and self esteem.

In 1993, the UAHC General Assembly resolution called for recognition for Lesbian and Gay relationships: A) by governmental legislation as to participation in health plans and survivor benefits, as to fitness to raise children, and as to legal acknowledgment of the relationship; and B) by congregations and institutions of the Reform movement to extend benefits to partners of staff members and employees.

A separate secular movement is proceeding to recognize these monogamous domestic relationships judicially and statutorily and to grant to gay and lesbian couples nondiscriminatory economic, legal, and social rights equal to those under law enjoyed by monogamous heterosexual couples.

THEREFORE, the Union of American Hebrew Congregations resolves to:

1. Support secular efforts to promote legislation which would provide through civil marriage equal opportunity for gay men and lesbians;
2. Encourage its constituent congregations to honor monogamous domestic relationships formed by gay men or lesbians; and
3. Support the efforts of the CCAR in its ongoing work as it studies the appropriateness of religious ceremonies for use in a celebration of commitment recognizing a monogamous domestic relationship between two Jewish gay men or two Jewish lesbians.

Year Adopted:

1997

Topic(s):

Civil Rights and Civil Liberties (/resolution-topic/civil-rights-and-civil-liberties)

Tag(s):

Gay/Lesbian/Bisexual/Transgender Issues (/tags/gaylesbianbisexualtransgender-issues)

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Rabbis Speak

Resolution Adopted by the CCAR

RESOLUTION ON SAME GENDER OFFICIATION

Resolution adopted at the 111th Convention of the
Central Conference of American Rabbis
March, 2000

Rabbinic Voice

Resolutions

All

1889-1972

1973

1974

1975

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1978

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1980

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Background

Over the years, the Central Conference of American Rabbis has adopted a number of positions on the rights of homosexuals, on homosexuality in the rabbinate, and advocating changes in civil law pertaining to same-gender relationships.

In 1977, the CCAR adopted a resolution calling for legislation decriminalizing homosexual acts between consenting adults, and calling for an end to discrimination against gays and lesbians. The resolution called on Reform Jewish organizations to develop programs to implement this stand.

In 1990, the CCAR endorsed the report of the Ad Hoc Committee on Homosexuality and the Rabbinate. This position paper urged that "all rabbis, regardless of sexual orientation, be accorded the opportunity to fulfill the sacred vocation that they have chosen." The committee endorsed the view that "all Jews are religiously equal regardless of their sexual orientation." The committee expressed its agreement with changes in the admissions policies of the Hebrew Union College-Jewish Institute of Religion, which stated that the "sexual orientation of an applicant [be considered] only within the context of a candidate's overall suitability for the rabbinate," and reaffirmed that all rabbinic graduates of the HUC-JIR would be admitted into CCAR membership upon application. The report described differing views within the committee as to the nature of *kiddushin*, and deferred the matter of rabbinic officiation.

A 1996 resolution resolved that the CCAR "support the right of gay and lesbian couples to share fully and equally in the rights of civil marriage," and voiced opposition to governmental efforts to ban gay and lesbian marriages.

In addition to these resolutions, two CCAR committees have addressed the question of same-gender officiation. The CCAR Committee on Responsa addressed the question of whether homosexual relationships can qualify as *kiddushin* (which it defined as "Jewish marriage"). By a committee majority of 7 to 2, the committee concluded that "homosexual relationships, however exclusive and committed they may be, do not fit within this legal category; they cannot be called *kiddushin*. We do not understand Jewish marriage apart from the concept of *kiddushin*." The committee acknowledged its lack of consensus on this question.

[The Ad Hoc Committee on Human Sexuality issued a report in 1998](#) which included its conclusion, by a committee majority of 11 with 1 abstention, that "kedushah may be present in committed same gender relationships between two Jews and that these relationships can serve as the foundation of stable Jewish families, thus adding strength to the Jewish community." The report called upon the CCAR to support all colleagues in their choices in this matter, and to develop educational programs.

RESOLUTION

WHEREAS justice and human dignity are cherished Jewish values, and

6/17/2016

- CCAR

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2016

WHEREAS, in March of 1999 the Women's Rabbinic Network passed a resolution urging the Central Conference of American Rabbis to bring the issue of honoring ceremonies between two Jews of the same gender to the floor of the convention plenum, and

WHEREAS, the institutions of Reform Judaism have a long history of support for civil and equal rights for gays and lesbians, and

WHEREAS, North American organizations of the Reform Movement have passed resolutions in support of civil marriage for gays and lesbians, therefore

WE DO HEREBY RESOLVE, that the relationship of a Jewish, same gender couple is worthy of affirmation through appropriate Jewish ritual, and

FURTHER RESOLVED, that we recognize the diversity of opinions within our ranks on this issue. We support the decision of those who choose to officiate at rituals of union for same-gender couples, and we support the decision of those who do not, and

Reform Responsa
Platforms

FURTHER RESOLVED, that we call upon the CCAR to support all colleagues in their choices in this matter, and

CCAR Journal: The Reform Jewish Quarterly

FURTHER RESOLVED, that we also call upon the CCAR to develop both educational and liturgical resources in this area.

CCAR News

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Resolutions

Resolution on the Rights of Transgender and Gender Non-Conforming People

Submitted by the Commission on Social Action of Reform Judaism

Background

Throughout the Reform Movement's history, we have worked tirelessly to fight discrimination, support equality, and strengthen the rights of minorities and women. In 1977, both the Union for Reform Judaism and the Central Conference of American Rabbis passed resolutions affirming "the rights of homosexuals." We welcome and celebrate people of all sexual orientations in our congregations and oppose laws that fail to uphold principles of equality for all. North American culture and society have, in general, become increasingly accepting of people who are gay, lesbian and bisexual, yet too often transgender and gender non-conforming individuals are forced to live as second-class citizens.

"Transgender" is a term for people whose gender identity, expression or behavior is different from those typically associated with their assigned sex at birth. Gender non-conforming is a term for individuals whose gender expression is different from societal expectations related to gender.

Although much work remains to be done to fully overcome discrimination against lesbian, gay and bisexual people, members of the transgender and gender non-conforming communities face particular ongoing legal and cultural bigotry and discrimination. Transgender individuals are often unable to easily update their government documents, such as passports and birth certificates, in order to reflect their correct gender and name. As a result, transgender individuals can be denied the right to vote because their documents do not match their gender. In Canada, six provinces (Ontario, 20 Saskatchewan, Manitoba, Nova Scotia, P.E.I., and Newfoundland) and one territory (Northwest 21 Territories) offer protections based on gender identity yet a federal bill has long been stalled in Parliament.¹ (http://urj.org/#_ftn1) In both the U.S. and Canada, transgender individuals experience frequent incidents of hate crimes and harassment, and often face discrimination in employment, healthcare and housing. Simply choosing their preferred pronoun or accessing facilities based on their gender identity without facing others' objections or fearing violence can be

a challenge for transgender and gender non-conforming individuals. The combined impact of all of these factors has contributed to higher than average poverty, homelessness and suicide rates among transgender people.² (http://urj.org/#_ftn1)³ (http://urj.org/#_ftn3)

Efforts within the Reform Movement over the past decade reflect our commitment to greater inclusivity of transgender and gender non-conforming people. In 2003, Hebrew Union College-Jewish Institute of Religion admitted its first openly transgender rabbinical student. Recently, both NFTY and URJ camps have taken steps to become more inclusive of transgender participants in their material, application forms, facilities and programs. In 2015, the Central Conference of American Rabbis' Rabbinical Placement Commission updated its policies to require that congregations and other organizations seeking a rabbi commit to including in their search all candidates regardless of gender identity. The Reform Movement has also built partnerships with organizations like Keshet (www.keshetonline.org) (<http://www.keshetonline.org/>), to create and improve resources for our congregations, institutions, affiliates and programs. Despite this important progress, there is more work to be done to make our Movement and our society fully inclusive of transgender and gender non-conforming people.

Two key Reform responsa highlight the imperative toward full inclusion of transgender people in accordance with Jewish tradition. A 1990 responsum (CCAR 5750.8 (<http://www.ccarnet.org/cgi-bin/respdisp.pl?file=8&year=5750>)) affirmed that being transgender alone is not a basis to deny someone conversion to Judaism. A 1978 responsum affirmed that a rabbi may officiate at the wedding of two Jews if one partner has transitioned to the gender with which they identify, as opposed to the one they were assigned at birth ("Marriage After a Sex-change Operation" in *American Reform Responsa*, Vol. LXXXVIII, 1978, pp. 52-54 (<http://www.ccarnet.org/cgi-bin/respdisp.pl?file=137&year=arr>)). These responsa reflect biblical tradition that teaches us that all human beings are created *b'tselem Elohim*—in the Divine image. As it says in Genesis 1:27, "And God created humans in God's image, in the image of God, God created them." From this bedrock principle stems our commitment to defend any individual from the discrimination that arises from ignorance, fear, insensitivity, or hatred. Knowing that members of the transgender and gender non-conforming communities are often singled out for discrimination and even violence, we are reminded of the Torah's injunction, "do not stand idly while your neighbor bleeds" (Leviticus 19:16).

THEREFORE, BE IT RESOLVED THAT the Union for Reform Judaism:

1. Affirms its commitment to the full equality, inclusion and acceptance of people of all gender identities and gender expressions;
2. Affirms the right of transgender and gender non-conforming individuals to be referred to by their name, gender, and pronoun of preference in our congregations, camps, schools, and other Reform affiliated organizations;
3. Encourages Reform congregations, congregants, clergy, camps, institutions and affiliates, including NFTY, to continue to advocate for the rights of people of all gender identities and gender expressions;
4. Urges the adoption and implementation of legislation and policies that prevent discrimination based on gender identity and expression, and that require individuals to be treated equally under the law as the gender by which they identify. This includes establishing the right to change without undue burden their identification documents to reflect their gender and name and ensuring equal access to medical and social services;
5. Calls on the U.S. and Canadian governments at all levels to review and revise all laws and policies to ensure full equality and protections for people of all gender identities and expressions;

6. Urges Reform Movement institutions to begin or continue to work with local and national Jewish transgender, lesbian, gay and bisexual organizations to create inclusive and welcoming communities for people of all gender identities and expressions and to spread awareness and increase knowledge of issues related to gender identity and expression. These activities may include cultural competency trainings for religious school staff, the new congregational resource guide on transgender inclusion being created by the Religious Action Center, education programs on gender identity and expression, and sermons on the topic of gender identity and gender expression;
7. Recommends URJ congregations and Reform Movement institutions, facilities and events ensure, to the extent feasible, the availability of gender-neutral restrooms and other physical site needs that ensure dignity and safety for transgender and gender non-conforming individuals;
8. Urges Reform Movement institutions to review their use of language in prayers, forms and policies in an effort to ensure people of all gender identities and gender expressions are welcomed, included, accepted and respected. This includes developing statements of inclusion and/or non-discrimination policies pertaining to gender identity and gender expression, the use when feasible of gender-neutral language, and offering more than two gender options or eliminating the need to select a gender on forms; and
9. Will work in collaboration with other Reform Movement institutions to create ritual, programmatic and educational materials that will empower such institutions to be more inclusive and welcoming of people of all gender identities and expressions.

[1] (http://urj.org/#_ftnref1) <http://www.macleans.ca/news/canada/transgender-bill/>
(<http://www.macleans.ca/news/canada/transgender-bill/>)

[2] (http://urj.org/#_ftnref2) <http://transgenderlawcenter.org/archives/11393>
(<http://transgenderlawcenter.org/archives/11393>)

[3] (http://urj.org/#_ftnref3) <http://www.transequalitynow.ca/ten-points>
(<http://www.transequalitynow.ca/ten-points>)

Year Adopted:

2015

Topic(s):

Civil Rights and Civil Liberties (/resolution-topic/civil-rights-and-civil-liberties)

Tag(s):

Gay/Lesbian/Bisexual/Transgender Issues (/tags/gaylesbianbisexualtransgender-issues)

The Union for Reform Judaism

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EXHIBIT NO. CSE-9
CAUSE NO. 3:16-cv-442-CWR-LRA
WITNESS Hrastowski
CLERK JOYCE SMITH

JUN 23 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

C. Bond, REPORTER

Compilation of Social Media for HB 1523



Andy Gipson

April 4 · 🌐

No doubt you've heard from the extremely vocal opponents of HB 1523, the Protecting Freedom of Conscience from Government Discrimination Act. Here's a partial list of supporters, something you likely won't read in any news article:

Who supports HB 1523?

According to a Mason-Dixon Research Poll, nearly two-thirds of MS voters support this bill: a majority from every age group, both parties, races, sexes.

More than 270 pastors have signed a letter of support on the bill. Other pastors/churches submitted separate letters.

Rev. Franklin Graham has endorsed the bill

The Southern Baptist Convention's Ethics and Religious Liberty Commission has endorsed the bill

Rep. Steven Palazzo has endorsed the bill directly and is a sponsor, along with Rep. Harper, Rep. Kelly, Senator Cochran and Senator Wicker, of the federal version. (Note: The federal version applies only to federal practices and not to Mississippi. Hence, the need for HB 1523.)

Bethany Christian Services submitted a letter on the bill's behalf

New Beginnings Adoptions submitted a letter on the bill's behalf

The two Catholic dioceses/bishops of Mississippi submitted a letter on the bill's behalf. They also represent Mississippi's Catholic schools and Catholic Charities

Home of Grace Addiction Recovery submitted a letter on the bill's behalf

American Family Association submitted a letter on the bill's behalf

The National Hispanic Christian Leadership Conference submitted a letter on the bill's behalf

The United Pentecostal Church, Mississippi District submitted a letter on the bill's behalf

The American Association of Christian Schools submitted a letter on the bill's behalf

The Miss. Center for Public Policy has provided favorable analysis, supporting the bill

Redemption Outreach Ministries International wrote an op-ed supporting the bill

Alliance Defending Freedom has endorsed the bill from a legal perspective and affirmed its constitutionality

The Family Research Council has endorsed the bill

The Heritage Foundation has written favorably about the bill

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Dana Criswell for Mississippi

20 hrs · 🌐

Today the MS House of Representatives voted to send HB1523, the "Protecting Freedom of Conscience from Government Discrimination Act" to Governor Bryant for his signature. As usual, legislation that protects basic christian views is vilified by the press. Read the article I've included below to learn more about why this legislation is not about hate but about protecting our freedoms.



FOREST THIGPEN – The truth about the Freedom of Conscience bill

If all the things being said by the opponents of HB 1523 were true, I would be against it as well.

MSBUSINESS.COM

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Brandon Henley, Rob Goudy, Chris Powell and 8 others like this

2 shares

Sen. Phillip Gandy: Religious Freedom is a Cherished Freedom That Must be Preserved

on Mar 5, 2015

A year has passed since I introduced Senate Bill 2681, "The Mississippi Religious Freedom Restoration Act of 2014". This bill drew the attention of many groups and individuals both inside and outside the state who said that the bill, if it became law, would lead to massive discrimination against certain individuals. Many people played off the fear that we might return to the days of discrimination that we once experienced in Mississippi.

I lived during some of those times and I saw many of the terrible things that were done. Some were even done in the name of religion. Looking back we can see just how horrible these things were. The scars that came from the wounds that many experienced during those days will never go away but if we can learn to walk together, work together and together strive to make Mississippi a better place for our children and grandchildren, these scars will not be as noticeable. It was never my intention to do anything that would discriminate against any individual or group and those who complained the loudest that it was discriminatory in nature could not point to the bill and find one line in the bill that discriminated against anyone. A year has passed and many things have happened but one thing has not happened -discrimination!

No one would deny that there is cause for concern in the Christian community that little by little the rights of people of faith are being challenged. Whether it is a mayor subpoenaing the sermons of pastors to see if they said anything "offensive" or a fire chief losing his job over his Christian beliefs, Christian faith is under fire. Our Constitution guarantees us the freedom of religion, the freedom of speech, the freedom of assembly and the freedom of the press. If one part of the First Amendment is weakened is any part safe?

A person from a national news organization asked me this question: "No one wants to deny you the right to teach and live your faith in your houses of worship. Why do you feel you have the right to bring your faith into the public arena?" My faith identifies who I am. It would be like saying, "You can be a husband or a father at home but do not bring that into the public arena." How is that possible?

A Christian's faith guides his/her life and actions. It dictates how we respond to life. To say that a Christian is free to practice their faith in their houses of worship but not in the public arena is to ask the impossible. The Mississippi Religious Freedom Restoration Act was modeled after the Federal Religious Freedom Restoration Act. The difference being that, at Governor's Bryant's request, the words, "In God We Trust" were added to the State Seal through an amendment.

Religious freedom is a cherished freedom that must be preserved. It is one of the factors that has made America great. I appreciate the strong support and diligent hard work of many groups and individuals. I especially appreciate the fact that Governor Phil Bryant, Lt. Governor Tate Reeves and Speaker of the House Philip Gunn never wavered in their support of religious freedom. I am really thankful for their courage.

TATE Tate Reeves

January 29, 2014

I support Sen. Gandy's bill preventing a governmental entity from restricting Mississippians' ability to exercise their religion. The United States is a Christian nation, and nowhere is that reflected more than in Mississippi. I appreciate Sen. Gandy for introducing a bill that reflects Mississippi values, and Chairman Polk for moving it through the legislative process quickly. The SB 2681 passed Universities Committee today and heads to Judiciary A. Read it here: <http://billstatus.ls.state.ms.us/~/SB/2600-2699/SB2681IN.pdf>

261 Likes 73 Comments 62 Shares

 In reply to ERLC
Andy Gipson @repandygipson · Apr 4
Check it out: "[@ERLC](https://www.eric.ed.gov/1pZOW77). Mississippi has the best post-Obergefell
legislation to date. [eric.ed.gov/1pZOW77](https://www.eric.ed.gov/1pZOW77)"
    [View conversation](#)

TATE REEVES Tate Reeves

March 30 at 5:57 pm

The Mississippi Senate passed the Protecting Freedom of Conscience From Government Discrimination Act today. In the wake of last year's U.S. Supreme Court decision, many Mississippians, including pastors, wanted protection to exercise their religious liberties. This bill simply protects those individuals from government interference when practicing their religious beliefs.

STATEMENT OF LT. GOV. REEVES ON PROTECTING FREEDOM OF CONSCIENCE FROM GOVERNMENT DISCRIMINATION ACT

JACKSON – The Mississippi Senate passed the Protecting Freedom of Conscience From Government Discrimination Act today, Lt. Gov. Tate Reeves said. House Bill 1523 returns to the House for consideration.

"In the wake of last year's U.S. Supreme Court decision, many Mississippians, including pastors, wanted protection to exercise their religious liberties," Lt. Gov. Reeves said. "This bill simply protects those individuals from government interference when practicing their religious beliefs."

Share

Jimmy Kemp, John Caraway, Pat Strittman Starnes and 48 others like this

54 shares



Eric Hatten in reference to state clerks and immunity from prosecution for failing to issue marriage licenses... you do realize that Federal US Marshals will arrest the violative clerks for violating federal law?

Mississippi deals with multi national corporations who will seek to do business



Senator Brice Wiggins

March 31 at 8:27pm

MY VOTE ON HB 1523: While we in the legislature make hundreds of votes throughout a legislative session. (You can find all the bills here, approx. 1700 in the House and 1000 in the Senate: http://billstatus.ls.state.ms.us/.../pdf/all_meas.../allmsrs.xml), a few naturally get the majority of the press. On those, I have given and will give my reasons for my vote. This should be no different. That said, we get before us bills that cover every topic under the sun. Just last week in ONE DAY the bills we voted on covered the following topics: oysters, guns, church, education, banking, physician assistants, pharmacies, PERS, sex education, wild hogs, abortion, government contracts, property taxes, and naming of highways. (http://billstatus.ls.state.ms.us/.../daily_action/03292016.xml) In each instance, the bill is important to someone or some group while at the same time of no importance to many different people. So is the case with HB1523. My email inbox is inundated from many, many constituents asking me to vote for it.

With every bill that comes before me for a vote (not to mention when it comes up in committee) I listen to the presentation on the floor by the Chairman or his designee and I review the language of the bill (which as a lawyer is a benefit to myself and my constituents). I did the same on this bill. With that in mind, all that the bill does is says that the State of Mississippi via its government cannot prosecute or punish someone based on their religious beliefs. For example, as a lawyer I represent clients. If I choose to not represent that client b/c of my religious beliefs then I cannot be charged with a crime or be sued by the government. THE GOVERNMENT DOES NOT DO THAT NOW ANYWAY. The bill in no way authorizes discrimination by anyone or against anyone. If it did, I would have voted against it. In other words, it does not say "Discrimination against LGBT is hereby authorized." Further, the bill does not allow a government employee to hold hostage the functions of government because of his or her religious beliefs ala the Kim Davis case in Kentucky.

What the bill does do is make clear the distinction between government action and private action. Could it be written better? Yes. Could it be more artful? Yes. But that is why we have another branch of government, the judiciary that interprets laws. To continue, in our country since its inception, there is a distinction between private behavior and behavior by the government. For example, you have a right to join a private club that discriminates against red heads. May not be moral or right but it is allowed.

Andy Cipson Retweeted



Tate Reeves @tatereeves Mar 30

House Bill 1523 simply protects individuals from government interference when practicing their religious beliefs.

**STATEMENT OF LT. GOV. REEVES ON PROTECTING
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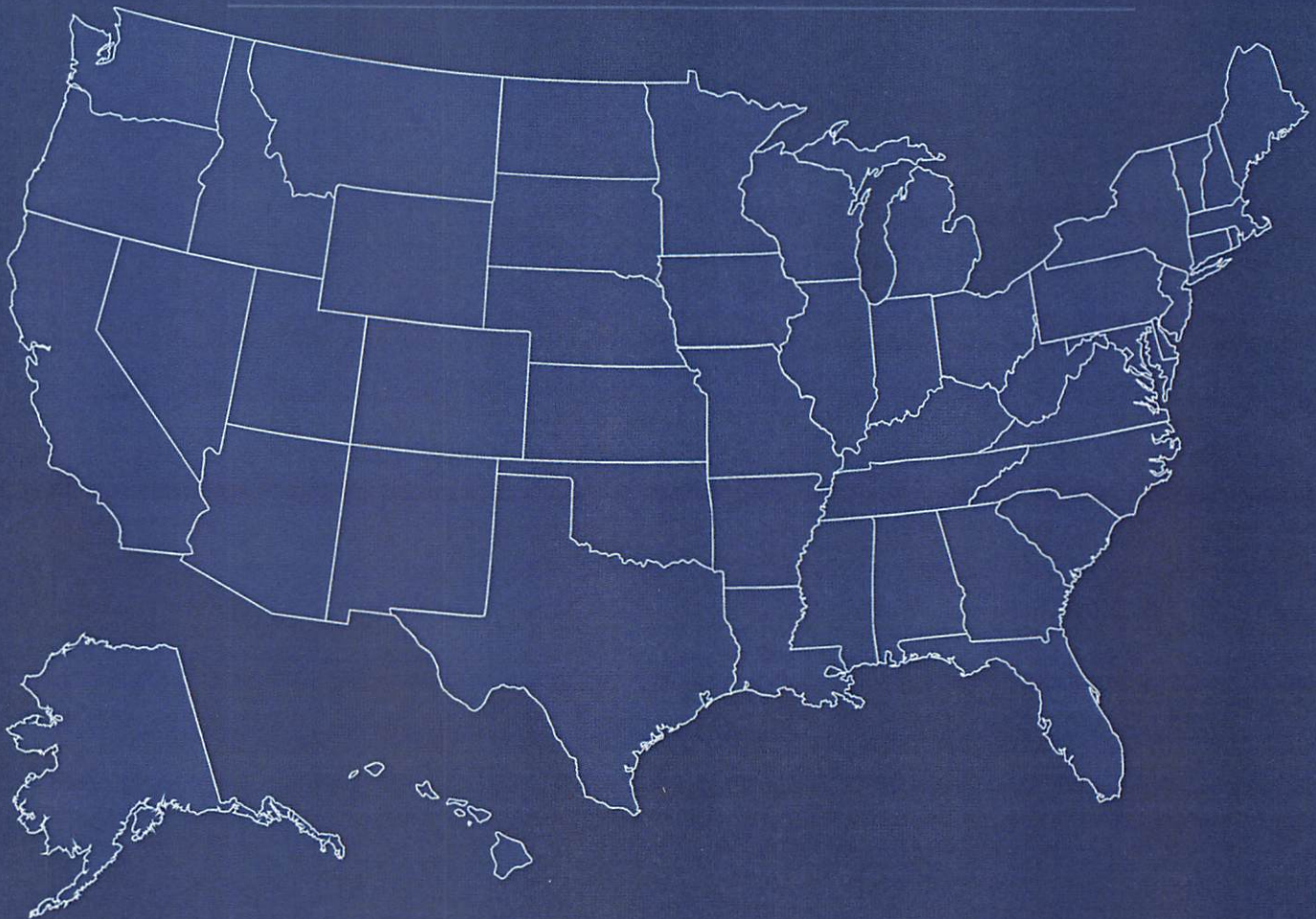
EXHIBIT NO. CSE 10
CAUSE NO. 3:16-cv-442-CWR-LRA
WITNESS Nojume
CLERK JOYCE SMITH

JUN 23 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
A. Bond, REPORTER

BEYOND SAME-SEX MARRIAGE: ATTITUDES ON LGBT NONDISCRIMINATION LAWS AND RELIGIOUS EXEMPTIONS

Findings from the 2015 American Values Atlas



PLAINTIFF'S
EXHIBIT
CSE-14

BEYOND SAME-SEX MARRIAGE: ATTITUDES ON LGBT NONDISCRIMINATION LAWS AND RELIGIOUS EXEMPTIONS

Findings from the 2015 American Values Atlas

Robert P. Jones, Daniel Cox, Betsy Cooper, and Rachel Lienesch



Acknowledgements

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PRRI is also grateful to West End Strategy Team for providing communications outreach for the survey release, and to Epicenter Consulting for the development of the interactive online map for the American Values Atlas, available at <http://ava.publicreligion.org>.

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About the American Values Atlas

The American Values Atlas (AVA) is a landmark project designed to provide an unprecedented portrait of American attitudes on important issues, as well as a map of religious and cultural change. Conducted by Public Religion Research Institute (PRRI), the AVA's unusually large sample size allows analysis of specific U.S. Census regions, all 50 states, and 30 major metropolitan areas, while providing a rare profile of smaller religious communities and ethnic groups.

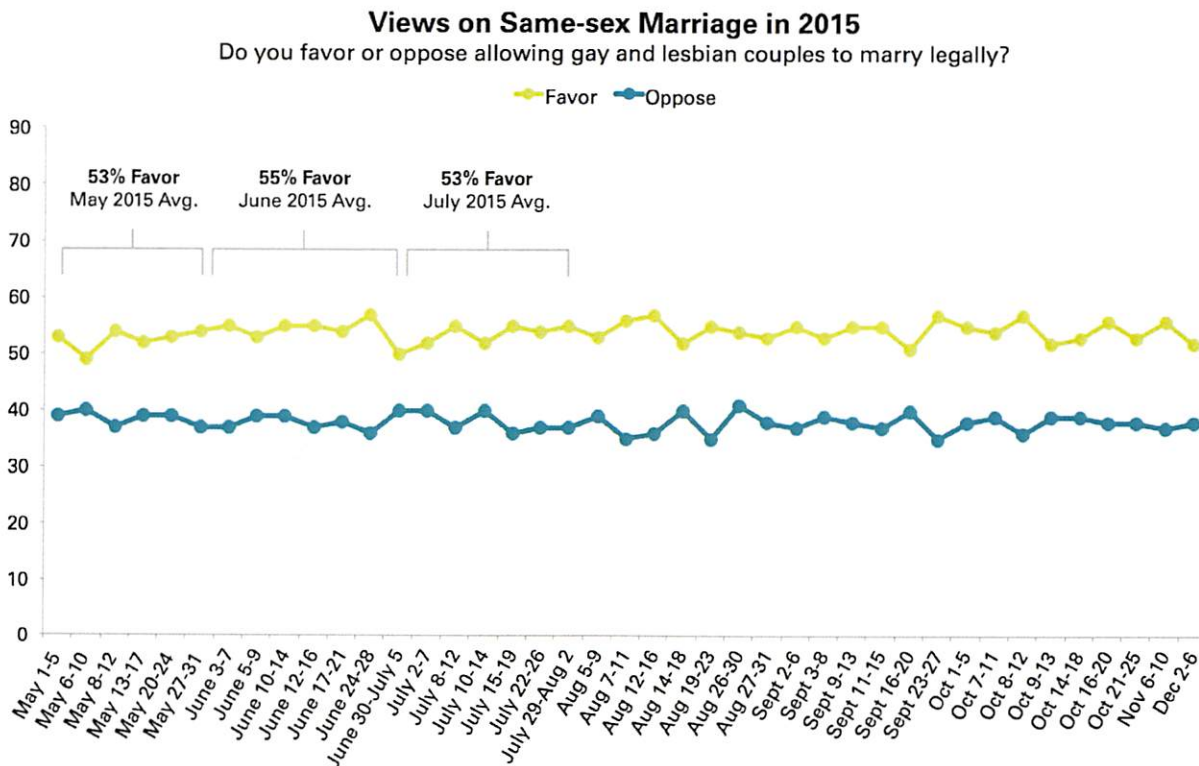
Findings in the 2015 AVA are based on data from over 42,000 bilingual telephone interviews conducted among a random sample of Americans between May 2015 and early January 2016. The 2015 AVA focuses on issues of lesbian, gay, bisexual, and transgender (LGBT) issues—the subject of the current report—and immigration reform, which will be covered in a future report.

In addition to the analysis in this report, PRRI has developed an interactive online map to allow individuals to explore this extraordinary dataset on their own. The AVA interactive map is available at <http://ava.publicreligion.org/>.

Attitudes on Same-sex Marriage Steady After Landmark Ruling

Across 2015, the year that saw same-sex marriage become legal in all 50 states following the landmark *Obergefell v. Hodges* Supreme Court decision in June, public opinion on same-sex marriage remained remarkably stable. Based on interviews with more than 42,000 Americans conducted between May and December 2015, PRRI finds that 53% of Americans support allowing gay and lesbian people to legally marry, while 37% are opposed.

In surveys conducted during May 2015, the month before the Supreme Court decision, 53% of the public on average supported same-sex marriage. Weekly tracking polls showed no significant shift in opinion as a result of the court decision, with the June average showing 55% support and the July average showing 53% support.

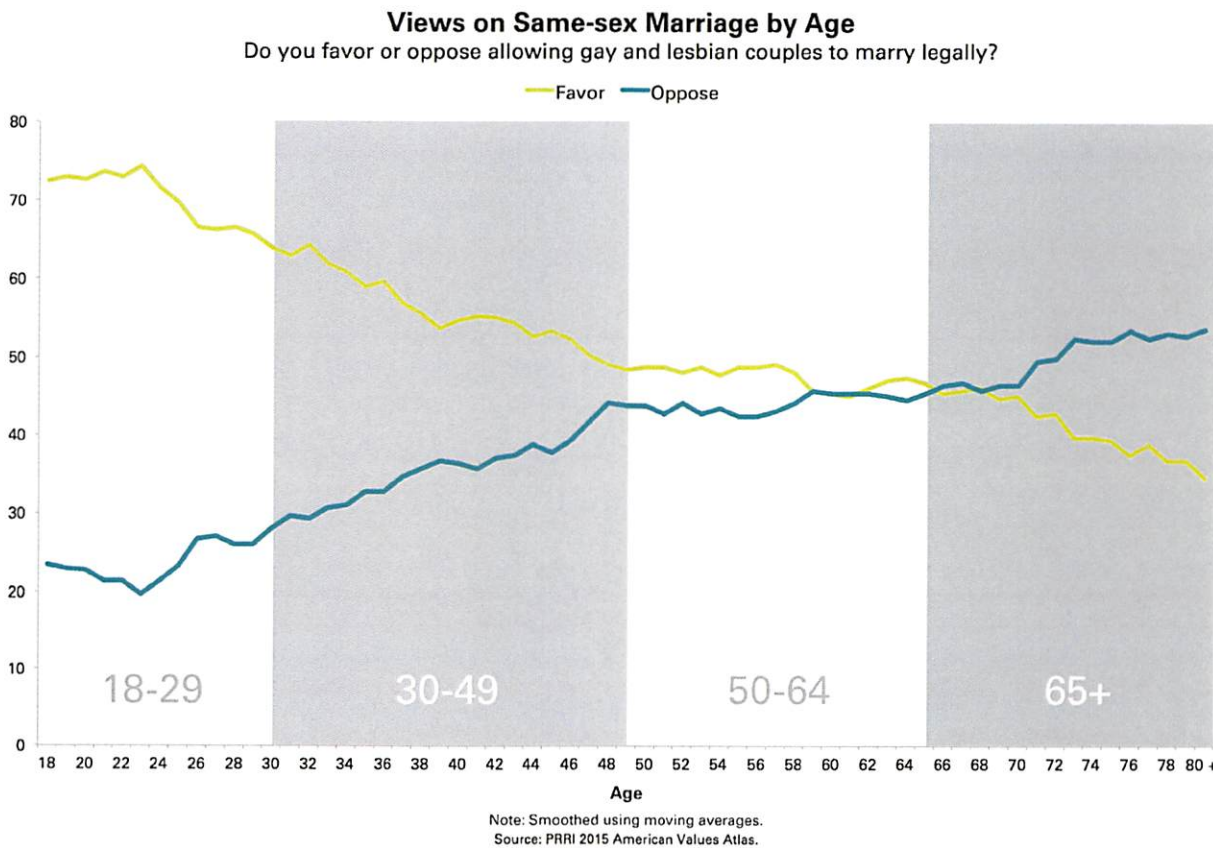


Source: PRRI 2015 American Values Atlas.

Same-sex Marriage by Age and Gender

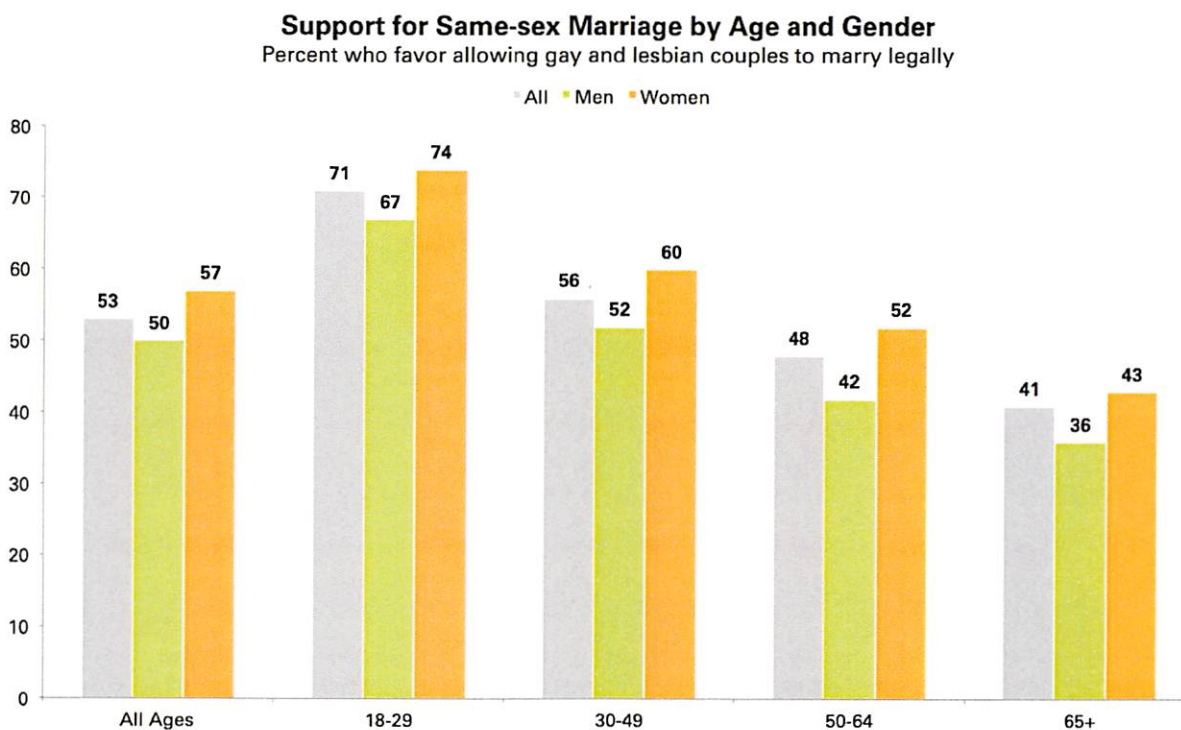
Few attributes are more important in structuring attitudes on same-sex marriage than age. Generally, there is an inverse relationship between support for same-sex marriage and increasing age, but the relationship is not uniformly linear. Among younger American adults, from those in their late teens to mid-forties, majorities support same-sex marriage, with the strength of support generally decreasing as age increases. For example, 74% of 20-year-olds support same-sex marriage, compared to 53% of 45-year-olds.

Among Americans in their late forties to late sixties, the linear relationship between support for same-sex marriage and age plateaus, with Americans in this group roughly divided on the issue. Forty-nine percent of 50-year-olds support same-sex marriage, a number that is similar to support among 68-year-olds (48%). The linear relationship between support for same-sex marriage and age picks up again among Americans who are 70 years of age or older. For example, 41% of 70-year-olds support same-sex marriage, compared to only 33% of those aged 80 and older.



The correlation between age and support for same-sex marriage is also striking when comparing age cohorts. More than seven in ten (71%) young adults (age 18 to 29) favor allowing gay and lesbian couples to marry, compared to roughly four in ten (41%) seniors (age 65 and older). Notably, however, there is no age group in which a majority opposes same-sex marriage. Only half (50%) of seniors oppose same-sex marriage, although one in ten (10%) offer no opinion on the issue.

Women are somewhat more likely to support same-sex marriage than men, a pattern that is consistent across generations. Overall, nearly six in ten (57%) women, compared to only half (50%) of men, favor allowing gay and lesbian couples to marry legally. Among young adults, roughly three-quarters (74%) of women and two-thirds (67%) of men favor same-sex marriage.¹ The age gap is roughly the same size among seniors. More than four in ten (43%) senior women, but only 36% of senior men, support same-sex marriage.



Source: PRRI 2015 American Values Atlas.

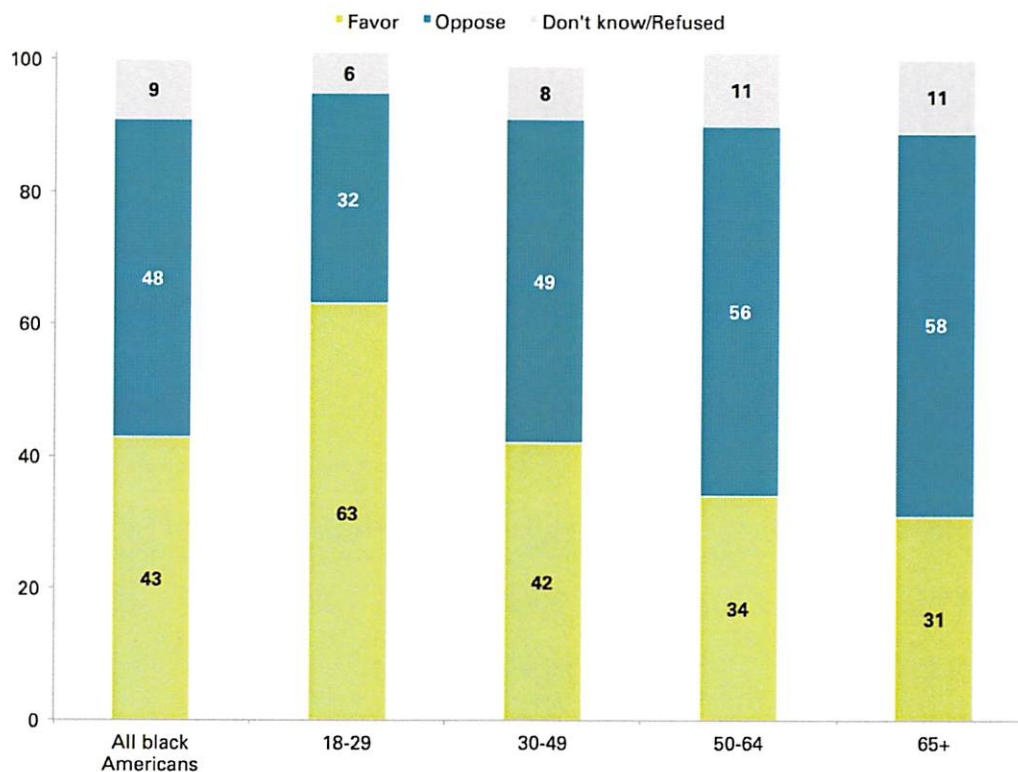
¹ In part, the gender differences may be the result of divergent personal experiences. Young women are much more likely to report having a close friend who is gay or lesbian than young men (78% vs. 61%, respectively) (PRRI, 2014 LGBT Issues & Trends Survey).

Same-sex Marriage by Race and Ethnicity

Among racial and ethnic groups, Americans who identify as Asian or Pacific Islander (API) are the most supportive of same-sex marriage. Nearly two-thirds (64%) of API Americans favor allowing gay and lesbian couples to marry. Similar to the public overall, majorities of white Americans (56%), Hispanic Americans (54%), and mixed-race Americans (55%) favor same-sex marriage. Black Americans are roughly divided in their opinions about same-sex marriage (43% favor, 48% oppose). There is a strong generational divide among black Americans, with 63% of black Americans under the age of 30 supporting same-sex marriage, compared to only 31% of black seniors.

Views on Same-sex Marriage Among Black Americans by Age

Do you favor or oppose allowing gay and lesbian couples to marry legally?



Source: PRRI 2015 American Values Atlas.

Same-sex Marriage by Religious Affiliation

The strongest supporters of same-sex marriage continue to be members of non-Christian religious traditions and religiously unaffiliated Americans. At least three-quarters of Buddhists (85%), the religiously unaffiliated (78%), and Jewish Americans (76%) favor allowing gay and lesbian

Views on Same-sex Marriage by Religious Affiliation

Do you favor or oppose allowing gay and lesbian couples to marry legally?

	Favor	Oppose	Don't know/ Refused	N=
All Americans	53	37	8=100	42,586
White evangelical Protestant	26	67	8=100	7,972
White mainline Protestant	59	32	9=100	6,406
Black Protestant	38	54	9=100	3,591
Hispanic Protestant	32	59	9=100	1,232
Other non-white Protestant	38	48	14=100	1,379
Catholic	58	32	10=100	8,946
<i>White Catholic</i>	59	32	8=100	5,878
<i>Hispanic Catholic</i>	56	31	13=100	2,287
<i>Other non-white Catholic</i>	56	33	10=100	781
Jehovah's Witness	11	72	16=100	271
Mormon	26	66	7=100	740
Orthodox Christian	61	32	7=100	217
Unitarian/Universalist	96	3	1=100	111
Jewish	76	20	4=100	765
Muslim	41	45	14=100	299
Buddhist	85	11	4=100	290
Hindu	66	22	12=100	218
Unaffiliated	78	17	6=100	8,591

Source: PRRI 2015 American Values Atlas.

couples to marry. Solid majorities of Hindus (66%), Orthodox Christians (61%), white mainline Protestants (59%), white Catholics (59%), and Hispanic Catholics (56%) also express support for same-sex marriage. In contrast, majorities of black Protestants (54%), Hispanic Protestants (59%), Mormons (66%), white evangelical Protestants (67%), and Jehovah's Witnesses (72%) oppose allowing gay and lesbian couples to marry. Muslims are divided in their opinions over same-sex marriage (41% favor, 45% oppose).

Even among the most ardent opponents of same-sex marriage, stark generational divisions

persist. Young white evangelical Protestants, for example, are divided over same-sex marriage, with roughly equal numbers expressing support (47%) and opposition (49%). In contrast, roughly three-quarters (74%) of white evangelical Protestant seniors oppose same-sex marriage. There are only modest generational differences among Mormons. Nearly six in ten (58%) younger Mormons oppose same-sex marriage, as do seven in ten (70%) Mormon seniors.

Sames-sex Marriage by Political Affiliation

The views of Republicans and Democrats on same-sex marriage are near mirror opposites. Roughly two-thirds (66%) of Democrats favor allowing gay and lesbian couples to marry, while fewer than three in ten (27%) are opposed. Conversely, nearly six in ten (59%) Republicans oppose same-sex marriage, while about one-third (34%) support it. Political independents are closer to Democrats than Republicans on this issue: a majority (58%) favor allowing gay and lesbian couples to marry.

However, ideology impacts Republicans and Democrats alike on the issue of same-sex marriage. While about eight in ten (82%) liberal Democrats and roughly six in ten (61%) moderate Democrats support same-sex marriage, only about four in ten (41%) conservative Democrats say the same. Among Republicans, a majority of liberal (55%) and moderate (54%) Republicans favor

Views on Same-sex Marriage by Party Affiliation and Ideology

Do you favor or oppose allowing gay and lesbian couples to marry legally?

	Favor	Oppose	Don't know/ Refused	N=
All Americans	53	37	8=100	42,588
Republican	34	59	8=100	10,203
<i>Conservative Republican</i>	25	68	7=100	7,037
<i>Moderate Republican</i>	54	38	8=100	2,146
<i>Liberal Republican</i>	55	37	7=100	783
Independent	58	33	8=100	15,766
Democrat	66	27	6=100	13,463
<i>Conservative Democrat</i>	41	51	8=100	2,595
<i>Moderate Democrat</i>	61	32	7=100	3,865
<i>Liberal Democrat</i>	82	14	4=100	6,488

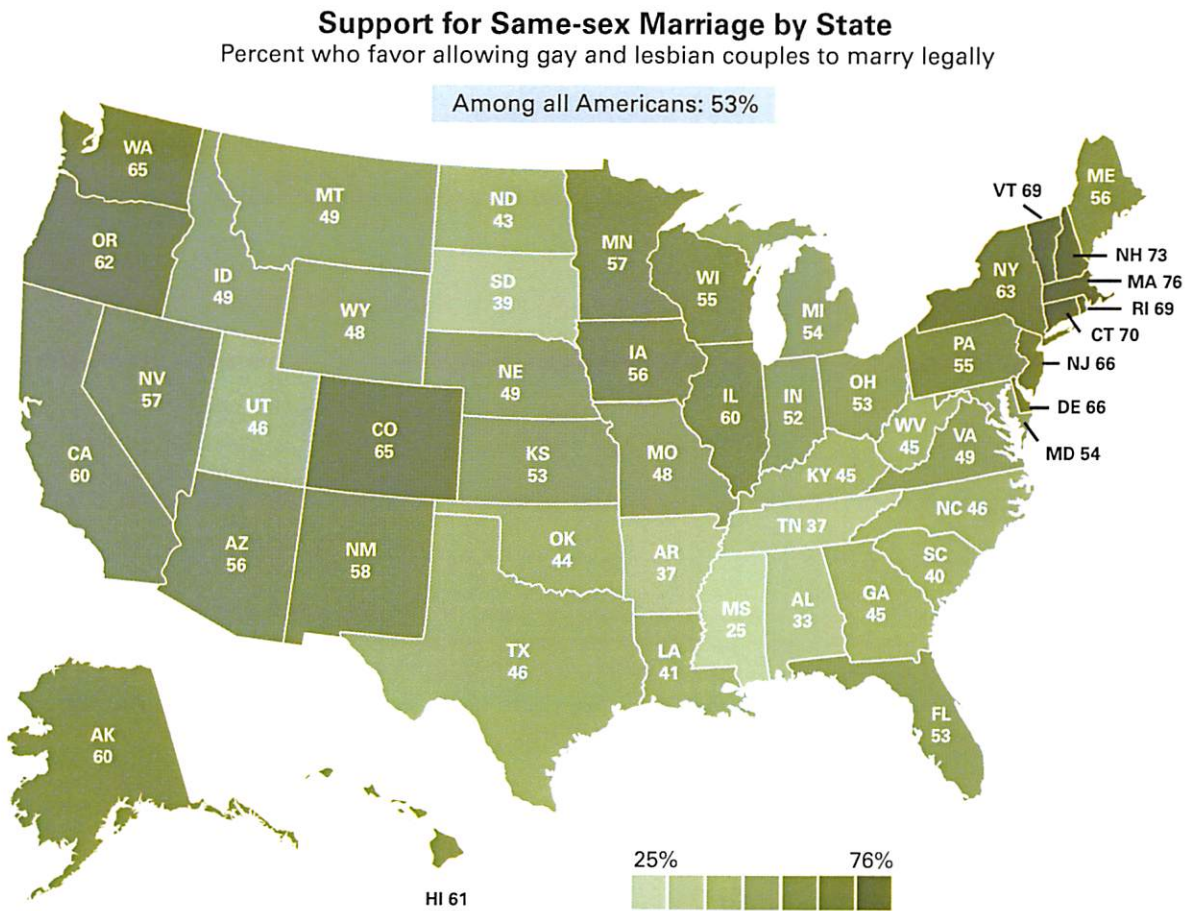
Source: PRRI 2015 American Values Atlas.

same-sex marriage, compared to only one-quarter (25%) of conservative Republicans. Approximately seven in ten (68%) conservative Republicans oppose same-sex marriage.

Among Republicans, opposition to same-sex marriage is also influenced by age. For example, nearly half (49%) of young Republicans support same-sex marriage, while 44% oppose it. Among Republican seniors, only 23% support same-sex marriage, compared to two-thirds (67%) who oppose it.

Same-sex Marriage by Geography

Support for same-sex marriage varies significantly by region. Residents of the Northeast express the highest support, with more than six in ten (63%) favoring same-sex marriage. A majority of Americans living in the West (59%) and the Midwest (54%) also favor same-sex marriage, while residents of the South are divided on the issue (46% favor, 45% oppose).



Source: PRRI 2015 American Values Atlas.

In the South, however, there are significant generational divisions on the issue. Two-thirds (67%) of young adults in the South support same-sex marriage, compared to roughly one-third (32%) of seniors. Nearly six in ten (58%) Southern seniors express opposition to same-sex marriage.

Unsurprisingly, the states with the highest support for same-sex marriage tend to be clustered in the Northeast, while the states with the lowest support can be found predominately in the South. Massachusetts—the first state in the nation to legalize same-sex marriage in 2004—registers the highest support for the policy today (76% favor). Support for same-sex marriage is robust across New England with approximately seven in ten residents of New Hampshire (73%), Connecticut (70%), Rhode Island (69%), and Vermont (69%) expressing support.

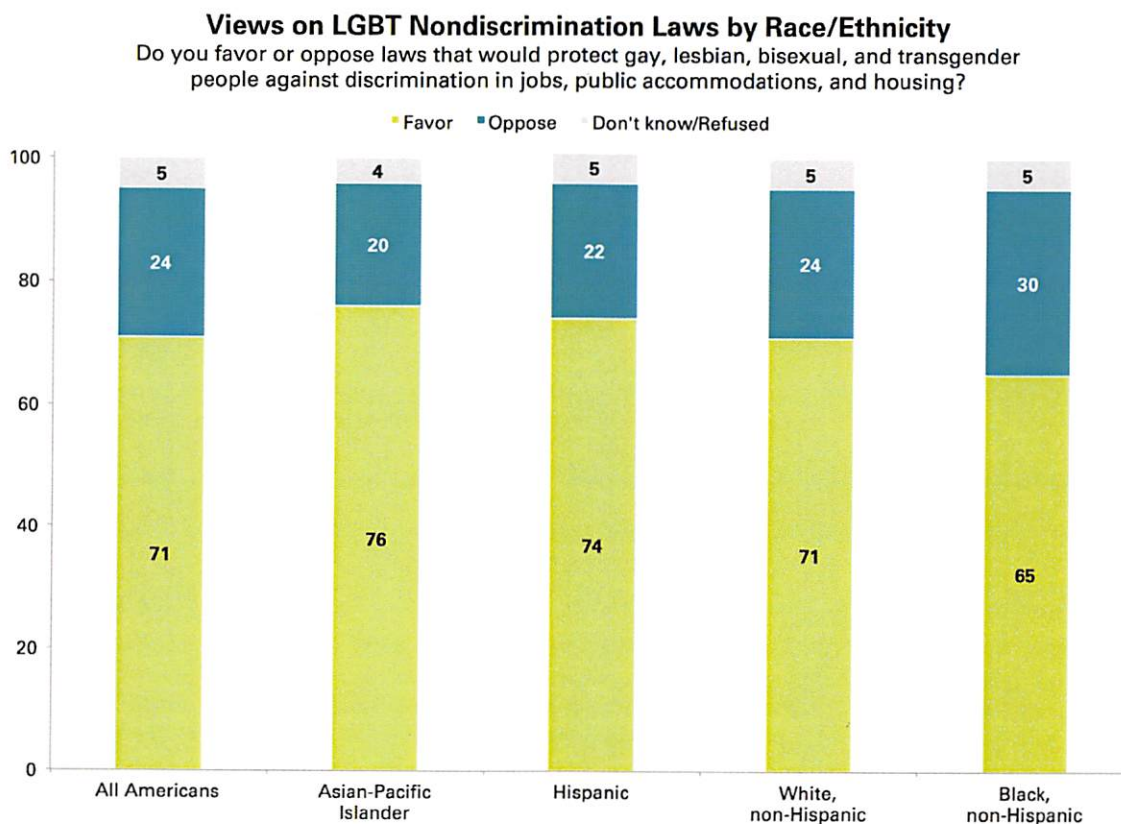
Notably, there are only five states in which a majority of residents oppose same-sex marriage. Support for same-sex marriage is lowest in the Deep South: just one-quarter (25%) of Mississippi residents and one-third (33%) of Alabama residents favor same-sex marriage. Sixty-five percent of Mississippi residents and 60% of Alabama residents oppose same-sex marriage. Opposition to same-sex marriage also reaches a majority in three other states: Arkansas (57%), South Dakota (57%), and Tennessee (56%).

Widespread Support for Laws Protecting Gay, Lesbian, Bisexual, and Transgender People from Discrimination

There is widespread support for laws that would protect gay, lesbian, bisexual, and transgender people from discrimination in jobs, housing, and public accommodations. Nationally, roughly seven in ten (71%) Americans support such laws, while roughly one-quarter (24%) oppose them. Majorities of all major demographic, religious, and political groups favor nondiscrimination laws for LGBT people.

LGBT Nondiscrimination Laws by Age, Race, and Ethnicity

Despite the strong support for nondiscrimination laws for LGBT people, there is some variation in the strength of support. Eight in ten (80%) young Americans (age 18 to 29) favor these nondiscrimination laws, compared to 61% of seniors (age 65 and older). Roughly three-quarters of Asian-Pacific Islanders (76%) and Hispanic Americans (74%) and about seven in ten (71%) white Americans support nondiscrimination laws, as do approximately two-thirds (65%) of black Americans.



Source: PRRI 2015 American Values Atlas.

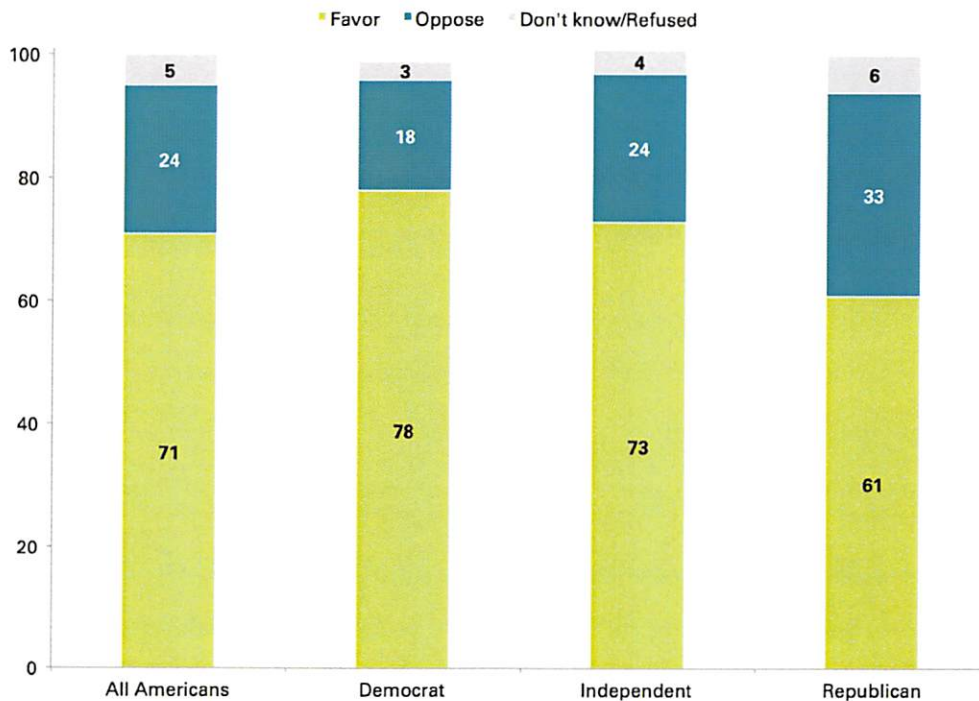
LGBT Nondiscrimination Laws by Religious and Political Affiliation

Majorities of all major religious groups favor passing nondiscrimination laws for LGBT people, although the degree of support varies. The religiously unaffiliated (81%) and members of many non-Christian religions, including Buddhists (85%) and Jewish Americans (83%), are the most supportive of these laws. A majority of white evangelical Protestants (57%) and Jehovah’s Witnesses (52%) also support nondiscrimination laws for LGBT people. However, a substantial number of white evangelical Protestants (38%) and Jehovah’s Witnesses (33%) oppose this policy. And while Mormons strongly oppose same-sex marriage, their support for nondiscrimination laws (72%) mirrors support among Americans overall.

There is bipartisan support for nondiscrimination laws for LGBT people, with more than six in ten Republicans (61%), and more than seven in ten independents (73%) and Democrats (78%), in favor of such laws.

Views on LGBT Nondiscrimination Laws by Party Affiliation

Do you favor or oppose laws that would protect gay, lesbian, bisexual, and transgender people against discrimination in jobs, public accommodations, and housing?



Source: PRRI 2015 American Values Atlas.

Views on LGBT Nondiscrimination Laws by Religious Affiliation

Do you favor or oppose laws that would protect gay, lesbian, bisexual, and transgender people against discrimination in jobs, public accommodations, and housing?

	Favor	Oppose	Don't know/ Refused	N=
All Americans	71	24	5=100	42,588
White evangelical Protestant	57	38	6=100	7,972
White mainline Protestant	72	23	5=100	6,406
Black Protestant	64	31	5=100	3,591
Hispanic Protestant	67	28	6=100	1,232
Other non-white Protestant	61	31	9=100	1,379
Catholic	73	22	5=100	8,946
<i>White Catholic</i>	73	22	5=100	5,878
<i>Hispanic Catholic</i>	75	21	5=100	2,287
<i>Other non-white Catholic</i>	72	25	3=100	781
Jehovah's Witness	52	33	16=100	271
Mormon	72	24	4=100	740
Orthodox Christian	76	20	4=100	217
Unitarian/Universalist	94	3	2=100	111
Jewish	83	14	3=100	765
Muslim	67	26	7=100	299
Buddhist	85	13	3=100	290
Hindu	71	23	7=100	218
Unaffiliated	81	16	3=100	8,591

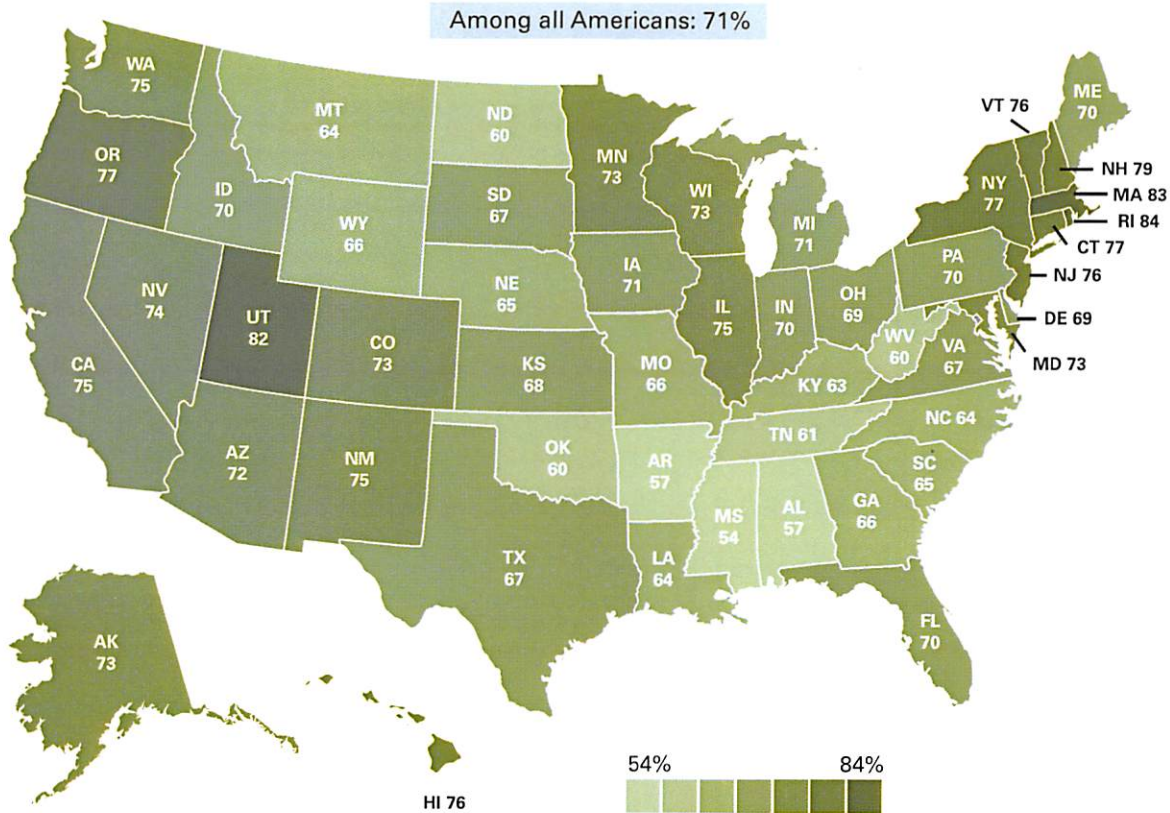
Source: PRRI 2015 American Values Atlas.

LGBT Nondiscrimination Laws by Geography

Majorities of Americans in every region and state express support for nondiscrimination laws, but there are modest differences in the degree of support around the country. Support is higher in the Northeast (76%) and West (75%), and lower in the South (66%) and Midwest (71%). Residents of New England states such as Rhode Island (84%) and Massachusetts (83%) are the most supportive of these laws, while residents of Deep South states, such as Mississippi (54%), Alabama (57%), and Arkansas (57%), are the least supportive.

Within metropolitan areas, Cincinnati, Ohio has the lowest levels of support for anti-discrimination laws (65%), while residents of San Francisco (81%) and Boston (83%) are the most supportive.

Support for LGBT Nondiscrimination Laws by State
 Percent who favor laws that would protect gay, lesbian, bisexual, and transgender people against discrimination in jobs, public accommodations, and housing



Source: PRRI 2015 American Values Atlas.

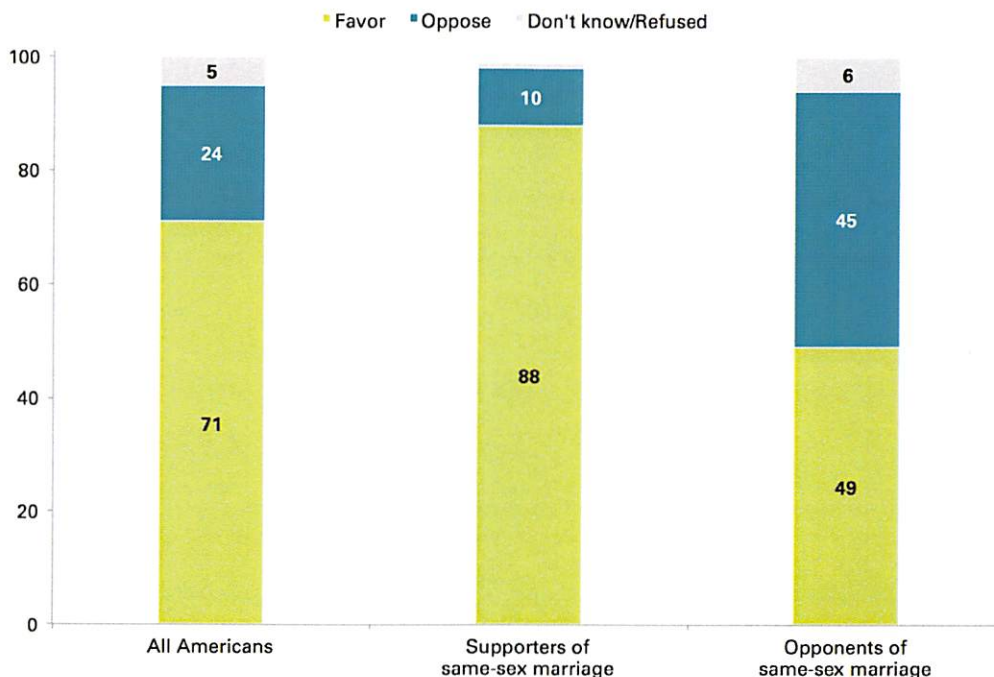
The Complex Relationship Between Support for Same-sex Marriage and Nondiscrimination Laws

Not surprisingly, nearly nine in ten (88%) Americans who support same-sex marriage also support nondiscrimination laws that would protect LGBT people. Notably, same-sex marriage opponents are not uniformly opposed to nondiscrimination laws. Americans who oppose same-sex marriage are divided over nondiscrimination laws for LGBT people (49% favor, 45% oppose).

Similarly, nearly three-quarters (74%) of Americans who reside in states where a majority of residents support same-sex marriage also support nondiscrimination laws for LGBT people. But notably, even among residents of states where a majority are opposed to same-sex marriage, nearly six in ten (58%) nonetheless favor nondiscrimination laws.

Views on LGBT Nondiscrimination Laws by Views on Same-sex Marriage

Do you favor or oppose laws that would protect gay, lesbian, bisexual, and transgender people against discrimination in jobs, public accommodations, and housing?



Source: PRRI 2015 American Values Atlas.

Most Americans Oppose Allowing Businesses to Refuse Service to LGBT People Based on Religious Beliefs

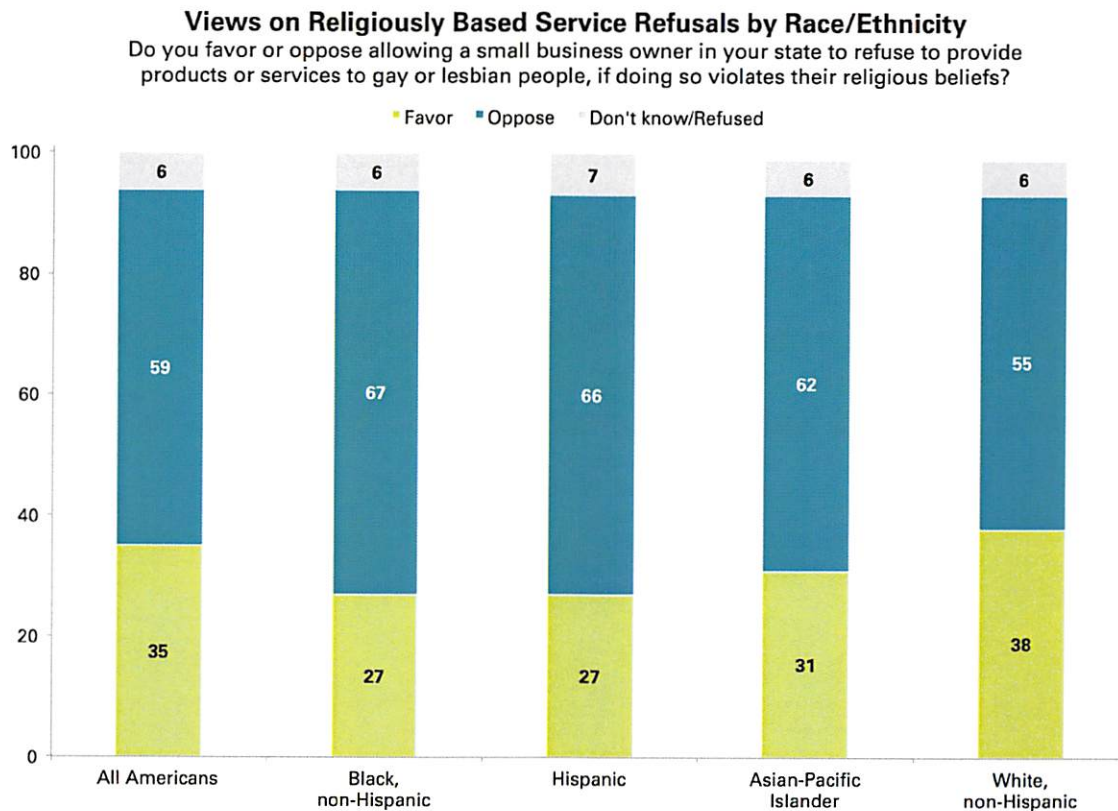
Americans are broadly opposed to allowing small business owners to refuse to provide products or services to gay or lesbian people if doing so violates their religious beliefs. Overall, nearly six in ten (59%) Americans oppose allowing these religiously based service refusals, while 35% favor them.

Service Refusals by Age

Although a majority of Americans from every generation oppose allowing a small business owner to refuse to provide products or services to gay or lesbian people on religious grounds, the degree of opposition varies somewhat by age. Young adults (age 18 to 29) express the highest level of opposition (67%), while seniors (age 65 and older) are somewhat more divided: a majority (53%) oppose allowing small business owners to deny service to gay and lesbian people on religious grounds, while approximately four in ten (39%) favor such a policy.

Service Refusals by Race and Ethnicity

The racial and ethnic division in views about service refusals of LGBT people differs markedly from views on same-sex marriage. Non-white Americans are more likely than their white counterparts to express opposition to religiously based service refusals, though majorities of every racial and ethnic group oppose such refusals. Black (67%) and Hispanic (66%) Americans express the most opposition to allowing small business owners to deny products or services to gay or lesbian people if doing so violates their religious beliefs, followed by Asian-Pacific Islander Americans (62%). A majority (55%) of white Americans also oppose allowing service refusals based on religious beliefs, while approximately four in ten (38%) white Americans favor such a policy.



Source: PRRI 2015 American Values Atlas.

Service Refusals by Religious Affiliation

Most religious traditions express opposition to allowing small business owners to deny service to gay or lesbian customers on religious grounds, with opposition highest among non-Christian religious groups and the religiously unaffiliated. More than seven in ten Unitarian Universalists (83%), Jewish Americans (72%), and unaffiliated Americans (71%) oppose allowing religiously based service refusals of gay or lesbian people, as do approximately two-thirds of Hispanic Catholics (68%), Buddhists (68%), black Protestants (67%), Orthodox Christians (66%), Muslims (65%), and Hindus (64%). Majorities of Hispanic Protestants (58%), white Catholics (58%), and white mainline Protestants (56%) also oppose religiously based service refusals of gay or lesbian people. About half of Jehovah's Witnesses (50%) and other non-white Protestants (48%) oppose religiously based service refusals to gay or lesbian people.

There are only two major religious groups in which a majority *favor* allowing small business owners to refuse products or services to gay or lesbian people if doing so violates their religious beliefs: white evangelical Protestants (56%) and Mormons (58%). Notably, even majorities of

younger white evangelical Protestants and younger Mormons favor religiously based service refusals (54% and 60%, respectively)

Views on LGBT Nondiscrimination Laws by Religious Affiliation

Do you favor or oppose laws that would protect gay, lesbian, bisexual, and transgender people against discrimination in jobs, public accommodations, and housing?

	Favor	Oppose	Don't know/ Refused	N=
All Americans	71	24	5=100	42,586
White evangelical Protestant	57	38	6=100	7,972
White mainline Protestant	72	23	5=100	6,406
Black Protestant	64	31	5=100	3,591
Hispanic Protestant	67	28	6=100	1,232
Other non-white Protestant	61	31	9=100	1,379
Catholic	73	22	5=100	8,946
<i>White Catholic</i>	73	22	5=100	5,878
<i>Hispanic Catholic</i>	75	21	5=100	2,287
<i>Other non-white Catholic</i>	72	25	3=100	781
Jehovah's Witness	52	33	16=100	271
Mormon	72	24	4=100	740
Orthodox Christian	76	20	4=100	217
Unitarian/Universalist	94	3	2=100	111
Jewish	83	14	3=100	765
Muslim	67	26	7=100	299
Buddhist	85	13	3=100	290
Hindu	71	23	7=100	218
Unaffiliated	81	16	3=100	8,591

Source: PRRI 2015 American Values Atlas.

Service Refusals by Political Affiliation

Unsurprisingly, Democrats are significantly more likely than Republicans to oppose allowing small business owners to refuse products or services to gay or lesbian people if doing so violates their religious beliefs. Nearly three-quarters (74%) of Democrats oppose allowing small business owners to refuse to provide products or services to gay or lesbian customers on religious grounds, compared to four in ten (40%) Republicans. A majority (55%) of Republicans favor allowing religiously based service refusals. Independents' opinions more closely align with Democrats than Republicans on this issue, with nearly six in ten (58%) in opposition of allowing religiously based service refusals.

Views on Religiously Based Service Refusals by Party Affiliation and Ideology

Do you favor or oppose allowing a small business owner in your state to refuse to provide products or services to gay or lesbian people, if doing so violates their religious beliefs?

	Favor	Oppose	Don't know/ Refused	N=
All Americans	35	59	6=100	42,586
Republican	55	40	5=100	10,203
<i>Conservative Republican</i>	63	32	4=100	7,037
<i>Moderate Republican</i>	42	53	5=100	2,146
<i>Liberal Republican</i>	32	64	4=100	783
Independent	36	58	6=100	15,766
Democrat	21	74	5=100	13,463
<i>Conservative Democrat</i>	32	62	6=100	2,595
<i>Moderate Democrat</i>	25	71	5=100	3,865
<i>Liberal Democrat</i>	15	82	3=100	6,488

Source: PRRI 2015 American Values Atlas.

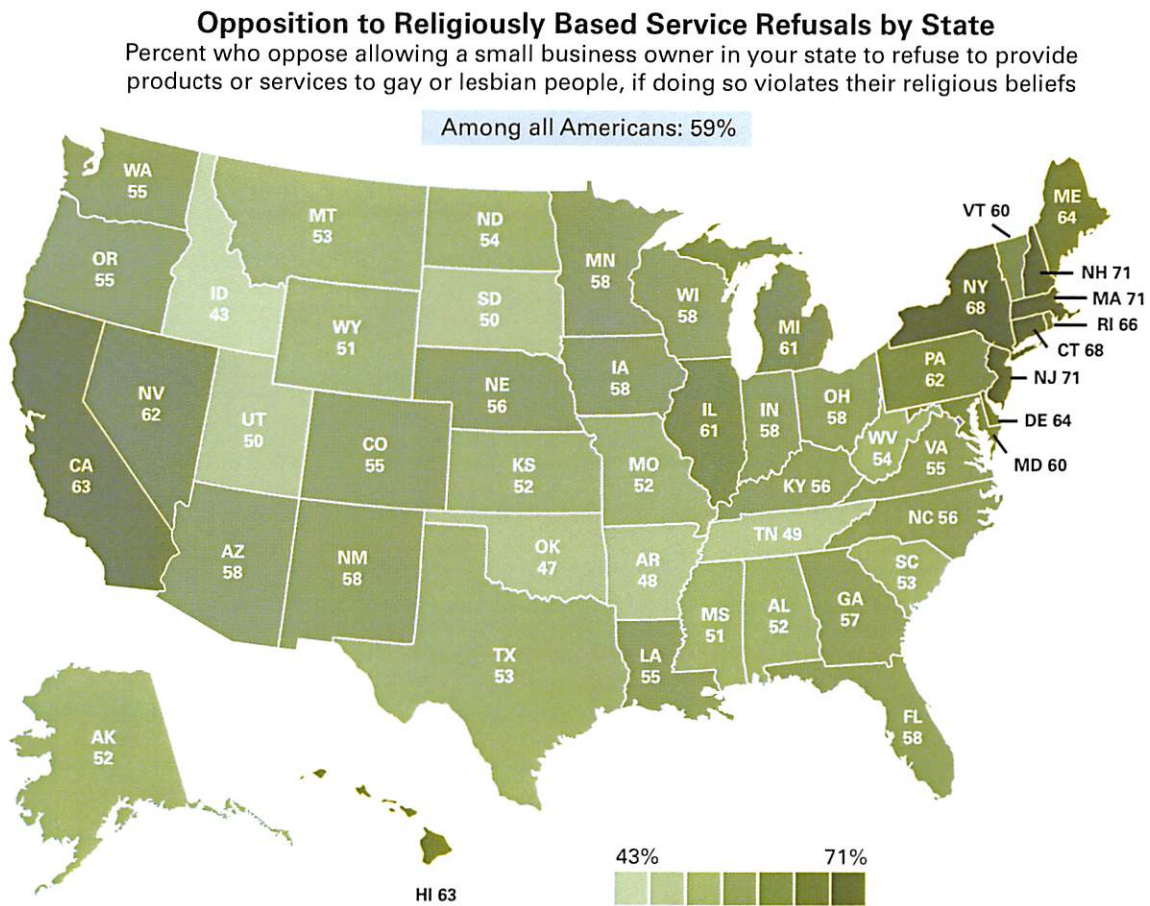
However, there are significant ideological and generational divisions on this issue between Democrats and Republicans. More than eight in ten (82%) liberal Democrats oppose allowing a small business owner with religious conflicts to deny service to a gay or lesbian customer, while a smaller number—though still a majority—of conservative Democrats (62%) express the same opinion. The ideological gap among Republicans is even larger. While more than six in ten (63%) conservative Republicans favor allowing small business owners to refuse service to gay or lesbian people on religious grounds, moderate and liberal Republicans disagree. A majority (53%) of mod-

erate Republicans and nearly two-thirds (64%) of liberal Republicans oppose allowing religiously based service refusals.

There are also modest generational divisions among partisans, particularly among Republicans. While about half (49%) of younger Republicans oppose religiously based service refusals, fewer than four in ten (37%) Republican seniors express the same opinion.

Service Refusals by Geography

A majority of Americans in all four U.S. Census regions oppose allowing small business owners to refuse to provide products or services to gay or lesbian people on religious grounds, though the degree of opposition varies somewhat by region. Two-thirds (67%) of residents in the Northeast oppose allowing service refusals of LGBT people, as do nearly six in ten Americans living in the West (58%) and Midwest (58%). Opposition to religiously based service refusals is lowest in



Source: PRRI 2015 American Values Atlas.

the South, where 55% oppose allowing small business owners to deny service to gay or lesbian customers if doing so violates their religious beliefs; 38% of Southerners favor such a policy. However, there are notable racial divisions among Southern residents. Fewer than half (49%) of white Southerners oppose allowing small business owners to deny service to gay and lesbian customers, while 45% are in favor of this. By contrast, 65% of black Southerners oppose religiously based refusals to serve gay and lesbian people.

Views on religiously based service refusals also vary widely across the 50 states, although in no state is there a majority of support for allowing such a policy. States with the strongest opposition to allowing small business owners to deny service to gay or lesbian customers on religious grounds can be found predominately in the Northeast. Approximately seven in ten residents of New Jersey (71%), Massachusetts (71%), New Hampshire (71%), New York (68%), and Connecticut (68%) oppose religiously based service refusals of gay or lesbian people.

In contrast, Americans living in the South and parts of the West express greater support for allowing small business owners to deny services to gay and lesbian people. Nearly half of Idaho (49%), Oklahoma (46%), Utah (46%), Montana (46%), Arkansas (45%), and Tennessee (45%) residents favor allowing a small business owner to refuse products or services to gay or lesbian customers if doing so violates their religious beliefs.

Majorities of residents living in 30 major metro areas oppose allowing small business owners to refuse to provide products or services to gay or lesbian people on religious grounds. Opposition to religiously based service refusals is highest in Boston (73%), New York City (70%), and Chicago (69%), while opposition is lowest in Dallas (53%), Houston (53%), Portland, Ore. (53%), and Nashville, Tenn. (51%).

Appendix 1: State-Level Tables

TABLE 1: Views on Same-sex Marriage by State

Do you favor or oppose allowing gay and lesbian couples to marry legally?

	Favor	Oppose	Don't know/ Refused	N=		Favor	Oppose	Don't know/ Refused	N=
National	53	37	8=100	42,586					
Alabama	33	60	7=100	657	Montana	49	43	9=100	244
Alaska	60	34	6=100	379	Nebraska	49	43	8=100	331
Arizona	56	36	7=100	829	Nevada	57	35	8=100	352
Arkansas	37	57	6=100	407	New Hampshire	73	19	8=100	189
California	60	30	9=100	3,926	New Jersey	66	26	8=100	1,048
Colorado	65	27	8=100	712	New Mexico	58	34	8=100	307
Connecticut	70	24	7=100	475	New York	63	29	9=100	2,813
Delaware	66	25	8=100	148	North Carolina	46	47	8=100	1,477
Florida	53	37	10=100	2,572	North Dakota	43	44	12=100	155
Georgia	45	47	8=100	1,240	Ohio	53	40	8=100	1,773
Hawaii	61	29	10=100	202	Oklahoma	44	48	8=100	557
Idaho	49	41	10=100	230	Oregon	62	29	9=100	694
Illinois	60	33	7=100	1,514	Pennsylvania	55	36	8=100	1,924
Indiana	52	38	9=100	978	Rhode Island	69	24	6=100	154
Iowa	56	35	9=100	587	South Carolina	40	49	11=100	702
Kansas	53	38	9=100	465	South Dakota	39	57	4=100	155
Kentucky	45	47	8=100	690	Tennessee	37	56	6=100	979
Louisiana	41	49	10=100	602	Texas	46	45	9=100	2,782
Maine	56	35	9=100	226	Utah	46	47	6=100	427
Maryland	54	36	10=100	721	Vermont	69	21	10=100	148
Massachusetts	76	18	6=100	750	Virginia	49	42	9=100	1,168
Michigan	54	38	7=100	1,225	Washington	65	28	7=100	1,027
Minnesota	57	37	6=100	769	West Virginia	45	50	5=100	311
Mississippi	25	65	9=100	423	Wisconsin	55	36	8=100	986
Missouri	48	45	7=100	894	Wyoming	48	43	9=100	139

TABLE 2: Views on LGBT Nondiscrimination Laws by State

Do you favor or oppose laws that would protect gay, lesbian, bisexual, and transgender people against discrimination in jobs, public accommodations, and housing?

	Favor	Oppose	Don't know/ Refused	N=		Favor	Oppose	Don't know/ Refused	N=
National	71	24	5=100	42,586					
Alabama	57	36	7=100	657	Montana	64	32	4=100	244
Alaska	73	22	4=100	379	Nebraska	65	29	7=100	331
Arizona	72	21	6=100	829	Nevada	74	21	4=100	352
Arkansas	57	38	6=100	407	New Hampshire	79	16	5=100	189
California	75	21	5=100	3,926	New Jersey	76	18	6=100	1,048
Colorado	73	23	4=100	712	New Mexico	75	22	3=100	307
Connecticut	77	18	5=100	475	New York	77	19	4=100	2,813
Delaware	69	27	5=100	148	North Carolina	64	31	5=100	1,477
Florida	70	24	6=100	2,572	North Dakota	60	36	5=100	155
Georgia	66	28	6=100	1,240	Ohio	69	26	6=100	1,773
Hawaii	76	21	3=100	202	Oklahoma	60	36	4=100	557
Idaho	70	25	5=100	230	Oregon	77	16	6=100	694
Illinois	75	21	4=100	1,514	Pennsylvania	70	25	4=100	1,924
Indiana	70	24	7=100	978	Rhode Island	84	15	2=100	154
Iowa	71	24	5=100	587	South Carolina	65	28	6=100	702
Kansas	68	26	6=100	465	South Dakota	67	30	3=100	155
Kentucky	63	31	6=100	690	Tennessee	61	33	6=100	979
Louisiana	64	30	6=100	602	Texas	67	27	6=100	2,782
Maine	70	25	6=100	226	Utah	82	17	1=100	427
Maryland	73	22	5=100	721	Vermont	76	16	8=100	148
Massachusetts	83	14	3=100	750	Virginia	67	28	4=100	1,168
Michigan	71	24	5=100	1,225	Washington	75	19	6=100	1,027
Minnesota	73	24	4=100	769	West Virginia	60	35	5=100	311
Mississippi	54	37	9=100	423	Wisconsin	73	23	5=100	986
Missouri	66	30	5=100	894	Wyoming	66	30	4=100	139

Source: PRRI 2015 American Values Atlas.

TABLE 3: Views on Religiously Based Refusals to Serve Gay and Lesbian People by State

Do you favor or oppose allowing a small business owner in your state to refuse to provide products or services to gay or lesbian people, if doing so violates their religious beliefs?

	Favor	Oppose	Don't know/ Refused	N=		Favor	Oppose	Don't know/ Refused	N=
National	35	59	6=100	42,586					
Alabama	41	52	7=100	657	Montana	46	53	2=100	244
Alaska	43	52	4=100	379	Nebraska	37	56	6=100	331
Arizona	37	58	6=100	829	Nevada	31	62	7=100	352
Arkansas	45	48	7=100	407	New Hampshire	24	71	5=100	189
California	30	63	7=100	3,926	New Jersey	23	71	5=100	1,048
Colorado	40	55	5=100	712	New Mexico	35	58	6=100	307
Connecticut	28	68	5=100	475	New York	26	68	6=100	2,813
Delaware	31	64	5=100	148	North Carolina	37	56	7=100	1,477
Florida	35	58	7=100	2,572	North Dakota	38	54	8=100	155
Georgia	37	57	6=100	1,240	Ohio	37	58	6=100	1,773
Hawaii	31	63	6=100	202	Oklahoma	46	47	7=100	557
Idaho	49	43	8=100	230	Oregon	38	55	6=100	694
Illinois	32	61	6=100	1,514	Pennsylvania	32	62	6=100	1,924
Indiana	35	58	6=100	978	Rhode Island	27	66	6=100	154
Iowa	33	58	9=100	587	South Carolina	39	53	8=100	702
Kansas	43	52	4=100	465	South Dakota	41	50	8=100	155
Kentucky	37	56	6=100	690	Tennessee	45	49	6=100	979
Louisiana	39	55	6=100	602	Texas	40	53	7=100	2,782
Maine	31	64	6=100	226	Utah	46	50	4=100	427
Maryland	33	60	7=100	721	Vermont	34	60	6=100	148
Massachusetts	23	71	6=100	750	Virginia	40	55	6=100	1,168
Michigan	33	61	5=100	1,225	Washington	39	55	5=100	1,027
Minnesota	36	58	6=100	769	West Virginia	40	54	7=100	311
Mississippi	43	51	7=100	423	Wisconsin	35	58	6=100	986
Missouri	42	52	6=100	894	Wyoming	43	51	7=100	139

Appendix 2: Survey Methodology

This analysis is based on the 2015 American Values Atlas (AVA), a project of Public Religion Research Institute (PRRI). Results were based on 42,586 RDD telephone interviews (including 21,259 cell phone interviews) conducted between April 29, 2015 and January 7, 2016 by professional interviewers under the direction of SSRS. The AVA was made possible by generous grants from The Ford Foundation, The Carnegie Corporation of New York, The Arcus Foundation, The Gill Foundation and The Nathan Cummings Foundation.

During the field period, at least 1,000 interviews were completed each week, with about 500 interviews conducted among respondents on their cell phones. Each week, interviewing occurred over a five-day period, from Wednesday through Sunday or from Thursday through Monday. The selection of respondents within households was accomplished by randomly requesting to speak with the youngest adult male or female currently living in the household.

Data collection was based on stratified, single-stage, random-digit-dialing (RDD) of landline telephone households and randomly generated cell phone numbers. The sample was designed to represent the total U.S. adult population from all 50 states, including Hawaii and Alaska. The landline and cell phone samples were provided by Marketing Systems Group.

The weighting was accomplished in two separate stages. The first stage of weighting corrects for different probabilities of selection associated with the number of adults in each household and each respondent's telephone usage patterns. In the second stage, sample demographics were balanced to match target population parameters for gender, age, education, race and Hispanic ethnicity, region (U.S. Census definitions), population density, and telephone usage. The population density parameter was derived from 2010 U.S. Census data. The telephone usage parameter came from an analysis of the July-December 2014 National Health Interview Survey. All other weighting parameters were derived from an analysis of the U.S. Census Bureau's March 2015 Current Population Survey.

The sample weighting was accomplished using iterative proportional fitting (IFP), a process that simultaneously balances the distributions of all variables. Weights are trimmed so that they do not exceed 4.0 or fall below 0.25 to prevent individual interviews from having too much influence on the final results. The use of these weights in statistical analysis ensures that the demographic characteristics of the sample closely approximate the demographic characteristics of the target populations.

Table 1 shows the sample sizes and margins of error for each state, and Table 2 provides the sample sizes and margins of error for 30 major metropolitan areas. The margin of error for the national sample is +/- 0.6 percentage points at the 95% level of confidence. The design effect for national

sample is 1.4. In addition to sampling error, surveys may also be subject to error or bias due to question wording, context, and order effects.

TABLE 1: State Sample Sizes and Margins of Error

	Sample size	Margin of error		Sample size	Margin of error
National	42,586	+/- 0.6			
Alabama	657	+/- 4.6	Montana	244	+/- 7.4
Alaska	379	+/- 6.0	Nebraska	331	+/- 6.4
Arizona	829	+/- 4.0	Nevada	352	+/- 6.2
Arkansas	407	+/- 5.8	New Hampshire	189	+/- 8.3
California	3,926	+/- 1.9	New Jersey	1,048	+/- 3.5
Colorado	712	+/- 4.4	New Mexico	307	+/- 6.8
Connecticut	475	+/- 5.3	New York	2,813	+/- 2.2
Delaware	148	+/- 9.6	North Carolina	1,477	+/- 3.1
Florida	2,572	+/- 2.3	North Dakota	155	+/- 9.3
Georgia	1,240	+/- 3.3	Ohio	1,773	+/- 2.8
Hawaii	202	+/- 8.1	Oklahoma	557	+/- 5.0
Idaho	230	+/- 7.8	Oregon	694	+/- 4.5
Illinois	1,514	+/- 3.0	Pennsylvania	1,924	+/- 2.7
Indiana	978	+/- 3.7	Rhode Island	154	+/- 9.6
Iowa	587	+/- 4.8	South Carolina	702	+/- 4.4
Kansas	465	+/- 5.4	South Dakota	155	+/- 9.9
Kentucky	690	+/- 4.5	Tennessee	979	+/- 3.8
Louisiana	602	+/- 4.8	Texas	2,782	+/- 2.2
Maine	226	+/- 7.7	Utah	427	+/- 5.6
Maryland	721	+/- 4.2	Vermont	148	+/- 9.5
Massachusetts	750	+/- 4.3	Virginia	1,168	+/- 3.5
Michigan	1,225	+/- 3.3	Washington	1,027	+/- 3.7
Minnesota	769	+/- 4.3	West Virginia	311	+/- 6.6
Mississippi	423	+/- 5.7	Wisconsin	986	+/- 3.7
Missouri	894	+/- 4.0	Wyoming	139	+/- 9.8

Source: PRRI 2015 American Values Atlas.

TABLE 2: Metropolitan Area Sample Sizes and Margins of Error

	Sample size	Margin of error
National	42,586	+/- 0.6
Atlanta	621	+/- 4.7
Boston	515	+/- 5.0
Charlotte	309	+/- 6.6
Chicago	1,014	+/- 3.6
Cincinnati	355	+/- 6.2
Cleveland	286	+/- 7.1
Columbus	275	+/- 7.0
Dallas	685	+/- 4.4
Denver	350	+/- 6.2
Detroit	495	+/- 5.2
Houston	632	+/- 4.6
Indianapolis	256	+/- 7.2
Kansas City	295	+/- 6.8
Las Vegas	247	+/- 7.4
Los Angeles	1,152	+/- 3.4
Miami	633	+/- 4.6
Milwaukee	243	+/- 7.3
Minneapolis-St. Paul	450	+/- 5.5
Nashville	241	+/- 7.6
New York City	2,609	+/- 2.2
Orlando	273	+/- 7.1
Philadelphia	793	+/- 4.1
Phoenix	524	+/- 5.0
Pittsburgh	398	+/- 5.9
Portland	369	+/- 6.1
San Francisco	463	+/- 5.4
Seattle	415	+/- 5.7
St. Louis	386	+/- 6.0
Tampa-St. Petersburg	390	+/- 5.9
Washington, D.C.	759	+/- 4.2

Source: PRRI 2015 American Values Atlas.

Appendix 3: About PRRI and the Authors

Public Religion Research Institute (PRRI)

Public Religion Research Institute (PRRI) is a nonprofit, nonpartisan organization dedicated to research at the intersection of religion, values, and public life.

PRRI's mission is to help journalists, opinion leaders, scholars, clergy, and the general public better understand debates on public policy issues and the role of religion and values in American public life by conducting high quality public opinion surveys and qualitative research. As members of the American Association for Public Opinion Research (AAPOR), the American Political Science Association (APSA), and the American Academy of Religion (AAR), our research team follows the highest research standards of independence and academic excellence.

PRRI is a member organization of the National Council on Public Polls, an association of polling organizations established in 1969, which sets the highest professional standards for public opinion researchers. PRRI is also a supporting organization of the Transparency Initiative at AAPOR, an initiative to place the value of openness at the center of the public opinion research profession.

As a research organization, PRRI does not take positions on, nor do we advocate for, particular policies. Research supported by its funders reflects PRRI's commitment to independent inquiry and academic rigor. Research findings and conclusions are never altered to accommodate other interests, including those of funders, other organizations, or government bodies and officials.

History

Since our founding in 2009, PRRI research has become a standard source of trusted information among journalists, scholars, policy makers, clergy, and the general public. PRRI research has been cited in thousands of media stories and academic publications, and plays a leading role in deepening public understanding of the changing religious landscape and its role in shaping American politics. In addition to our bimonthly PRRI/RNS Religion News Survey conducted in partnership with Religion News Service and our annual flagship American Values Survey, PRRI conducts a number of major national surveys focused on a range of issues at the intersection of religion, values, and public life. Each year, the PRRI research team also publishes peer review articles based on our research in leading academic journals and books. For a full list of recent projects, see our research page: www.publicreligion.org/research/.

PRRI also maintains a lively online presence on Facebook (www.facebook.com/publicreligion), Twitter (www.twitter.com/publicreligion), and LinkedIn (www.linkedin.com/company/prri).

Robert P. Jones, Ph.D., CEO

Dr. Robert P. Jones is the CEO of PRRI and a leading scholar and commentator on religion, culture, and politics. He is the author of *The End of White Christian America*, several other books, and numerous peer-review articles on religion and public policy. Dr. Jones writes a column for The Atlantic online on politics and culture and appears regularly in a "Faith by the Numbers" segment on *Interfaith Voices*, the nation's leading religion news magazine on public radio. He is frequently featured in major national media such as *CNN*, *NPR*, *The New York Times*, *The Washington Post*, and others.

Dr. Jones serves as the Co-Chair of the national steering committee for the Religion and Politics Section at the American Academy of Religion and is a member of the editorial boards for *The Journal of the American Academy of Religion* and for *Politics and Religion*, a journal published by Cambridge University Press for the American Political Science Association. He is also an active member of the American Sociological Association, the Society for the Scientific Study of Religion, and the American Association of Public Opinion Research. He holds a Ph.D. in religion from Emory University, where he specialized in sociology of religion, politics, and religious ethics. He also holds a M.Div. from Southwestern Baptist Theological Seminary. In 2013, Dr. Jones was selected by Emory University's Graduate Division of Religion as Distinguished Alumnus of the Year.

Before founding PRRI, Dr. Jones worked as a consultant and senior research fellow at several think tanks in Washington, DC, and was assistant professor of religious studies at Missouri State University.

Daniel Cox, Ph.D., Director of Research

Dr. Cox is the Research Director of PRRI, specializing in survey research, youth politics, and religion. He has coauthored several academic book chapters on topics relating to religious polarization and gay and lesbian issues in the black Church. His work has been cited in numerous national news publications including the *New York Times*, the *Christian Science Monitor*, *CNN*, the *Washington Post*, and others. Dr. Cox holds an M.A. and a Ph.D. in American Government from Georgetown University, as well as a B.A. in political science from Union College. Prior to joining PRRI, he served as Research Associate at the Pew Forum on Religion & Public Life, where he worked as part of the core research team. He is an active member of the American Association of Public Opinion Research (AAPOR) and the American Political Science Association (APSA).

Betsy Cooper, Ph.D., Research Associate

Dr. Cooper is a Research Associate at PRRI, specializing in American politics, public opinion, ideals of citizenship, and sexual orientation. She has also completed research exploring women's groups within the Religious Right. Dr. Cooper holds a Ph.D. and M.A. in Political Science from the University of Washington, Seattle, and a B.A. in Politics from Hendrix College. She has co-au-

thored several papers on topics ranging from the Tea Party to rights framing, and has presented her work at the American Political Science, Midwestern Political Science, and Western Political Science Associations' annual conferences. She is an active member of the American Political Science Association (APSA) and the American Association of Public Opinion Research (AAPOR).

Rachel Lienesch, Research Analyst

Ms. Lienesch has conducted extensive quantitative and qualitative research about American politics. Prior to joining PRRI, Ms. Lienesch worked as a Polling Fellow at the Huffington Post, where she reported on polling trends and constructed surveys on major national political events. She earned her B.A. in Government from the College of William & Mary. She has done research on topics ranging from the effect of party competence evaluations in national elections to the Tea Party, and has presented her work at the Midwestern Political Science Association's annual conference. She is an active member of the American Association of Public Opinion Research (AAPOR).

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EXHIBIT NO. CSE-14
CAUSE NO. 3:16cv442cwr-lra
WITNESS Jones
CLERK JOYCE SMITH

JUN 24 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
C. Bond, REPORTER

PewResearchCenter

MAY 12, 2016

Support steady for same-sex marriage and acceptance of homosexuality

BY HANNAH FINGERHUT ([HTTP://WWW.PEWRESEARCH.ORG/AUTHOR/HFINGERHUT/](http://www.pewresearch.org/author/hfingerhut/))

(http://www.pewresearch.org/ft_16-04-11_samesex_support/) Nearly a year ago, the U.S. Supreme Court issued an unprecedented ruling (http://www.nytimes.com/2015/06/27/us/supreme-court-same-sex-marriage.html?_r=0) that determined same-sex couples had a constitutional right to marry, a decision that legalized same-sex marriage throughout the country. While the public's attitudes toward gay marriage remain unchanged from a year ago, they have changed dramatically over the past two decades.

Now, just over half of Americans (55%) say they favor allowing gays and lesbians to marry legally, while 37% remain opposed, according to Pew Research Center's March (<http://www.people-press.org/2016/03/31/2-views-on-immigration-diversity-social-issues/>) poll. A decade ago, the balance of opinion was reversed: 55% were opposed, while 35% were in favor.

(Interactive: See a slideshow

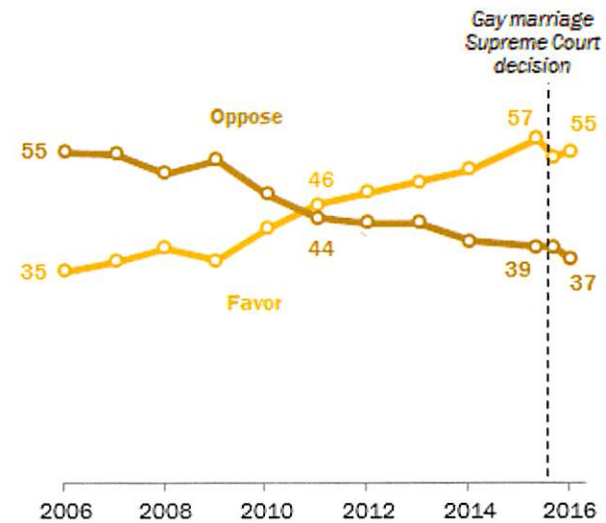
(<http://www.pewforum.org/2016/05/12/changing-attitudes-on-gay-marriage/>) illustrating changing attitudes on same-sex marriage.)

(http://www.pewresearch.org/ft_16-04-11_samesex_conservgop/) And as was the case a year ago, there remains a substantial divide between partisans on the issue. Democrats are more than twice as likely as Republicans to favor gay marriage (70% vs. 33%).

Yet there are key differences within the two parties as well. Among Republicans, 71% of conservative Republicans oppose allowing gays and lesbians to marry legally, more than twice the share of GOP moderates and liberals (34%). A 55% majority of moderate and liberal Republicans favor allowing same-sex marriage.

Support for same-sex marriage holds steady after 2015 Supreme Court ruling

% who __ allowing gays and lesbians to marry legally



Note: Don't know responses not shown. Data points for 2014 and earlier represent annual totals. Source: Survey conducted March 17-26, 2016.

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PLAINTIFF'S EXHIBIT
CSE-16

Within the GOP, these ideological differences also are notable across voters' primary preferences for the party's 2016 presidential nominee. About half (52%) of GOP voters who back Donald Trump (now the party's presumptive nominee) say they oppose same-sex marriage, compared with 70% who preferred Ted Cruz and just 37% who backed John Kasich.

Democrats across the board are supportive of gay marriage (70% favor, 24% oppose), with slight differences by ideology and candidate preference. Liberal Democrats overwhelmingly support gay marriage (84%), compared with a smaller majority of their conservative and moderate counterparts (59% favor). And a wide 83% majority of Bernie Sanders supporters are supportive of gays and lesbians marrying legally (just 15% are opposed), compared with a smaller majority of Hillary Clinton supporters (68%).

(http://www.pewresearch.org/ft_16-04-11_samesex_demographics/) Views on gay marriage also vary by age, education and religious affiliation.

The March survey finds a familiar pattern in views of same-sex marriage across age categories: People younger than 30 are most supportive (73%), followed by those who are ages 30 to 49 (61%), those 50 to 64 (47%) and, finally, those 65 and older (38%).

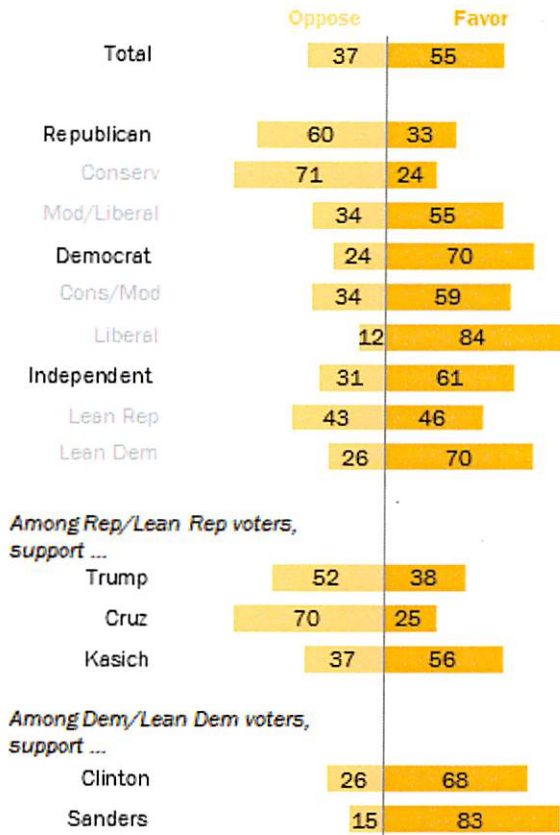
Among those with higher levels of education, there is widespread support. A large majority of the public with at least a college degree (68%) say same-sex marriage should be legal. By contrast, those with a high school degree or less education are split on the issue: While 45% favor same-sex marriage, 46% are opposed.

Views also differ across religious groups, as well as by frequency of religious service attendance. White evangelical Protestants are far more likely to oppose than to favor same-sex marriage (68% vs. 27%). By contrast, most white mainline Protestants (64%) and Catholics (58%) favor gay marriage. Among the religiously unaffiliated, 80% favor same-sex marriage, while just 12% are opposed.

Views of societal acceptance of homosexuality

Conservative Republicans remain broadly opposed to same-sex marriage

% who ___ allowing gays and lesbians to marry legally



Note: Candidate supporters based on registered voters. Don't know responses not shown. Source: Survey conducted March 17-26, 2016.

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(http://www.pewresearch.org/ft_16-04-11_homosexuality_religiousgroups/) Today, a 63% majority say homosexuality should be accepted by society, a share that also has grown over the past few decades. Fewer (28%) say homosexuality should be discouraged. But there are differences on the issue among religious and partisan groups.

Some religious groups have become more accepting (<http://www.pewresearch.org/fact-tank/2015/12/18/most-u-s-christian-groups-grow-more-accepting-of-homosexuality/>) of homosexuality over time while others remain steady. Ten years ago, a 77% majority of those unaffiliated with a religion said homosexuality should be accepted by society, and still today fully 80% say this.

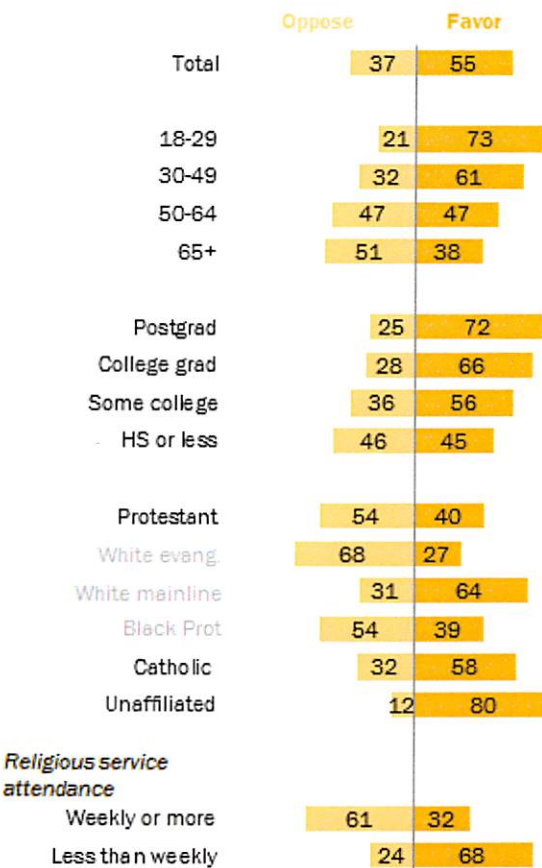
Protestants overall are more likely than they were 10 years ago to say homosexuality should be accepted by society (52% now vs. 38% then). However, Protestant groups continue to have different views of this issue. Among white evangelical Protestants, a third (34%) say homosexuality should be accepted by society, a share that has increased 12 percentage points from 2006. And half of black Protestants now think that homosexuality should be accepted by society, up just slightly from 44% a decade ago.

By contrast, a large majority of white mainline Protestants hold the view that homosexuality should be accepted by society, and this share also has increased over time: Fully three-quarters say this now (76%), compared with 53% in 2006.

Two-thirds of Catholics now say homosexuality should be accepted by society, compared with 22% who say it should be discouraged. Views among Catholics have shifted modestly over the past

Younger, more educated, less religious more likely to support gay marriage

% who ___ allowing gays and lesbians to marry legally

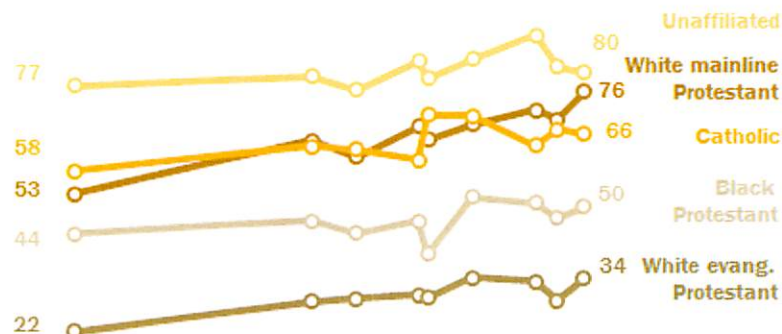


Note: Don't know responses not shown.
Source: Survey conducted March 17-26, 2016.

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Changing views among religious groups on whether homosexuality should be accepted

% who say homosexuality should be accepted by society



decade: The share that says homosexuality should be accepted is up 8 points from 2006 (58% said accepted then, 31% discouraged).

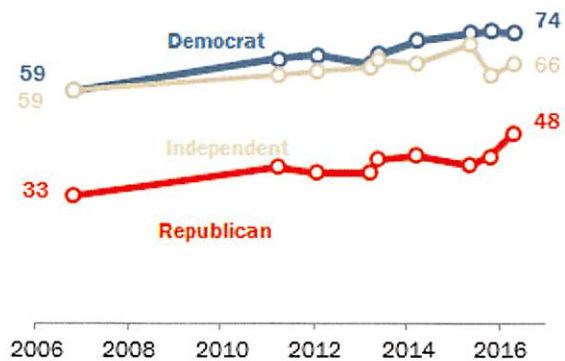


(http://www.pewresearch.org/ft_16-04-11_homosexuality_partysupport/) When it comes to differences among partisans on whether homosexuality should be accepted by society, there has been a persistent 26-point gap between Republicans and Democrats over the course of a decade.

About three-quarters of Democrats (74%) hold the view that homosexuality should be accepted, up from 59% in 2006. Though slightly fewer independents say the same, they have closely mirrored Democrats on this question over the past decade. Today, two-thirds of independents say homosexuality should be accepted by society, while 25% say it should be discouraged.

Increasing shares in both parties say homosexuality should be accepted

% who say homosexuality should be accepted by society



(http://www.pewresearch.org/ft_16-04-11_homosexuality_conservgop/) Just about half of Republicans (48%) now say homosexuality should be accepted, a number that has ticked up

15 points from its low 10 years ago. Republicans today are somewhat more likely than they were a year ago to say homosexuality should be accepted by society. Up until a year ago, a majority of Republicans thought homosexuality should be discouraged by society, but views have since become more mixed. While 41% of Republicans now say homosexuality should be discouraged, 48% think it should be accepted by society.

Conservative Republicans remain more likely to say homosexuality should be discouraged than say it should be accepted, but just about half say this today (49%) compared with 63% in May 2015.

By contrast, seven-in-ten moderate and liberal Republicans now say homosexuality should be accepted (71%), which is little changed since May 2015.

Hannah Fingerhut (<http://www.pewresearch.org/author/hfingerhut/>) is a research assistant focusing on U.S. politics and policy at Pew Research Center.

POSTS | EMAIL

19 Comments

Over the past year, declining share of conservative Republicans say homosexuality should be discouraged

% saying homosexuality should be accepted or discouraged by society



John S Wren • 2 weeks ago (#comment-669809)

Two aspects to this issue, private behavior and public affirmation. My hunch is that the 71% of conservatives you highlight at the top of your chart are thinking of this glorification when they say they object because of the beliefs that the law educates and that laws are based on more than logic, so what you may be measuring is not so much attitudes towards behavior but attitudes towards the role of and nature of the law.

	May 2015		Oct. 2015		April 2016		May-April change in Accepted
	Accept- ed %	Dis- courag- ed %	Accept- ed %	Dis- courag- ed %	Accept- ed %	Dis- courag- ed %	
Total	63	30	60	30	63	28	0
Republican	40	54	43	46	48	41	+8
Conservative Rep	30	63	33	54	39	49	+9
Mod/Lib Rep	63	33	64	28	71	23	+8
Independent	71	23	63	27	66	25	-5
Democrat	74	21	74	20	74	20	0
Cons/Mod Dem	66	27	66	27	61	31	-5
Liberal Dem	87	11	85	11	87	8	0

Note: Don't know responses not shown.
Source: Survey conducted April 12-19, 2016.

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Anonymous • 1 month ago (#comment-668865)

Two men can't start a family because it's biologically impossible. Here are 10 good reasons why same-sex "marriage" is not really marriage. Brush up on what you know.
[tfstudentaction.org/politically...](http://www.tfstudentaction.org/politically-incorrect/homosexuality/10-reasons-why-homosexual-marriage-is-harmful-and-must-be-opposed.html) (http://www.tfstudentaction.org/politically-incorrect/homosexuality/10-reasons-why-homosexual-marriage-is-harmful-and-must-be-opposed.html)
Good read. Logical.

Keenan Wilkie • 1 month ago (#comment-668877)

The "reasons" listed rely upon religious assumptions, which makes them inherently illogical. An appeal to an assumed religious belief is the antithesis of logic.

Matthew Vince • 4 weeks ago (#comment-669082)

If it's biologically impossible than how are they able to raise children? I guess you're opposed to single parent adoption then, right?

Dave Jannsen • 2 weeks ago (#comment-669831)

Matt - you're absolutely right. Speaking as a practicing Catholic, and former seminarian for a year: the natural law argument is ridiculous. Pope Francis said we should focus on the poor, and policy that affects them- like by opposing tax cuts for the rich instead of abortion and gay marriage. The issue of "natural law" - is that contraception is "unnatural" and everything including sexual habits must fulfill the natural purpose of the genitals. Well, this idea is based on Thomas Aquinas's ideas from the 14th century, before people factored in PSYCHOLOGICAL SCIENCE and recognized that sexuality isn't just about "natural law" it's also about love to unite two people. Laws in a secular state shouldn't favor relationships; but beyond this, natural law in the Catholic religious context is fuels our opposition to contraception, and gay marriage. I believe we will see the "development of doctrine" AKA CHANGES that recognize that natural law is not the be all and end all: and gay marriage and contraception will be permitted by Catholics-DOWN THE ROAD.

Anonymous • 1 month ago (#comment-668780)

Unfortunately Every generation has chosen a group of people to hate.

Don't trust "those people", they are lazy and shiftless.

Don't trust "those people", they will cheat you in business.

Don't trust "those people", they are all immoral.

Being gay is a gift from God. A gift that can be used or abused. God brought my loving husband into my life 28 years ago, and I thank God for this gift every day.

Signed...Your gay brother in Christ.

Anonymous • 1 month ago (#comment-668761)

The question is, and always has been, "Is change possible?" Are there individuals who have, through counseling, changed their sexual orientation? The simple answer is, "Yes." They decided for their own reasons to change. Do they have the right to self-determination? The simple answer again is, "yes."

Ross Clark • 1 month ago (#comment-668813)

Is this comment a joke? Being gay is no more a choice than someone being straight is. Valid studies have shown gay to straight conversion therapies do not work. All of the major psychological associations (APA, AMA, etc.) have discredited conversion therapies and labeled them potentially harmful. Even Spitzer apologized for his flawed study claiming success. Scientists are not sure what exact role genetics, biology, and environmental factors play, but all major, valid scientific studies (and the vast majority of gay people themselves) confirm that being gay is not a choice. Even the Catholic Church acknowledges this. Do some research using legitimate scientific sites and valid sources. Stop spreading this ridiculous lie.



Ross Clark • 1 month ago (#comment-668815)

Is this comment a joke? Being gay is not a choice any more than being straight is. This is common knowledge in the scientific community and, more importantly, among the vast majority of gay people themselves! Gay conversion therapy is discredited by the major psychological associations (APA, AMA, etc). It has failed for the majority of participants and is even considered potentially harmful. While science is still investigating the exact role that genetics, biology, and environmental factors play, all the major and valid scientific organizations agree that sexuality is not a choice. Even the Catholic Church acknowledges it is not a choice. Do some valid research from credible sources... but I have a feeling you know the truth and are just spreading lies.



Anthony Medel • 1 month ago (#comment-668846)

"Reparative therapy" has been denounced by every reputable mental health agency in this country because of the damage it causes gay people.

Exodus International, formerly the world's largest "ex-gay" ministry, shuttered its doors recently, apologizing to the gay community for the failures of its methods. Even when they were in business, they admitted that suppression, not true change, was the best they could hope for.



Moses Hathway • 1 month ago (#comment-668543)

Funny how people's decision decides whether I should follow my heart or now. If I am born gay and if majority doesn't like that, I deserve to die? If a person was born black and majority didn't like that, does that mean he should kill himself and he won't be given equal rights? Stop with these disgusting percentages and statistics, we are talking about humans with lives here, not puppets who roll in a society based on what others decide for them about how they should live their lives.



Anonymous • 1 month ago (#comment-668703)

No one decides for you what path to follow. First, you were not born "gay", your choice of that life style is up to you just as everyone makes choices everyday; good, bad or sinful. Following a gay life style has nothing to do with race. Your choice, as for all of mankind is to live according to what God says is righteous, Romans 1 & 2, or in conflict with God's Word. And all miss the mark often, but repentance brings man back to a right relationship with God.

Yes, when people judge you for your choices they are in violation of Romans 1 and 2 also. God is the only one who is righteous to judge you, me or anyone. All who judge others without repentance will be held accountable for judging (playing God). Instead of judgement they should share the Gospel. While all believe they are on the right path, all will die and then comes true righteous judgement that will last for eternity. My prayer is for you to seek after God through the work of His Son, Jesus Christ, the only way to a right relationship with God.



Darlene Bryant • 1 month ago (#comment-668715)

Were you born heterosexual?

Anonymous • 1 month ago (#comment-668716)

There's no God, grow up, and I'm gay and we don't choose to be gay at all, I'm glad America is overcoming it's homophobic pass, here in Brazil things are improving a bit too, we have gay marriage here since 2013, even though there's a large percentage of evangelicals bigots against it.



Alan Gragnani • 1 month ago (#comment-668755)

The problem with this issue is it's purpose is to "polarize" the Democrats and Republicans. It's a talking point, but it sole intent, is getting the vote. Obama, HRC and many others, were on the opposite side of this issue several years ago. Now that it is not PC, they move to a new position. The new issue is transgender, again, PC and the vote. They really don't believe in what they say, unless it benefits them in their election cycle. If individuals believe in their position, that does not make them a bigot or racist, but a free thinking individual exercising their rights.



Anthony Medel • 1 month ago (#comment-668848)

Being gay is every bit as innate as being straight. When did you choose to be straight? We live in a country that values freedom of choice. Your religion is a matter of choice. You aren't born a Christian. It makes absolutely no difference if something is a choice or not. But if you actually take gay people at their word for what they experience, you'd understand that being gay is no different from being left-handed or good at math.



Anonymous • 4 weeks ago (#comment-669224)

Don't try to justify their actions. People choosing to commit a crime is the same as deciding who you want to have sex with. It is a choice.



Ken Martin • 1 month ago (#comment-668508)

I'd be interested in knowing the percentages for Catholics who attend religious services weekly or more.



John Bladel • 1 month ago (#comment-668720)

Pew released a large and interesting study on "Catholics and Family Life" in September 2015:

[pewforum.org/2015/09/02/u-s-cath...](http://www.pewforum.org/2015/09/02/u-s-catholics-open-to-non-traditional-families/) (<http://www.pewforum.org/2015/09/02/u-s-catholics-open-to-non-traditional-families/>)

As you probably guessed, the majority of Catholics who attend mass weekly consider "homosexual behavior" to be sinful, whereas most "less observant" Catholics do not consider gay behavior to be sinful. As a practicing cradle Catholic, I found the full PDF report worth reading.

EXHIBIT NO. CSE-16
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JUN 24 2016

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C. Bond, REPORTER

2

ROBERT P. JONES, PH.D.

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BIO

Dr. Robert P. Jones is the founding CEO of PRRI and a leading scholar and commentator on religion and politics. He is the author of three books and numerous peer-review articles on religion and public policy. Dr. Jones writes a regular column at [The Atlantic](#) on politics, culture, and religion. His “Faith by the Numbers” segment is also a regular feature on [Interfaith Voices](#), the nation’s leading religion news magazine on public radio, which is carried on NPR stations around the country.

Dr. Jones serves as the Co-Chair of the national steering committee for the Religion and Politics Section at the [American Academy of Religion](#) and is a member of the editorial boards of *The Journal of the American Academy of Religion* and of *Politics and Religion*, a journal of the [American Political Science Association](#). He is also an active member of the American Political Science Association, the American Sociological Association, and the American Association of Public Opinion Research. He holds a Ph.D. in religion from Emory University, where he specialized in sociology of religion, politics, and religious ethics. He also holds a M.Div. from Southwestern Baptist Theological Seminary. Dr. Jones was named “Alumnus of the Year” by Emory University’s Graduate Division of Religion in 2013 and by Mississippi College’s mathematics department in 2016.

Before founding PRRI, Dr. Jones worked as a consultant and senior research fellow at several think tanks in Washington, DC, and was assistant professor of religious studies at Missouri State University. Dr. Jones is frequently featured in major national media such as MSNBC, CNN, NPR, The New York Times, The Washington Post, Time Magazine, and others. Dr. Jones’ books are *The End of White Christian America* (Simon & Schuster, forthcoming July 2016) *Progressive & Religious: How Christian, Jewish, Muslim, and Buddhist Leaders are Moving Beyond the Culture Wars and Transforming American Public Life* (Rowman & Littlefield, 2008) and *Liberalism’s Troubled Search for Equality* (University of Notre Dame Press, 2007).

SELECTED PUBLICATIONS AND PRESENTATIONS

Books

The End of White Christian America (Simon & Schuster, forthcoming July 2016).

Progressive & Religious: How Christian, Jewish, Muslim, and Buddhist Leaders are Moving Beyond the Culture Wars and Transforming American Public Life (Rowman & Littlefield, 2008).

Liberalism’s Troubled Search for Equality: Religion and Cultural Bias in the Oregon Debates over Physician-Assisted Suicide (University of Notre Dame Press, 2007).

Articles and Book Chapters

With Melissa Deckman and Daniel Cox, “Faith and the Free Market: Evangelicals’ Attitudes about Economic Policy,” *Politics and Religion* (accepted, forthcoming).

With Brian Calvano, Paul A. Djupe, and Daniel Cox, “Muslim Mistrust: The Resilience of Negative Public Attitudes after Complimentary Information,” *Journal of Media and Religion* 15:1 (March 2016).

ROBERT P. JONES, PH.D.

- With Daniel Cox and Juhem Navarro-Rivera, "Non-Religious Tolerance: American Attitudes Toward Atheists," in Paul A. Djupe, ed., *Religion and Political Tolerance in America: Advances in the State of the Art* (Temple University Press, 2015).
- With Daniel Cox, "Toeing the Party Line: Partisan Polarization among Catholics and Protestants (1972-2008)," in William V. D'Antonio, Steven A. Tuch, and Josiah R. Baker, eds., *Religion, Politics, and Polarization: How Religiopolitical Conflict Is Changing Congress and American Democracy* (Rowman and Littlefield, 2013).
- With Daniel Cox, "Liberal, with 'Conservative Vibrations': African American Protestants and the Struggle Over Legal Rights for Gay and Lesbian Couples," in Clyde Wilcox and David Rayside, eds., *Faith, Politics, and Sexual Diversity in the United States and Canada* (University of British Columbia Press, 2012).
- With Daniel Cox, "President Barack Obama and his Faith," in Mark Rozell and Gleaves Whitney, eds., *Religion and the American Presidency* (Palgrave MacMillan, 2012).
- With Robert Francis, "The Black and White of Moral Values: The Complex Relationships between Religious Attendance and 'Moral Values' among White Evangelicals and Black Protestants," in Nancy Wadsworth and Robin Jacobson, eds., *Faith and Race in American Political Life* (University of Virginia Press, 2012).
- "Ethnography as Revelation," in Christian Scharen and Todd Whitmore, eds., *Ethnography as Christian Theology and Ethics* (Continuum, 2012).
- "Defining the Problem: The Demographic and Partisan Shift within Evangelical Churches," in Mike Slaughter, Charles Gutenson, and Robert P. Jones, *Hijacked: Responding to the Partisan Church Divide* (Abingdon Press, 2012).
- With Melissa C. Stewart, "The Unintended Consequences of Dixieland Postliberalism," *Crosscurrents: The Journal of the Association for Religion and Intellectual Life* 55:4 (winter 2006).
- "Liberalism, Political and Theological" (2500 words, peer-reviewed), in *The Encyclopedia of Pentecostal and Charismatic Christianity* (Routledge, 2005).
- "Cultural Bias and Liberal Neutrality: Reconsidering the Relationship between Religion and Liberalism through the Lens of the Physician-Assisted Suicide Debate." *The Journal of the Society of Christian Ethics* 22 (2002): 229-263.
- "Revision-ing Baptist Identity from a Theocentric Perspective." *Perspectives in Religious Studies* 26:1 (spring 1999): 35-57.

Selected Conference Presentations, Lectures, and Panels

- Invited academic lectures: Al-Azhar University (Cairo, Egypt); Beijing Foreign Service University (Beijing, China); Duke University; Elon University; Emory University; Johns Hopkins University; Lewis and Clark College; Massachusetts Institute of Technology (MIT); Mercer University; Missouri State University; North Carolina State University; Oregon State University; Princeton University; University of California, Santa Barbara; University of Puget Sound; Vanderbilt University; Wake Forest University; Washington College, Washington University.
- Invited Think Tank/Governmental Presentations and Panels: Aspen Institute, Brookings Institution, Council on Foreign Relations, Department of State; U.S. Senate; U.S. House of Representatives; White House.

ROBERT P. JONES, PH.D.

- Presidential Plenary Session, "The End of White Christian America and the 2016 Elections," keynote speaker, American Academy of Religion (AAR), San Antonio, November 2016.
- "The Evolution of the Tea Party and Its Relationship to the Christian Right," Association for the Sociology of Religion (ASR), Chicago, August 21, 2015.
- Presidential Plenary Session, "What Americans Really Think About Climate Change: Findings from the PRRI/AAR Religion, Values, and Climate Change Survey," keynote speaker, American Academy of Religion (AAR), San Diego, November 22, 2014.
- "Roundtable: Insights from the 2013 Religion, Values, and Immigration Reform Survey," Organizer of panel featuring E.J. Dionne, William Galston, Manuel Vasquez, and Kristin Heyer, American Academy of Religion (AAR), Baltimore, November 25, 2013.
- With Daniel Cox and Juhem Navarro-Rivera, "Threats and Values: Factors Influencing Support for Immigration Reform," American Political Science Association (APSA), Chicago, September 1, 2013.
- With Daniel Cox, "What Counts as White Working Class? A Proposal for a New Approach," American Association of Public Opinion Research (AAPOR), May 14, 2013.
- With Daniel Cox, "Religion and Values in the 2012 Elections," Midwest Political Science Association, Chicago, April 13, 2013.
- With Daniel Cox, "Capitalism and Christian Values: How America's Religious Communities View Government, Economic Inequality, and Opportunity," American Political Science Association (APSA), New Orleans, September 2, 2012.
- With Daniel Cox, "Mormon Presidents and Mosques Next Door: American Attitudes toward Religious Minorities," American Association of Public Opinion Research (AAPOR), May 10, 2012.
- With Daniel Cox and Rob Suls, "Faith in the President? How Public Perception of Barack Obama's Faith Shape Views of Him and his Presidency;" and "Attitudes toward Same-sex Marriage and LGBT People: Results of New Experimental Designs," American Association for Public Opinion Research (AAPOR), Phoenix, May 12, 2011.
- With Daniel Cox, "New Strategies for Measuring Spirituality and Progressive Religiosity," American Association of Public Opinion Research (AAPOR), Chicago, May 14, 2010.
- Breakfast with an Author, "Progressive & Religious," Society of Christian Ethics (SCE), San Jose, CA, January 8, 2010.
- "After the Gathering Storm: The Shrinking Clergy-Laity Gap among Mainline Protestants," American Academy of Religion, Montreal, November 9, 2009.
- Invited Panelist, "Recent Authors Discuss Religion and the Election," American Academy of Religion, Chicago, November 1, 2008.
- Breakfast with an Author, "Liberalism's Troubled Search for Equality," Society of Christian Ethics (SCE), Chicago, January 4, 2007.
- "Progressive Politics and Religion: Has the Left 'Gotten it?'" Convener and panelist (with Melody Barnes, Rev. Harry Knox, Amy Sullivan, Rev. Dr. Susan Thistlethwaite, Rev. Jim Wallis), American Academy of Religion (AAR), Washington, DC, November 19, 2006.

ROBERT P. JONES, PH.D.

“The Culture Gap, the God Gap, and the Guru: Why George Lakoff is not the Answer to Progressives’ Religion Problem,” American Academy of Religion (AAR), Philadelphia, PA, November 19, 2005.

“New Developments at the Interface of Progressive Religion and Politics,” Faith as a Way of Life Program, Yale Center for Faith and Culture at Yale Divinity School, Washington, DC, October 28, 2005.

Co-Organizer and Panelist, “Bioethics and Human Excellence,” Missouri State University, March 4-5, 2005. National symposium addressing the moral and religious principles surrounding stem cell research, end of life issues, and bionics.

PROFESSIONAL MEMBERSHIPS

American Academy of Religion

-Editorial board, *Journal of the American Academy of Religion* (2015 – present)

-Co-chair, national steering committee, Religion and Politics Section (2013 – present)

-Member, national steering committee, Religion and Politics Section (2005-2012)

-Member, national steering committee, Religion and the Social Sciences Section (2012-2013)

American Political Science Association

-Editorial board, *Politics and Religion* journal (2012 - present)

American Association for Public Opinion Research

American Sociological Association/Association for the Sociology of Religion

EXHIBIT NO. CSF-26
CAUSE NO. 3:16-cv-00442-CWR-LRA
WITNESS Jones
CLERK JOYCE SMITH

JUN 24 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
C. Bond, REPORTER

Douglas NeJaime

Professor of Law and Williams Institute Faculty Director
University of California, Los Angeles School of Law
385 Charles E. Young Dr.
Los Angeles, CA 90095
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ACADEMIC APPOINTMENTS

UNIVERSITY OF CALIFORNIA, LOS ANGELES SCHOOL OF LAW, Los Angeles, CA
Professor of Law 2015-present
Faculty Director, The Williams Institute 2015-present

Teaching:

Courses: Family Law, Constitutional Law, Law & Sexuality, Professional Responsibility

UNIVERSITY OF CALIFORNIA, IRVINE SCHOOL OF LAW, Irvine, CA
Professor of Law 2013-2015

Teaching:

Courses: Family Law, Constitutional Analysis, Law & Sexuality
Professor of the Year Award (2014) (Upper Level; awarded by the students)

Service:

Faculty Appointments Committee (2013-2014)
Untenured Faculty Mentoring Committee (Spring 2014)

LOYOLA LAW SCHOOL, Los Angeles, CA
Associate Professor of Law (tenure granted December 2012) 2009-2013

Teaching:

Courses: Ethical Lawyering, Family Law, Law & Sexuality
Excellence in Teaching Award (2011) (awarded by the graduating class)

Service:

Faculty Appointments Committee (Entry-Level) (2010-13)
Faculty Workshops Committee (2009-10; co-chair, 2010-13)
Public Interest Committee (2009-10)
Professional Skills Committee (2012-13)
Journalist Law School Organizing Committee (2010-11)
Teaching Mentor (2012-13)
Faculty Advisor to OutLaw (LGBT student group) (2009-13)
Faculty Advisor to *Loyola of Los Angeles Law Review* 2011 Symposium (*LGBT Identity & the Law*)

UNIVERSITY OF CALIFORNIA, LOS ANGELES SCHOOL OF LAW, Los Angeles, CA
Visiting Professor of Law 2014-2015
Sears Law Teaching Fellow, The Williams Institute 2007-2009

BOOKS

CASES AND MATERIALS ON SEXUAL ORIENTATION AND THE LAW (West Publishing 5th ed. 2014) (with William Rubenstein, Carlos Ball, & Jane Schacter).

ARTICLES AND ESSAYS

Marriage Equality and the New Parenthood, 129 HARVARD LAW REVIEW ____ (forthcoming 2016).

Conscience Wars: Complicity-Based Conscience Claims in Religion and Politics, 124 YALE LAW JOURNAL 2516 (2015) (with Reva Siegel).

Before Marriage: The Unexplored History of Nonmarital Recognition and Its Relationship to Marriage, 102 CALIFORNIA LAW REVIEW 87 (2014).

- For review essay, see Carlos Ball, *Domestic Partnership Before Same-Sex Marriage*, JOTWELL: FAMILY LAW, Nov. 13, 2013, at http://family.jotwell.com/domestic_partnership_before_same-sex_marriage/.

Constitutional Change, Courts, and Social Movements, 111 MICHIGAN LAW REVIEW 877 (2013) (reviewing JACK M. BALKIN, CONSTITUTIONAL REDEMPTION: POLITICAL FAITH IN AN UNJUST WORLD (2011)).

Cause Lawyers Inside the State, 81 FORDHAM LAW REVIEW 649 (2012) (invited submission).

- For essay responding to article, see David Luban, *The Moral Complexity of Cause Lawyers Within the State*, 81 FORDHAM LAW REVIEW 705 (2012).

Marriage Inequality: Same-Sex Relationships, Religious Exemptions, and the Production of Sexual Orientation Discrimination, 100 CALIFORNIA LAW REVIEW 1169 (2012).

- Excerpted in CASES AND MATERIALS ON SEXUAL ORIENTATION AND THE LAW (William Rubenstein, Carlos Ball, Jane Schacter, & Douglas NeJaime eds., 2014).

The Legal Mobilization Dilemma, 61 EMORY LAW JOURNAL 663 (2012) (invited submission).

Winning Through Losing, 96 IOWA LAW REVIEW 941 (2011).

- Winner of the Dukeminier Award. Reprinted in 11 THE DUKEMINIER AWARDS: BEST SEXUAL ORIENTATION AND GENDER IDENTITY LAW REVIEW ARTICLES OF 2011 (2012).
- Winner of the Stu Walter Prize for Sexual Orientation Legal Scholarship.
- For essay responding to article, see Catherine Albiston, *The Dark Side of Litigation as a Social Movement Strategy*, 96 IOWA LAW REVIEW BULLETIN 61 (2011).
- Excerpted in INTRODUCTION TO LEGAL STUDIES (Vincent Kazmierski et al. eds., forthcoming 2016).

Convincing Elites, Controlling Elites, 54 STUDIES IN LAW, POLITICS, AND SOCIETY 175 (2011) (peer-reviewed).

Lawyering for Marriage Equality, 57 UCLA LAW REVIEW 1235 (2010) (with Scott Cummings).

- Abridged version reprinted in 7 SCHOLARLY PERSPECTIVES 3 (2011).
- Excerpted in LEGAL ETHICS (Deborah Rhode, David Luban, & Scott Cummings eds., 2013).
- Excerpted in SOCIAL JUSTICE: PROFESSIONALS, COMMUNITIES, AND LAW, CASES AND MATERIALS (John Calmore, Martha Mahoney, & Stephanie Wildman eds., 2013).
- Excerpted in PUBLIC INTEREST LAWYERING: A CONTEMPORARY PERSPECTIVE (Alan Chen & Scott L. Cummings eds., 2013).

When New Governance Fails, 70 OHIO STATE LAW JOURNAL 323 (2009).

Inclusion, Accommodation, and Recognition: Accounting for Differences Based on Religion and Sexual Orientation, 32 HARVARD JOURNAL OF LAW & GENDER 303 (2009).

Exposing Sex Stereotypes in Recent Same-Sex Marriage Jurisprudence, 30 HARVARD JOURNAL OF LAW & GENDER 461 (2007) (with Deborah Widiss and Elizabeth Rosenblatt).

- Winner of the Dukeminier Award. Reprinted in 7 THE DUKEMINIER AWARDS: BEST SEXUAL ORIENTATION AND GENDER IDENTITY LAW REVIEW ARTICLES OF 2007 1 (2008).

Note, Marriage, Cruising, and Life in Between: Clarifying Organizational Positionalities in Pursuit of Polyvocal Gay-Based Advocacy, 38 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 511 (2003).

SHORTER WORKS

Griswold's Progeny: Assisted Reproduction, Procreative Liberty, and Sexual Orientation Equality, 124 YALE LAW JOURNAL FORUM 340 (2015) (symposium on the Fiftieth Anniversary of *Griswold v. Connecticut*).

Introduction: Religious Accommodation in the Age of Civil Rights, 38 HARVARD JOURNAL OF LAW & GENDER vii (2015) (symposium introduction) (with Nomi Stolzenberg).

Doctrine in Context, 127 HARVARD LAW REVIEW FORUM 10 (2013) (invited response).

Windsor's Right to Marry, 102 YALE LAW JOURNAL ONLINE 219 (2013).

Marriage and Non-Marriage After Windsor, in CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK 417 (Steven Saltzman & Cheryl I. Harris eds., 2013).

The View from Below: Public Interest Lawyering, Social Change, and Adjudication, 61 UCLA LAW REVIEW DISCOURSE 182 (2013) (reviewing PUBLIC INTEREST LAWYERING: A CONTEMPORARY PERSPECTIVE (Alan Chen & Scott Cummings eds., 2013)) (invited submission).

Marriage, Biology, and Gender, 98 IOWA LAW REVIEW BULLETIN 83 (2013) (invited response).

Framing (In)Equality for Same-Sex Couples, 60 UCLA LAW REVIEW DISCOURSE 184 (2013) (invited submission).

Introduction: Talking Around Marriage, 45 LOYOLA OF LOS ANGELES LAW REVIEW 675 (2012) (symposium introduction).

New Entrants Bring New Questions, 19 LAW & SEXUALITY 181 (2010).

- Winner of the 2010 AALS Section on Sexual Orientation and Gender Identity Call for Essays.

SELECT NON-ACADEMIC PUBLICATIONS

Conscience and the Culture Wars, AMERICAN PROSPECT (Summer 2015) (with Reva Siegel).

Will Same-Sex Couples Reinvigorate the Declining Institution of Marriage?, SLATE (June 30, 2015) (with Gary Gates).

Next, Gay Family Rights, L.A. TIMES (June 28, 2015).

Will the Supreme Court Recognize Modern Marriage?, L.A. TIMES (Jan. 23, 2015).

Still Two Americas for Same-Sex Couples, THE DAILY BEAST (June 27, 2013).

The Same-Sex Marriage Hearings, SAN DIEGO UNION-TRIBUNE (Mar. 28, 2013).

Marriage Equality and the Role of the Court, MEDIUM (Mar. 26, 2013).

Exploring the Legacies of Roe and Lawrence, HUFFINGTON POST (Jan. 18, 2013) (with Nan Hunter).

What to Expect as the Supreme Court Takes Up Marriage, THE ADVOCATE (Jan. 8, 2013).

First, Decide DOMA, L.A. TIMES (June 8, 2012).

Married But Unequal, L.A. TIMES (July 22, 2011).

SELECT CONFERENCES AND PRESENTATIONS

2015

Speaker, *When Rights Collide: Religious Liberty, Equality, and the Fallout from Hobby Lobby*, American Constitution Society National Convention (June 2015).

Speaker, Harvey Milk Day Lecture, Orange County Lavender Bar Association (May 2015).

Presenter, "Marriage Equality and the New Parenthood," Baby Markets, Harvard Law School (May 2015).

Lecturer, *Marriage Equality at the Court*, UCLA Department of Political Science, Civil Rights and Civil Liberties (April 2015).

Presenter "Conscience Wars," *The Politics of the Hobby Lobby Decision*, Annual Meeting of Western Political Science Association (April 2015).

Presenter, "Conscience Wars," USC Center for Law, History and Culture (March 2015).

Presenter, "*Griswold's* Progeny," *Griswold at 50*, AALS Annual Meeting, Section on Constitutional Law (January 2015).

2014

Lecturer, *Public Accommodations and Religious Exemptions*, UCLA School of Law, Contemporary Free Exercise (November 2014).

Presenter, "Non-Sexual Procreation and Sexual Orientation Equality," 50th Anniversary of *Griswold v. Connecticut*: Privacy Laws Today, University of Connecticut Law Review Symposium (November 2014).

Presenter, "Conscience Wars," Contemporary Legal Scholarship Workshop, Yale Law Journal (November 2014).

Presenter, "Marriage Equality and the New Parenthood," Faculty Colloquium, UCLA School of Law (October 2014).

Presenter, "Marriage Equality and the New Parenthood," Ira C. Rothberger, Jr. Conference, University of Colorado Law School (October 2014).

Presenter, "Marriage Equality and the New Parenthood," Legal Theory Workshop, University of Miami School of Law (September 2014).

Speaker, "*Burwell v. Hobby Lobby*," *Whither the Court*, UCLA School of Law (September 2014).

Speaker, Religious Freedom or a License to Discriminate?, Plenary Panel, Lavender Law (August 2014).

Speaker, The Global Future of Equality Law, AALS Workshop on Transnational Perspectives on Equality Law (June 2014).

Presenter, Post-DOMA Marriage Litigation, Williams Institute (June 2014).

Presenter, Developments in Marriage and Parenting, California Appellate Justices Institute (June 2014).

Discussant, Comparative Analyses of Legal Mobilization, Annual Meeting of Law & Society (May 2014).

Panelist, Social Movements, Policy, and Public Opinion, Annual Meeting of Law & Society (May 2014).

Presenter, "Marriage Equality and the New Parenthood," Family Law Scholars and Teachers Conference (May 2014).

Speaker, Harvey Milk Day Lecture, Orange County Lavender Bar Association (May 2014).

Presenter, "Conscience Wars," Religious Accommodation in the Age of Civil Rights, Harvard Law School (April 2014).

Speaker, "LGBT Law," Family Dispute Resolution Program, Orange County Family Court, Judicial Council of California, Administrative Office of the Courts (March 2014).

Presenter, "Parenthood Before and After Marriage," Faculty Workshop, Washington University Law School (March 2014).

Presenter, "Before Marriage," Workshop on Law and Social Change, Harvard Law School (March 2014).

Speaker, "Marriage in the 21st Century: A Problematic, a Possibility?," University of California, Irvine (February 2014).

Lecturer, "Marriage Equality," UCI School of Law, Law and Social Movements (February 2014).

Speaker, "Who Will Be Exempted from the Affordable Care Act? Hobby Lobby, Little Sisters, and Other Religious Exemption Cases before the Supreme Court," USC Program on Religious Accommodation (February 2014).

Presenter, "Before Marriage," Workshop on Regulating Family, Sex, and Gender, University of Chicago Law School (January 2014).

2013

Speaker, "Supreme Court Decisions: DOMA/Prop. 8 – Implications for Children and Families," Beyond the Bench XXII, Judicial Council of California, Administrative Office of the Courts (December 2013).

Speaker, "The Changing Meaning of Marriage and Family in the 21st Century," Appellate Judges Education Institute 2013 Summit (November 2013).

Presenter, "Before Marriage," Marriage Equality Symposium, Stanford University (October 2013).

Speaker, "The Marriage Cases," Whither the Court, UCLA School of Law (September 2013).

Speaker, Recent Developments in Relationship Recognition, Plenary Panel, Lavender Law Conference (August 2013).

Speaker, Religious Exemptions Panel, Lavender Law Conference (August 2013).

Speaker, "The Marriage Cases," Supreme Court Term in Review, University of California, Irvine (July 2013).

Speaker, "Same-Sex Marriage, Divorce, and Custody: Emerging Trends," National Council of Juvenile and Family Court Judges, Annual Conference (July 2013).

Presenter, "Before Marriage," Annual Meeting of Law & Society (May 2013).

Speaker, "The Supreme Court Cases," National Legal Panel, Equality Forum (May 2013).

Speaker, "LGBT Parents in California," Family Dispute Resolution Statewide Educational Institute, California Administrative Office of the Courts, Center for Families, Children & the Courts (May 2013).

Presenter, "Marriage Equality at the Supreme Court," OutLaw, UC Irvine School of Law (April 2013).

Presenter, "Before Marriage," La Verne College of Law Faculty Workshop (April 2013).

Presenter, "Marriage Equality: Where Are We Now?" Loyola Diversity Week (February 2013).

Presenter, "Before Marriage," 40 Years of LGBT Legal Activism: Taking Stock and Looking Ahead, Southwestern Law Review Symposium (February 2013).

Presenter, "Before Marriage," Williams Institute Works-in-Progress Series, UCLA School of Law (January 2013).

Presenter, "Before Marriage," Liberty/Equality: The View from *Roe*'s 40th and *Lawrence*'s 10th Anniversaries, UCLA School of Law (January 2013).

2012

Presenter, "Bias in the Profession and the LGBT Population," Irell & Manella LLP (December 2012).

Speaker, "The Election and the Legal Battle for Same-Sex Marriage," Post-Election Wrap-Up, Williams Institute, UCLA School of Law (November 2012).

Presenter, "Before Marriage," UC Irvine School of Law (October 2012).

Presenter, "Before Marriage," FIU College of Law Faculty Workshop (September 2012).

Presenter, "The Path to Marriage," Loyola Law School Faculty Workshop (July 2012).

Presenter, "Cause Lawyers Inside the State," Annual Meeting of Law & Society (June 2012).

Chair/Discussant, "Cross-Cultural Perspectives on Legal Mobilization Techniques," Annual Meeting of Law & Society (June 2012).

Presenter, "The Legal Regulation of Same-Sex Relationships," Journalist Law School, Loyola Law School (June 2012).

Speaker, "California Same-Sex Couples," Outlaw Alumni Reception, Loyola Law School (April 2012).

Presenter, "Cause Lawyers Inside the State," The Defense of Marriage Act: Law, Policy, and the Future of Marriage, Fordham Law Review Symposium (March 2012).

Presenter, "Framing Equality for Same-Sex Couples," Whose Constitution? Popular Constitutionalism and the 2012 Election, Roger Williams University Law Review Symposium (February 2012).

2011

Moderator, "Constitutional Culture," LGBT Identity and the Law, Loyola of Los Angeles Law Review Symposium (October 2011).

Presenter, Roundtable Discussion of Professor Richard Banks' *Is Marriage for White People?*, USC Center for Law, History and Culture, USC Gould School of Law (October 2011).

Presenter, "The Legal Regulation of Same-Sex Relationships," Journalist Law School, Loyola Law School (June 2011).

Presenter, "The Legal Mobilization Dilemma," Annual Meeting of Law & Society (June 2011).

Moderator, "Beyond Gay Rights: Lessons from Other Social Movements," Williams Institute 10th Anniversary Annual Update, UCLA School of Law (April 2011).

Speaker, "LGBT Rights and the Role of Lawyers," Sayre McNeil Society, Loyola Law School (April 2011).

Speaker, "'Don't Ask, Don't Tell' Litigation," Outlaw Alumni Reception, Loyola Law School (April 2011).

Presenter, "Winning Through Losing," The Future of Equality, The University of Texas Law School (April 2011).

Presenter, "Prop 8 and Federal Litigation," Marriage Equality Panel, Loyola Marymount University (March 2011).

Presenter, "The Legal Mobilization Dilemma," Judging Politics: Judges as Political Actors, Candidates, and Arbiters of the Political, Emory Law Journal Symposium (February 2010).

Presenter, "Winning Through Losing," AALS Workshop on Changing Society, Changing Law: Conflicts Over Sexuality and the Evolving American Family, panel on Sexuality and the Family: Backlash and Social Change (January 2011).

2010

Presenter, "Marriage as Antidiscrimination," Thomas Jefferson School of Law Faculty Workshop (October 2010).

Presenter, "Federal Constitutional Litigation on LGBT Rights," ABA Summit, Loyola Law School (October 2010).

Presenter, "Sexual Orientation and the Federal Constitution," Constitution Day, Loyola Law School (September 2010).

Lecturer, "Marriage Equality," USC Gould School of Law, Family Law (September 2010).

Presenter, "Enacting Identity," Loyola Law School Faculty Workshop (July 2010).

Presenter, "Same-Sex Marriage," Journalist Law School, Loyola Law School (June 2010).

Book Reader, "Carlos Ball's FROM THE CLOSET TO THE COURTROOM," Annual Meeting of Law & Society (May 2010).

Presenter, "Convincing Elites, Controlling Elites," Annual Meeting of Law & Society (May 2010).

Lecturer, "Lawyering for Marriage Equality," UCLA School of Law, Public Interest Law (May 2010).

Presenter, "When New Governance Fails," ABA Section of Dispute Resolution Annual Spring Conference, The Town Hall Meeting Panel (April 2010).

Presenter, "Sexual Orientation Employment Nondiscrimination," Moving Equality Forward, Jack Pemberton Legacy Event, University of San Francisco School of Law (March 2010).

Presenter, "Lawyering for Marriage Equality," Proposition 8, Southern California Review of Law and Social Justice Symposium (March 2010).

Presenter, "Enacting Identity," The Future of Same-Sex Marriage, University of San Francisco Law Review Symposium (February 2010).

Presenter, "Lawyering for Marriage Equality," Sexuality & Gender Law: Assessing the Field, Envisioning the Future, UCLA Law Review Symposium and the Williams Institute Annual Update (February 2010).

Presenter, "New Entrants Bring New Questions," AALS Annual Meeting, Section on Sexual Orientation and Gender Identity (January 2010).

2009

Presenter, "A Social Movement Perspective on Marriage Equality," Outlaw Marriage Equality Panel, Loyola Law School (October 2009).

Presenter, "Enacting Identity," Junior Scholars Panel, Lavender Law Conference (September 2009).

Lecturer, "Legal Mobilization and Same-Sex Marriage," UCLA School of Law, Professor Scott Cummings' Seminar on Problem Solving in the Public Interest (August 2009).

Presenter, "The Function of Litigation Loss in Social Movements," Annual Meeting of Law & Society (May 2009).

Roundtable Participant, "Teaching Law and Social Movements," Annual Meeting of Law & Society (May 2009).

Moderator, "LGBT Rights in Africa," The Global Arc of Justice: Sexual Orientation Law around the World, Williams Institute, UCLA School of Law (March 2009).

Speaker, "Proposition 8 and the Legal Challenge Against It," Orange County UCLA Alumni Meeting (January 2009).

2008

Lecturer, "The LGBT Rights Movement and Proposition 8," Loyola Marymount University, Social Movements (November 2008).

Chair/Discussant, "Thinking Through Same-Sex Marriage," State of the Union, UCLA Center for the Study of Women (October 2008).

Presenter, "Inclusion, Accommodation, and Recognition," L.A. Queer Studies Conference, UCLA (October 2008).

Presenter, "Inclusion, Accommodation, and Recognition," UCLA School of Law Faculty Colloquium (October 2008).

Presenter, "First Amendment Challenges to LGBT Civil Rights," Harvard Gay & Lesbian Caucus 25th Anniversary Conference (September 2008).

Debate Participant, "Same-Sex Marriage and Proposition 8," USC Gould School of Law (September 2008).

Debate Participant, "Same-Sex Marriage and Proposition 8," Pepperdine Law School (September 2008).

Presenter, "Exposing Sex Stereotypes in Recent Same-Sex Marriage Jurisprudence," Dukeminier Awards Panel, Lavender Law Conference (September 2008).

Presenter, "Inclusion, Accommodation, and Recognition," Annual Meeting of Law & Society (May 2008).

Chair/Discussant, "Radical Critiques of the Conservative Retrenchment of Law," Annual Meeting of Law & Society (May 2008).

Presenter, "Inclusion, Accommodation, and Recognition," Williams Institute Works-in-Progress Series, UCLA School of Law (April 2008).

Lecturer, "Regulating the Sexuality of Minors," College of the Canyons, Introduction to Women's Studies (April 2008).

Moderator, "The Right to be Out in Public Education," Williams Institute Annual Update, UCLA School of Law (February 2008).

Presenter, "The Rights of Public School Students to Form Gay-Straight Alliances," Williams Institute Sexual Orientation Moot Court Competition, UCLA School of Law (February 2008).

EDUCATION

HARVARD LAW SCHOOL, J.D., 2003, *cum laude*

Honors: Best Brief Award in First-Year Ames Moot Court Competition

Activities: *Harvard Civil Rights-Civil Liberties Law Review*, Senior Editor

BROWN UNIVERSITY, A.B., 2000, *magna cum laude*

Honors: Honors in American Civilization; Phi Beta Kappa; Departmental Research and Writing Award; Gaston Prize in American Civilization (best thesis)

UNIVERSITY OF AMSTERDAM, Fall 1998 (program in Dutch art history and culture)

OTHER LEGAL EXPERIENCE

IRELL & MANELLA LLP, Los Angeles, CA

Litigation Associate

2003-2007

HARVARD LAW SCHOOL, Cambridge, MA

Teaching Fellow, Professor Lani Guinier, Responsibilities of Public Lawyers

2002-2003

GAY & LESBIAN ADVOCATES & DEFENDERS (GLAD), Boston, MA

Summer Legal Intern; Law School Clinical Intern

2001-2002

ACTIVITIES AND MEMBERSHIPS

The Williams Institute

- Faculty Director (2015-present)
- Law Teaching Fellowship Mentor (2013-2015)
- Law Teaching Fellowship Selection Committee (2009-2013)

Los Angeles Center for Law and Justice, Board of Directors (2010-2015)

Jotwell Family Law, contributing editor (2014-present)

Law & Society Association (Student Awards Committee, 2013-14)

Religious Accommodation in the Age of Civil Rights (Harvard Law School, April 2014), Conference Organizing Committee (sponsored by Harvard Law School, Williams Institute, ACLU, USC Center for Law, History, and Culture)

Liberty/Equality: The View from Roe's 40th and Lawrence's 10th Anniversaries (UCLA School of Law, January 2013), Conference Organizing Committee (sponsored by American Constitution Society, Williams Institute, UCLA School of Law, Information Society Project, and Program for the Study of Reproductive Justice at Yale Law School)

University of Southern California, Program on Religious Accommodation, Working Group (2013-present)

BAR ADMISSION – California

EXHIBIT NO. CSE-27
CAUSE NO. 3:16-cv-442 CWR-LRA
WITNESS Dejaime
CLERK JOYCE SMITH

JUN 23 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
C. Bond, REPORTER

Feb. 19, 2016 House Debate

1 **MR. GIPSON:** I would like to go to item 119 on the General Calendar House Bill
2 1523. Call up [INDISCERNIBLE 00:00:08] motion and move the adopted committee
3 in lieu of the original bill.

4 **MR. SPEAKER:** Which item, gentleman?

5 **MR. GIPSON:** Item 119, House Bill 1523.

6 **MR. SPEAKER:** 118, gentleman. Item 118, House Bill 1523.

7 **MR. GIPSON:** Sorry. Thank you, Mr. Speaker.

8 **MR. SPEAKER:** The [INDISCERNIBLE 00:00:22] those rules be suspended, be able
9 to consider and [INDISCERNIBLE 00:00:25] read the third time and placed on
10 final passage. All in favor, say 'aye,' oppose nay, the ayes have it. We have
11 committee substitute.

12 **MR. GIPSON:** Yes, Mr. Speaker, may we adopt the committee sub below the
13 original bill.

14 **MR. SPEAKER:** Gentleman moves committee substitute be adopted for
15 consideration in lieu of the original bill. All in favor say 'aye' oppose
16 'nay', the ayes have it. Gentleman is recognized.

17 **MR. GIPSON:** Thank you, Mr. Speaker. I have a technical amendment, numbering
18 amendment I would offer at this time.

19 **MR. SPEAKER:** Okay. You're recognized for your amendment.

20 **MR. GIPSON:** Thank you, Mr. Speaker. I will just explain the amendment. In the
21 committee sub, there were some internal references that the section numbers
22 didn't get adjusted. That's all this amendment does.

23 **MR. SPEAKER:** Questions on the amendment? I don't see any. In favor of the
24 amendment indicate by saying aye, opposed nay. As you haven't, amendment is
25 adopted.

1 **MR. GIPSON:** Thank you, Mr. Speaker. Ladies and gentlemen of the House, the
2 Bill you have before you, House Bill 1523 is the Protecting Freedom of
3 Conscience from Government Discrimination Act. What this Bill does, it speaks
4 specifically to three sincerely held beliefs, religious beliefs of moral
5 convictions, and they are that at line 189, marriages should be recognized as
6 the union of one man and one woman. Secondly, that sexual relations are
7 properly reserved to such a marriage. And third, that male or female refer to
8 an individual, immutable biological sex as objectively determined by anatomy
9 and genetics at time of birth. Now, that's all the scope of this Bill, and
10 this Bill doesn't mandate that individuals hold these beliefs, but what it
11 does is to the extent an individual and the State of Mississippi holds this
12 sincerely held religious beliefs. This Bill provides state law protections
13 against discrimination --

14 **MR. SPEAKER:** Excuse me, gentleman. Members are indicating they cannot hear.

15 **MR. GIPSON:** Thank you.

16 **MR. SPEAKER:** Please keep the noise down. Thank you. You may continue,
17 gentleman.

18 **MR. GIPSON:** As I mentioned, this Bill does not mandate holding certain
19 beliefs, but what it does provide is that to the extent any Mississippians
20 holds these beliefs as to marriage, as to sexual relations and as to gender,
21 then this Bill provides state law protections against discrimination for
22 acting in accordance with their sincerely held religious beliefs. It provides
23 protections at line 28 to religious institutions, churches who make decisions
24 on the basis of that sincere belief, to adoption agencies on line 46, foster
25

1 care agencies, foster parents at line 53 and following, individuals who have
2 objection to participating in transgender practices and individuals who --

3 **MR. SPEAKER:** Excuse me, gentleman. Okay. If you can't keep it down, we're
4 going to require everyone to find their seats.

5 **MR. GIPSON:** Thank you.

6 **MR. SPEAKER:** This is the second time members have asked me to keep it quiet.
7 I ask you to find your seat, pay attention. Thank you. You may continue,
8 gentleman.

9 **MR. GIPSON:** And then at line 73 and following, protections for individual
10 persons who provide or decline to provide services related solemnization,
11 formation, celebration or recognition of any marriage that's not consistent
12 with their sincere belief, including photography, floral arrangements, rest
13 room standards for gender specific restrooms and policies, student dress or
14 grooming, public employees who exercise their speech beginning at line 97,
15 consistent with their belief. And then line 112, clerks, circuit clerks who
16 have expressed concerns about this may seek refusal. There is a process for
17 them to seek refusal from solemnizing from licensing if there should any
18 marriage hereunder, and provided that they provide notice to the health
19 department, the registrar of vital records and the ensure that someone else
20 in their organization is able to accomplish that without impeding or delaying
21 the result. The same protection for judges beginning at line 127 and
22 following who have recusal option by notifying the administrative office of
23 courts.

24 **[00:05:08]**

25

1 And the protections that are listed beginning at line 141 and following are
2 essentially against any state action that would be retaliatory or penalize
3 someone from acting in accordance with their first amendment beliefs on these
4 important and critical subjects, and licensing and accreditation, which is
5 important to schools, private schools beginning on line 171 and following are
6 protected in that respect. The Bill does provide that an individual may
7 assert of this against the state or any political subdivision thereof and
8 against -- and sort as a defense, this Act against any lawsuit rolled under
9 the [INDISCERNIBLE 00:05:58] law under rule and regulations and ordinance.

10 The statute limitations is two years that's government by the Tort Claims Act
11 and it's to be construed in favor of the broad protection of free exercise of
12 religious beliefs and moral convictions to the maximum extent permitted by
13 the state and federal constitutions. What this Bill does in essence is add an
14 additional layer of protection that currently does not exist in the post
15 Obergefell decision that came from the Supreme Court in June of 2015, which
16 legalize the same sex marriage throughout the United States, including a
17 majority of states that had adopted the traditional definition and only
18 recognize marriages between one man and one woman. What this Bill does is
19 provide a layer of protection against state discrimination for simply
20 believing these important principles and acting in accordance therewith and
21 without -- for any further discussion, I believe I've explained the Bill. I
22 would be glad to take any questions.

23 **MR. SPEAKER:** Okay. Gentleman from Madison, your question. Mr. Black.

24 **MR. BLACK:** Thank you. Mr. Speaker, can you hear?

25 **MR. GIPSON:** Yes, sir.

1 MR. BLACK: I was trying to follow your explanation as to sexual designation.
2 Did you cover that?

3 MR. GIPSON: Yes, gentleman. Sexual as to gender?

4 MR. BLACK: Yeah.

5 MR. GIPSON: Male or female refer to an individual's immutable biological sex
6 as objectively determined by anatomy and genetics at time of birth.

7 MR. BLACK: Gentleman, in Mississippi as well as the whole of the world, are
8 you aware that at the University of Medical Center right now that a certain
9 number of children born haven't met -- don't meet either one of those
10 definitions, and there is an assignment of the sex of a child based on
11 certain criteria and what do parents desire. That child has no say so in that
12 because you cannot determine at birth the sex of a child. I mean, a lot of
13 people don't know that, but there is a huge percentage of children that are
14 coming to the world like that.

15 MR. GIPSON: I think you're absolutely correct. There is a percentage. I
16 wouldn't call it a huge percentage, but there is a number.

17 MR. BLACK: It's huge.

18 MR. GIPSON: And that's the reason for the definition to include as
19 objectively determined by anatomy and genetics at time of birth. There is an
20 objective process for that determination, and it is made at the time of
21 birth, gentleman, and so even in those instances the gender is designated
22 objectively.

23 MR. BLACK: That definition that you just gave is not scientific because you
24 wouldn't have the problem that is not a problem, it's what happens in life.
25 You wouldn't have that problem, would you agree, if we can say boy, girl,

1 girl, boy. If you have done it by visual, by visually, you don't have all of
2 these scientific environment until there is a problem with what the child is.

3 **MR. GIPSON:** Any my response to that, gentleman, is these visible
4 characteristics, they are an outward evidence of the internal, the genetic,
5 the biological anatomy, and so in an instance where those visible
6 characteristics are not present, there is still evidence as to this child's
7 gender internally.

8 **MR. BLACK:** So, what we're doing now, we're living in limbo, there is one in
9 every thousand or five thousand birth, whatever the number is, that those
10 individuals who happen to be born in Mississippi are going to have to fight
11 their way through this type of legislation here.

12 [00:10:13]

13 **MR. GIPSON:** I disagree, gentleman, because we're not defining anyone as any
14 particular gender. What we're saying is individuals who hold this particular
15 belief have the right to hold that belief and to act in accordance with it.

16 **MR. BLACK:** And discriminate against those people that -- that group of people
17 who fall in that category?

18 **MR. GIPSON:** No, this Bill protects from discrimination and the individuals
19 who hold these beliefs and act in accordance therewith.

20 **MR. BLACK:** What you're doing is giving cover for people who are elected and
21 assigned to their duties to carry out [INDISCERNIBLE 00:10:44] governmental
22 functions. That's what this Bill does.

23 **MR. GIPSON:** Gentlemen, what we're doing is providing state protections
24 against the state or any political subdivision forcing a person to violate
25 their most fundamental right, the First Amendment right of their religious

1 beliefs and their convictions. At some point, there has got to be a decision
2 made. You've got individuals who are coming asking to be married and you have
3 individuals who are certainly entitled and do hold strong, sincere beliefs
4 against, and this Bill provides the mechanism, the way for that conflict to
5 be resolved.

6 **MR. BLACK:** Gentleman, the reason I rise to ask this question and get into
7 this with you is that don't you agree that given the fact that a large number
8 of individuals who are in this house who look like me, for instance, not many
9 years ago there was a legislation protecting government officials who wanted
10 to discriminate against African-American of this state, and wouldn't this
11 type of legislation be a reminder of what Mississippi has done not so many
12 years ago.

13 **MR. GIPSON:** Gentleman, this is raised neutral. It has nothing to do with
14 race. That's why these specific beliefs are held, are held by races of all --
15 people of all races in Mississippi; White, African-American otherwise,
16 Hispanic for that matter. It has nothing to do with race, it has to do with
17 what a person, a man or a woman believes individually, and this Bill gives
18 them the protection they need to act consistently with their sincere beliefs
19 on the subject.

20 **MR. BLACK:** Gentleman, but that was growing up separate but equal within the
21 schools with race neutral too, I was told, but we all now that that was not
22 true. So, why would Mississippi want to remind the rest of the world what we
23 were, I thought, trying to abort from being what people thought we are? And
24 guess we're that is I guess we are what we were if we pass this type of
25 legislation. Gentleman, I disagree with that. This legislation protects all

1 of Mississippi, 100% of them, including the people who voted to define
2 marriage as one man and one woman.

3 **MR. SPEAKER:** The lady from behind, Ms. Woods.

4 **MS. WOODS:** Thank you, Mr. Speaker. [INDISCERNIBLE 00:13:12] gentleman.

5 **MR. GIPSON:** Yes, lady?

6 **MS. WOODS:** Gentleman, we discussed this Bill in the Committee on yesterday
7 and the questions that are raised yesterday will be some of the same
8 questions that are raised here on today about the Bill. From what I
9 understand you to say is that you are allowing individuals who hold a certain
10 belief to not be held accountable if that belief is discriminatory in nature.
11 Now, you're saying, and correct me if I'm wrong, but you would agree with me
12 that you're basically saying that if there are individuals in the State of
13 Mississippi who are not or who don't fall into the category of your atypical
14 man and woman relationship that any person who is working in a governmental
15 job, elected, appointed, has the ability to discriminate against that person
16 to refuse in service. And another thing that I read in the Bill, and you can
17 tell me if I'm wrong or right, is that they have the ability to act out on
18 their belief. In other words, if they feel a certain way and there are things
19 that they want to say to an individual, then they have the authority to do
20 that and there is nothing that can be done. Am I wrong in that assertion?

21 **MR. GIPSON:** Well, lady, what you're describing is that the fundamental rights
22 of all citizens in the United States and including Mississippi is to hold to
23 and believe fundamental matters of faith. These are very specific and they're
24 narrowly tailored, the definition of marriage, one man, one woman, that

25

1 sexual relations are properly recovered to such a marriage, and then the
2 gender objective determination.

3 [00:15:14]

4 People already have the right to believe that. What we're living in is a
5 culture today is where there seems to be for whatever reason, maybe it's
6 these strong lobbying groups around the country, there is a chilling effect
7 and a fear of individuals who may be in the minority, frankly, on this
8 subject, from acting in accordance with their sincerely held fundamental
9 beliefs of faith. Yes, this Bill protects those actions, it protects them if
10 they decide not to take action to further a relationship that falls outside
11 of what they believe personally and individual and they have the right
12 believe under the Constitution of the United States, and frankly under the
13 God given right that we have as individuals.

14 **MS. WOODS:** You finished?

15 **MR. GIPSON:** I'm done, lady.

16 **MS. WOODS:** Okay. So gentleman, now I wasn't born in this area, but when my
17 parents were born, there was belief hailed that people who like me who are of
18 my color were property, and they would talk about that that was in the Bible.
19 And so, now when you start giving people the authority to act out on these
20 asinine ignorant beliefs, what are you going to say to those people who are
21 being discriminated against, who are being mistreated, what do you have to
22 say about that and why -- let me ask you this more importantly. Why doesn't
23 this Act cover a married man or a woman out there cheating on their wife or
24 their husband? Why doesn't it cover a married man or woman cheating,
25 fornicating, committing adultery? If we're going to go all into the Bible and

1 talk about religious beliefs, my belief is that you shouldn't be cheating on
2 your spouse?

3 **MR. GIPSON:** I agree.

4 **MS. WOODS:** Now, that doesn't matter to plenty of people sitting up in this.

5 **MR. GIPSON:** We agree on that, lady, and it's in this Bill. If you can have
6 that fundamental belief at line 20 that sexual relations are properly
7 reserved to such a marriage that is one man and one woman.

8 **MS. WOODS:** So I can walk up to a person and say, "You whore monger, you know
9 you're wrong for that." Can I do that, and nothing will happen to me? Do I
10 have the authority to do that?

11 **MR. GIPSON:** Lady, you know, that's outside of the scope of this Bill. What
12 that --

13 **MS. WOODS:** Well, tell me --

14 **MR. GIPSON:** What this Bill protects against is state governmental action that
15 discriminate against individuals who hold these particular beliefs?

16 **MS. WOODS:** Well, if I walk up to a person in my position as a state
17 representative and say, "You whore monger." Am I wrong for that? Can
18 something be done because I say that?

19 **MR. GIPSON:** Are you acting as a state actor, lady?

20 **MS. WOODS:** I dare will may be.

21 **MR. GIPSON:** Lady, I think what you're describing is individual conduct that's
22 going to be matter of litigation between the two of you.

23 **MS. WOODS:** That's right, litigation. And so based off of this Bill right here
24 and based off of a number of bills that are coming before this body, you all
25

1 are going to bankrupt the State of Mississippi because we're going to be in
2 litigation about all these bills that you all are passing.

3 **MR. GIPSON:** No, exactly the opposite --

4 **MS. WOODS:** This is a discriminatory bill just like the Bill that you all
5 brought forward where you were giving people the authority to discriminate
6 against the same kind of people, the same persons who don't hold the beliefs
7 that you may hold. Now, gentleman --

8 **MR. SPEAKER:** Excuse me. Questions and answers, please. Questions and answers.

9 **MS. WOODS:** Now, gentleman, let me ask you this --

10 **MR. GIPSON:** Let me respond to that, if I may?

11 **MS. WOODS:** Okay, go ahead.

12 **MR. GIPSON:** I think the exact opposite of expansive litigation will be the
13 case if we pass this Bill because this is going to give a bright line a
14 clarity to the protections that individuals holding these beliefs have. So
15 there won't neither be a lawsuit to determine. What you just describe was a
16 person attacking a person verbally or casting a person verbally. That's not
17 what this Bill is designed and pertain.

18 **MS. WOODS:** Now, let me ask you this, gentleman. I see in here where you say
19 that a person has the right to recuse himself from performing their job
20 responsibilities. Now, if I just flatfoot out refuse to perform my job
21 responsibilities on any job, that's a basis for being terminated. Why are you
22 giving these people a pass if they don't want to perform their job
23 responsibilities?

24 **MR. GIPSON:** Lady, we have had in this state circuit clerks --

25 **MS. WOODS:** Mr. -- I'm sorry.

1 MR. GIPSON: -- judges.

2 MS. WOODS: Mr. Speaker, I can't hear his response.

3 MR. SPEAKER: Lady indicates she cannot hear. Please hold your noise down.

4 [00:20:10]

5 MR. GIPSON: Lady, we've had in this state not hypothetically, but in real
6 life circuit clerks, judges, individuals test these responsibilities who have
7 these fundamental matters of faith critical to who they are as a person, and
8 it violates their conscience, and the Bill doesn't prohibit the Activity, but
9 it does allow that individual to recuse themselves and to provide that some
10 other person who doesn't hold that kind of conviction would accommodate the
11 request, and it specifically provides that they have the responsibility to
12 make sure that it doesn't impede or unduly delay the request.

13 MS. WOODS: Now, gentleman, would you not agree with me that the Bible talks
14 about judging your fellow men? Would you not agree with me that the Bible
15 talks about that?

16 MR. GIPSON: There are many references of judgment in the scriptures, yes.

17 MS. WOODS: And would you not agree with me that the Bible also instructs us
18 that we are not to sit as judge over our fellow men? Is that what the Bible
19 says?

20 MR. GIPSON: The Bible doesn't say that, lady? Jesus said --

21 MS. WOODS: What are you taking when [INDISCERNIBLE 00:21:25] judge a fellow
22 man, gentleman? How can you take any differently?

23 MR. GIPSON: Well, what it says, lady -- I mean, I don't want this to get into
24 a interpretive discussion of the Bible, but I believe --

25 MS. WOODS: But that's what this Bill is about.

1 **MR. GIPSON:** I believe what the lady -- what you've just mentioned is a
2 reference to a past scripture that we're -- it is clearly referenced that God
3 is the judge, that there is one judge, God. God is the judge. He defines what
4 is right and what is wrong. I know many of us believe that. I personally
5 believe that to be the case and I personally ascribe to what I believe He has
6 said forth is right and what is wrong, and I shouldn't be penalized for
7 holding that belief, neither should anyone else in the State of Mississippi.

8 **MS. WOODS:** Gentleman, would you not agree with me that if a person wants to
9 know what your belief is, number one, they can ask you what your belief is.
10 If they want to fellowship with you at your place of religious choice, they
11 have the ability to do that, correct?

12 **MR. GIPSON:** They have that freedom, yes.

13 **MS. WOODS:** Now, gentleman, this Bill, and you correct me if I'm wrong,
14 basically allows certain individuals to assert their religious belief about
15 what they believe that grown folk who are making choices for themselves
16 should and shouldn't do, would you not agree with me that we are stepping
17 outside of the bounds of what we should be doing up here and actually getting
18 into people's bedrooms and what their choices are?

19 **MR. GIPSON:** I absolutely disagree. This doesn't change anything about the law
20 of the land, it doesn't change a person's decision to adopt one lifestyle or
21 another. What it does is recognizes the fact that people of good faith,
22 people of good conscience can adopt and do hold these types of beliefs that
23 are important. And I would say this, important not only to them personally,
24 but to the society as a whole, to the structure of the family, and there is
25

1 nothing wrong with holding those beliefs. People ought to be able to hold
2 those beliefs and live in accordance with them.

3 **MS. WOODS:** Gentleman, this is a hypocritical Bill, but thank you so much.

4 **MR. GIPSON:** Gentleman from Lauderdale, Mr. Young.

5 **MR. YOUNG:** Thank you, Mr. Speaker. Gentleman.

6 **MR. GIPSON:** Yes.

7 **MR. YOUNG:** Gentleman, all of us have our own fundamental beliefs, and as you
8 stated previously, you don't think that a person should be judged by court of
9 law if their moral or religious conviction is of a certain belief. Is that
10 correct?

11 **MR. GIPSON:** I don't think we're getting into court of law. What I said was
12 the State Government should not discriminate against, and that includes any
13 political subdivision, should not discriminate against an individual because
14 they hold and live by their beliefs.

15 **MR. YOUNG:** Well, maybe I was mistaken, but I thought the debate move in the
16 direction that where a statement was made saying that God is our only judge
17 and that we do not believe that man or a court should be able to judge
18 otherwise, and I might have been mistaken.

19 [00:25:02]

20 **MR. GIPSON:** I think we were talking in the context of what the Bible says
21 about right and wrong, and the Bible teaches that God has defined what is
22 right and what is wrong. I personally believe that said it forth in the
23 scriptures, in the Bible, and we're talking about crimes and punishments, if
24 that's where you're going.

25

1 **MR. YOUNG:** Oh no, sir. I'm not going there, and I'm of the same fundamental
2 belief, so I want you to know that we are in agreement on that. But even
3 though both of us share in that basic belief, and I'm not going to say
4 whether I'm for or against, you know, what the Federal Government has put
5 into law, but I think at the same time, and you're an attorney, both of grew
6 up and both of us were educated, we were educated in government and our
7 belief was that there were different branches of government and that there
8 was a hierarchy established in government. Were you taught that also?

9 **MR. GIPSON:** Absolutely, gentleman. We have a constitutional government and
10 every state has a constitution. The State of Mississippi had decided to amend
11 its constitution to define marriage as one man and one woman. The Supreme
12 Court has overwritten that decision and it's now the law of the land in every
13 state that people of the same sex can be married. This Bill doesn't question
14 that. What it does do is provide the protections and maintains another layer
15 of protection for individuals who disagree with that decision.

16 **MR. YOUNG:** My question there is this. I think both of us grew up in an era
17 where we remember a gentleman named Cassius Clay. Cassius Clay is celebrated
18 as being probably the greatest boxer in history. Would you agree with that?

19 **MR. GIPSON:** I don't know, but I will take your word for it, gentleman.

20 **MR. YOUNG:** Well, Cassius Clay changed his name to Muhammad Ali and he said
21 that he changed his religion to Muslim, and if we're talking about not
22 discriminating on the basis of belief, my question there is Muhammad Ali said
23 that after he changed his religion that he didn't believe that he should go
24 to Vietnam and fight and that the Federal Government didn't have jurisdiction
25

1 over him because of his religious beliefs. My question is, and none of us can
2 change history, my question is did he go to jail?

3 **MR. GIPSON:** Gentleman, you raised a good point. Now, I don't know the answer
4 now, the contentious objection law under the military that you've just
5 described. My recollection is he may have gone to jail, but --

6 **MR. YOUNG:** Was he stripped of all of his titles and not allowed to fight in
7 this great United States of America?

8 **MR. GIPSON:** I will take your word for it, gentleman, but what I want to
9 respond to you is you're pointing out an exact corollary, I think, to what
10 this principle is here that there is such a thing as contentious objection in
11 the military for people who believe in non-violence, there is such one for
12 people in the healthcare industry, if they have a particular belief. They
13 don't have to violate that conscious. All this is doing is adding that same
14 principle in the context of marriage and of gender.

15 **MR. YOUNG:** And, gentleman, I truly understand your point of reference, but
16 with regard to your statement, and you're an attorney and we've got a whole
17 bunch of attorneys in here, you all know a whole lot better than I do. My
18 question is are we or are we not walking on very, very thin ice if the
19 Federal Government's powers supersedes the powers of this legislative body
20 here in the State by telling people that they do not have to abide by Federal
21 Law?

22 **MR. GIPSON:** I disagree. This is not thin ice at all. In fact, we're threading
23 on the principle that even the US Supreme Court recognize the First Amendment
24 the right of the people to worship and to free exercise their religion, and
25 so that's the basis for this Act, and I think it's solid and there is no law

1 against us providing additional state protections to individuals who have
2 contentious and moral convictions in this matter.

3 **MR. YOUNG:** Well, gentleman, are we not asking people to abide by Federal Law?
4 Are we telling them that they do not have to abide by Federal Law and that we
5 would give them a pass if they don't abide by Federal Law?

6 [00:30:00]

7 **MR. GIPSON:** No.

8 **MR. YOUNG:** And that we will give them a pass if they don't abide by Federal
9 Law.

10 **MR. GIPSON:** Okay. Let me be clear.

11 **MR. YOUNG:** Okay.

12 **MR. GIPSON:** This is not undoing or avoiding or trying to rollback what the
13 Supreme Court said. What this is saying is we recognize that there is now
14 under [INDISCERNIBLE 00:30:22] decision, apparently, the majority of the
15 court found a fundamental right to same sex marriage. At the same time,
16 there's a competing right under the First Amendment to worship and to believe
17 what we believe without government interference. This bill at the state level
18 says the state in Mississippi and no political subdivision of it is going to
19 pass something to make you violate your First Amendment freedom, your
20 conscience or penalize you to exercise it to accommodate something that you
21 don't believe in.

22 **MR. YOUNG:** And gentleman again, I'm not disagreeing with what it is that
23 you're expressing to this body but my question again is, are we asking
24 citizens of the state of Mississippi to disregard and violate Federal Law?

25

1 **MR. GIPSON:** Gentleman, the answer is no and let me explain why. Citizens of
2 the State of Mississippi have common ask for this type of relief. Circuit
3 clerks in the State of Mississippi have begged for some relief. They want to
4 abide by the law and they have an obligation to abide by the law but at the
5 same time, they have an obligation and many of them believe they have
6 obligation to abide by their moral conscience and what they believe as a
7 portion of faith. This provides a way that both of this interest can be
8 served. It doesn't prohibit a marriage but someone else who doesn't have that
9 objection would be found to do it and it allows an objecting clerk; just for
10 example, our judge who recuse themselves and provide the proper notice.

11 **MR. YOUNG:** Gentleman, I think we both agree that Federal Law trumps state
12 law, correct?

13 **MR. GIPSON:** Sometimes gentleman.

14 **MR. YOUNG:** So we don't agree that Federal Law trumps state law.

15 **MR. GIPSON:** There is expressed preemption, there's implied preemption, and
16 there's field preemption. It all depends on what the state laws are in place.

17 **MR. YOUNG:** Okay. Well gentleman, I'll ask a more direct and specific
18 question. Would this piece of legislation restrict or prohibit the Department
19 of Justice when coming in here and taking action against the citizen of
20 Mississippi.

21 **MR. GIPSON:** This bill does not extend to Federal Law. It doesn't extend.

22 **MR. YOUNG:** My question was just simple one. Can the Feds come into
23 Mississippi if someone follows the rule of this law and can they file a
24 charge or grievance against that state employee?

25

1 **MR. GIPSON:** Gentleman, as you know of, anybody can file anything they want to
2 anytime, but I don't think they'd be successful because of the protections of
3 the constitution, the First Amendment.

4 **MR. YOUNG:** Well, you do agree that it opens the door for the Department of
5 Justice and the U.S. Attorney General's office to take any [INDISCERNIBLE
6 00:33:27] employees.

7 **MR. GIPSON:** Gentleman, if what you say is true and I don't doubt you, if that
8 were to happen, I think we'd be in more serious trouble than I thought we
9 were in.

10 **[VOICE OVERLAP]**

11 If the U.S. Department of Justice decide to come down here in State of
12 Mississippi and force people to violate their fundamental religious freedoms
13 then that it would be the exact proof why we need this bill to protect the
14 people who disagree with that.

15 **MR. YOUNG:** Well gentleman, you know, and again I think our forefathers tried
16 to put necessary protections in place so that we would have a separation of
17 government and religion. And again, I think this body is making an effort to
18 violate what our regional forefathers tried to prevent.

19 **MR. GIPSON:** I disagree with you. This legislation embodies what our
20 forefathers attempted to enshrine which was the separation between the
21 government and the freedom of religion.

22 **MR. YOUNG:** That's correct.

23 **MR. GIPSON:** This says where those two conflicts, an individual having that
24 freedom of religion can be afforded a recusal, can be provided protections
25

1 hereunder and be protected against discrimination by an unfriendly
2 government.

3 **MR. YOUNG:** Well gentleman, if you're going to phrase it as such, if I
4 represent to you that I have a religious belief or moral conviction that I
5 should just pull out my gun and shoot anybody that don't have the same
6 beliefs that I have.

7 [00:35:14]

8 And if I ask the state legislature to provide protections for me and anyone
9 else that might believe the same way that I do, would we be trying to pass
10 legislation that would allow me to just simply commit murder and it not be
11 called murder.

12 **MR. GIPSON:** Absolutely no. That's a ludicrous belief if someone were to say
13 that, gentleman. That's why this bill is limited to only two to three
14 beliefs: Marriage is between one man, one woman; the sexual relations are
15 properly within that union; and the gender belief. That's the scope of this.
16 We're not talking about guns or murder or anything else gentleman.

17 **MR. YOUNG:** Gentleman, again, you know, maybe it was a bad reference point but
18 in any scenario, if I took my vehicle and drove it in the building and just
19 ran over folks because I didn't like them, you know, where --

20 [VOICE OVERLAP]

21 **MR. GIPSON:** This bill has no protection for that.

22 **MR. YOUNG:** Right, but if they were group of people that had those same
23 beliefs as me, and like I said, it doesn't matter if it's gun, you know, a
24 vehicle or if I decided to just plant a bomb and build to blow it up. Where
25 does the line in the sand? Where is it drawn?

1 MR. GIPSON: Well gentleman, any bill like you just described, I'd kill that
2 billing committee where it introduced --

3 [VOICE OVERLAP]

4 The line that we've drawn here is holding a sincere, religious belief or
5 conviction in marriage and in gender and in the proper scope of sexual
6 relationship.

7 MR. YOUNG: Well gentleman, you know, that brings us to a very distinct point
8 in my life, okay? My father was on the other side of the fence on a lot of
9 issues. I have bullet holes in the house that I live in right now. Those
10 bullet holes weren't from kids that lost their way and just drove down the
11 street and start shooting in the house. When I was growing up, we had
12 vehicles --

13 MR. SPEAKER: Excuse me. Excuse me gentleman, just questions and answers
14 please? Questions and answers.

15 MR. YOUNG: Yes sir. Gentleman, is it right because a religious group believes
16 that Black people should not exist in the State of Mississippi? Does it give
17 them the right to blow up people's cars?

18 MR. GIPSON: Absolutely not.

19 MR. YOUNG: Is it a right of a religious entity that believes that Black
20 people shouldn't exist in the State of Mississippi to shoot in people's
21 houses?

22 MR. GIPSON: Absolutely not.

23 [VOICE OVERLAP]

24 You're describing crimes.

25

1 MR. YOUNG: Well no sir. We, again, have to determine what is discriminatory
2 and what is not discriminatory.

3 MR. GIPSON: My answer to you would be we have laws in the books to keep that
4 from having to stop people from shooting individuals, from committing murder
5 and we have laws on the books to keep individuals from committing acts of
6 terrorism and to try to stop those who passed on the other day or you
7 describing a crime. There's nothing in here that protects anyone from
8 committing a crime.

9 MR. YOUNG: No sir. I'm not describing -- I am describing crimes.

10 MR. GIPSON: Okay.

11 MR. YOUNG: We, as a people, should be very conscientious as to whether or not
12 we're committing crimes based on sex, race, gender, whatever ethnicity or
13 whatever economic condition. And I'm very concerned of the direction that
14 we're taking with regard to that. And if you conveyed to me that that is not
15 the direction that we're moving in then I'll be more than happy to yield,
16 gentleman.

17 MR. GIPSON: Gentleman, thank you. That's not the direction we're moving. Let
18 me just be clear, the direction we're moving is what the constitution already
19 provides and for individuals. We're not talking about people who want to
20 commit crimes. If someone commits the crime, they could be punished for that.
21 But this bill says any law abiding person who having these fundamental
22 beliefs cannot act or refuses to act or needs to act a certain way to
23 accommodate those beliefs then this allows them protection from
24 discrimination. That's' all it's doing gentleman.

25 MR. YOUNG: Thanks gentleman.

1 **MR. SPEAKER:** Any further questions, gentleman?

2 **[CROSSTALK: 00:39:52 - 00:40:01]**

3 Gentleman from [PH] Lafayette, [PH] Mr. Hues.

4 **[00:40:00]**

5 **MR. HUES:** Thank you Mr. Speaker with a gentleman from [INDISCERNIBLE
6 00:40:06]

7 **MR. GIPSON:** Gentleman from [INDISCERNIBLE 00:40:07].

8 **MR. HUES:** Gentleman from [PH] Samson, my apologies. Gentleman, what cost
9 assessments, if any, had been done about having to defend this in court based
10 on its inconsistencies with the U.S. Supreme Court rulings?

11 **MR. GIPSON:** Gentleman, we don't think it's inconsistent, so there haven't
12 been any cost -- we think it's entirely consistent. In fact, [INDISCERNIBLE
13 00:40:26] decision, there's addicting and there, they recognizes that people
14 having sincere beliefs, there needs to be a process to accommodate that.
15 That's what this bill does.

16 **MR. HUES:** But if it's challenge that, then it'd be [INDISCERNIBLE 00:40:40]
17 upon the state to defend this if it has.

18 **MR. GIPSON:** As any other law we pass gentleman, we have a debate on those
19 about every bill.

20 **MR. HUES:** All right. Gentleman, if you would, and I specifically call your
21 attention to line 25 through 45 -- actually subsection C says, if I'm reading
22 this correctly is that, "The state cannot take any action against any
23 religious organization that makes any decisions regarding the sale, rental,
24 occupancy terms, et cetera." Are you familiar with that part?

25

1 **MR. GIPSON:** Yes, that's specific to religious organizations, gentleman:
2 churches, houses of worship, who own property and who are deciding how to
3 dispose that property in accordance with their beliefs.

4 **MR. HUES:** So without regard to existing discrimination laws that are out
5 there, with this bill and in fact have the right of any religious
6 organization to refuse to sell, rent, or lease in any way to any gay couple.

7 **MR. GIPSON:** Gentleman, this simply provides a protection from government
8 action to violate that belief. I think what you're describing is a lady did
9 earlier is a private situation and this doesn't apply to a situation of that
10 nature. What it does say is the state or the political subdivision cannot
11 force you to violate your conscience by selling, renting, having occupied, et
12 cetera any property under your control.

13 **MR. HUES:** Well gentleman, I'm actually reading. It says, "The state
14 government shall not take any action against a religious organization because
15 that organization," and I'm paraphrasing C now, "Refuse to sell or lease its
16 property that it was getting rid of to a gay couple." So is that saying that
17 a gay couple can be discriminated against by religious organization and be
18 free from any enforcement action?

19 **MR. GIPSON:** Well I noticed you left out some words that says, "The state
20 government shall not take any discriminatory action against a religious
21 organization." And I would add such as a church, wholly or partially on the
22 basis that the organization -- and I would paraphrase it to say, wholly or
23 partially on the basis that the organization disposed their property
24 consistent with their beliefs. This provides a protection in the same way
25

1 that individuals you describe have some protections. This is a protection at
2 the state level from discrimination by the government.

3 **MR. HUES:** Can a religious organization in Mississippi under this bill refuse
4 to sell or lease to a gay couple and be protected under this law?

5 **MR. GIPSON:** I think so, gentleman, if it violates their belief. Mr. Speaker,
6 I move adoption to bill.

7 **MR. SPEAKER:** Gentleman leaves the floor. Anyone wish to speak on the bill?
8 Gentleman from Washington wishes to speak. Okay. Excuse me, lady from
9 [INDISCERNIBLE 00:43:49], what purpose do you seek recognition?

10 **FEMALE 1:** My button. I had my button pushed, Mr. Speaker. I had an amendment
11 and so --

12 **MR. SPEAKER:** Okay. Excuse me, gentleman. Lady has an amendment. I will
13 recognize the lady for her amendment. Any other amendments that I missed?
14 Okay. I recognize the lady for her amendment.

15 **FEMALE 1:** Yeah. Thank you so much, Mr. Speaker and ladies and gentlemen of
16 the house --

17 **MR. SPEAKER:** Excuse me lady. Illinois, please hold it down. You may continue,
18 lady.

19 **FEMALE 1:** Yeah, thank you so much Mr. Speaker. Ladies and gentlemen of the
20 house, the bill begins in Section 2 and it talks about religious beliefs that
21 we hold. And so I've just always -- every time we've had this discussion, I
22 just want to know why we never would include really what the Bible calls for.
23 So this is what my [PH] memo does.

24 [00:45:05]

25

1 In the place where it says, "Marriage is between a one man and one woman." My
2 memo says who's never been previously married or who is widowed from
3 marriage. Why? Because Luke 16:18 says, "Whoever putteth away his wife, and
4 marrieth another, committeth adultery and whosoever marrieth her that is put
5 away from her husband committeth adultery." First Corinthians 7:10 and 7:11
6 says, "And unto the married I command yet not I, but the Lord, let not the
7 wife depart from her husband, husband depart from her wife." Then it talks
8 about uncleanliness and you can't do it. Then Matthew goes on on the Fifth
9 Chapter and says, "But I say unto you, that whosoever puts away their wife,
10 saving for the cause of fornication, she marries again, it causes her to
11 commit adultery." But further than that Deuteronomy talks about When a man
12 takes a wife and marries her, and she ceases to find favor in his eyes
13 because of some uncleanliness, he can have a written divorcement but then the
14 Bible also speaks to there's a responsibility even there as it relates to
15 when you can marry and what marriage actually is. So this amendment simply
16 says what the Bible says marriage is. It's between a man and a woman who have
17 never been previously married or if you have and you are a widow, wife or a
18 widowed husband, that's the definition of marriage. Then on line 20, the
19 amendment strikes after reserve onto marriage and it says, as it relates to
20 sexual relations that they shall only be practiced in this state of union and
21 if they are practiced outside of this state of union then that is certainly
22 considered adultery. That scripture and I hope that you would adopt the
23 amendment.

24 **MR. SPEAKER:** Questions on the amendment? I don't see any recognized chairman
25 to respond.

1 **MR. GIPSON:** Thank you Mr. Speaker. I have reviewed the lady's amendment. I do
2 think it's well intention but I'm going to oppose it and ask you to oppose it
3 because it does and seem to encompass what she just described that just says
4 who have never been married previously or widowed from marriage. And the
5 other reason that I oppose this amendment is we draft this bill on a very
6 narrow way as a core fundamental belief and I think we're getting a little
7 far field of this getting into the details and I would ask you to oppose this
8 amendment.

9 **MR. SPEAKER:** Does the lady wish to close? She does not wish to close.
10 Question now occurs on amendment number two. If you're in favor of the
11 amendment, say, "Aye!" [Aye] Opposed, "Nay"? [Nay] [INDISCERNIBLE 00:48:17].
12 There's insufficient number. Question, anything further on the bill?

13 **MALE 2:** Move it off, move past.

14 **MR. SPEAKER:** Okay, stand up. Let me see. There was not that many standing and
15 there was not that many that voted for it. So some of you are standing, you
16 did not vote for the amendment. Open the machine Madam Clerk. If you favor
17 the amendment, vote "Aye;" if you're opposed, vote "Nay."

18 **[AUDIO GAP: 00:48:50 - 00:48:58]**

19 Close the machine Madam Clerk. By vote of 40 ayes and 77 nays, the amendment
20 prevails. There's not a sufficient number, ladies and gentlemen standing
21 originally. We've been down this road before. We're going to have roll call
22 vote. It needs to be rather quick. Gentleman on those final passage -- is
23 gentleman from Washington wishes to speak on final passage?

24 **[AUDIO GAP: 00:49:30 - 00:49:41]**

25

1 **MALE 3:** Thank you Mr. Speaker. Ladies and gentlemen, let me begin by
2 apologizing we're here on this Friday morning dealing with this and you
3 trying to go home to spend some time with our family, your children and your
4 grandchildren. I apologize that we have to go through something like this on
5 a day that normally in the past we hadn't been here.

6 [00:50:00]

7 But let me say this, Proverbs 6:16-19 states this, "There are six things the
8 Lord hates, seven that are detestable to him: haughty eyes, a lying tongue,
9 hands that shed innocent blood, a heart that devises wicked schemes, feet
10 that are quick to rush into evil, a false witness who pours out lies and a
11 person who stirs up conflict in the community. And I want to deal with a
12 person who stirs up conflict in a community, conflict in the community. Some
13 of you really don't want to have to deal with this because you are attached
14 to someone who has chosen to have an alternative lifestyle, your children,
15 your grandchildren, you nieces, your nephews, your brothers or your sisters;
16 a person who stirs up conflict in the community. Sometimes children make
17 choices that are not the best choices for them; however, it is our
18 responsibility to lead them from being a stray to righteousness. But a person
19 who stirs up conflict in the community would never have that opportunity to
20 draw people not to them. If a person has chosen to have an alternative
21 lifestyle, it is not up to us to judge them. It is up to us to pray for them
22 that God will touch their heart and lead them to righteousness. It is not a
23 responsibility to chasten, choke, strife or bring conflict against them. As a
24 Christian, you have an obligation to pray for one another. You have a
25 responsibility as a Christian to pray for one another and lead them to

1 righteous. The ultimate judgment, the ultimate decision about salvation
2 is the relationship between an individual and Christ. Nothing this piece of
3 legislation does speak to that. Your moral conviction, if you see a person
4 that is not doing or living a lifestyle that suits you as far as your
5 religious belief, you should have a conversation with them then if they don't
6 want you to pray with them, you pray for them. That is our obligations as
7 Christians. It is not our obligation to stir up conflict within the
8 community. Scripture, a person who stirs up conflict in the community is not
9 going toward the will of God. He or she is moving away from the will of God.
10 Now, I'm not here to be the morality police. But if we don't put it out
11 there, put it out there in truth, in light, and in honesty. A heart that
12 deceives weakest schemes God does not like. A heart that deceives, divides
13 any wicked plan, God has [INDISCERNIBLE 00:53:53]. You can do what you wish
14 but in good conscious. I'm not going to sit back there and let people put a
15 twist on something that draw us away from the Christ that I love. This is not
16 the will of God. The word says in 16 to 19, "A person who stirs up conflict
17 in the community," he hates that.

18 **MR. SPEAKER:** I can ask chairman to close.

19 **MR. GIPSON:** Thank you Mr. Speaker. Ladies and gentlemen, the house --

20 **MR. SPEAKER:** Excuse me gentleman, does anyone else who wish to speak? Yeah, I
21 see that that's why I apologize. I would have known a second ago. Do you wish
22 to speak, gentleman? Does anyone else wish to speak because I don't have any
23 other lights up here? Okay.

24 **MALE 4:** I rise with some reluctance because I've heard a lot about religion
25 and how this bill is geared towards religious freedom.

1 [00:55:05]

2 And perhaps if I were a person that would have the -- the destiny have been
3 born in the Stone Age or prehistoric times, I might follow for that. But I
4 want you to remember -- just think for a moment the people that you know and
5 you've seen or experienced in your neighborhood and your community and
6 perhaps even in your family, and you've seen this. This bill ignores -- this
7 law will ignore the existence of reality. I ask the chairman about gender
8 assignment. This bill seems to believe that -- in his response, it seems to
9 believe XX chromosome -- XY chromosome is all unique to be who you are when
10 [INDISCERNIBLE 00:56:04] not the case. The fact is the size of -- now we're
11 no longer ignorant. Size is shown that being XX or XY does not necessarily
12 determine your sexuality nor does the physical appearance of your identity
13 tell you determine that. Sometimes people don't know who they are until they
14 reach puberty and that's because God has made them in a certain way and they
15 act out who they are. Not because of some legislation that's passed by any
16 legislated body and you are discounting those people and say they don't
17 exist. We cannot play by ignorance any longer. We know that they do exist and
18 it's not bad choice or independent decision making. People become who they
19 are because God has made them who they are. And now we're using religions in
20 the name of God to discriminate against these individuals. Now you can't hide
21 from that and pretend that people don't exist in that way. You know them. You
22 know them by name. Some of them live in our own homes and in our communities.
23 We know who these people are. If we're going to say just as they said in 1955
24 and '56 in this same building that people were different and God didn't
25 intend us to have the same rights as other people. So in the name of God and

1 our religious high, we're going to pass this legislation saying, "Yes, we can
2 discriminate against them because it's our religious belief." Same argument
3 was made. And here we are going to put the face of Mississippi again on this
4 kind of legislation knowing full well that there is a group of people out
5 there in our communities who deserve the same rights as anybody else who have
6 done anything wrong, have not offended anyone and not trying to practice
7 their beliefs on any of us but trying to live their lives as human beings as
8 they have a right to do. Yet here again, here is a piece of legislation
9 that's no different than a legislation in the past as the Brown versus the
10 Board of Education. I could hear the same argument if I were here in this
11 body that was made. Thus, the Supreme Court has done us a wrong here and it's
12 against our religious belief and you pass legislation. And it took us years
13 to get away from it. And now we are running back to it. This is not a bill
14 founded in religion. It's a bill founded in ignorance of and defines of
15 religion. Because if you want to say that people who are not bothering you
16 not bothering me because of whatever reason, maybe there are some independent
17 decisions made but there's a lot of [INDISCERNIBLE 00:59:14] who are there
18 and doing what they are doing because they were born that way. And if they
19 were born that way then God must have intended it to be like that. And who
20 are we to tell God he was wrong. I ask you in the name of my Christian belief
21 to vote against this anti-human being piece of legislation.

22 **MR. SPEAKER:** I recognize the chairman to close. Excuse me gentleman,
23 gentleman from the [INDISCERNIBLE 00:59:48], what purpose did you seek
24 recognition?
25

1 **MALE 5:** Mr. Speaker, I would like to go back to Amendment 2 and change it
2 from "aye" to a "nay."

3 **MR. SPEAKER:** Gentleman asks a unanimous consent to change his vote on
4 Amendment 2 from what did you say, aye, -- to "aye" from "nay"?

5 **MALE 5:** Aye to a nay.

6 [01:00:04]

7 **MR. SPEAKER:** Aye to a nay. Any objection? Hearing none, changes on the vote.
8 Other gentleman from the [INDISCERNIBLE 01:00:09], what purpose do you see
9 recognition?

10 **MALE 6:** I would like to speak.

11 **MR. SPEAKER:** You want to speak on the bill, is that what you said? Okay,
12 recognize the gentleman to speak. Is there anyone else that wishes to speak?
13 Okay. This would be the last one man and then we'll recognize the chairman to
14 close.

15 **MALE 6:** Brothers and sisters, there's a lot of talking here about what your
16 Jesus says or God say but I believe in a God that says love the sinner, hate
17 the sin and never in Scripture do I see him condoned or embraced or endorsed
18 sin. He is very clear throughout Scripture, throughout the entirety of the
19 Bible what his standard is. This bill I work for a church, we had to redo all
20 of our policies. I can no longer let certain groups use our facilities
21 because it opens us up to liability to be sued by other folks that we don't
22 agree with their lifestyle as a point of our faith. Who's being in French Du
23 Pont here? Is it the Christian or is it the person that makes the lifestyle
24 choice? Both of them are choices. Is it okay for me to disagree with you as
25 long as you disagree with the same thing or the minute at my opinion or my

1 viewpoint or my stance or my deeply held belief conflicts with what
2 you think I'm to be silenced, I'm to have no rights. I have a right, a
3 fundamental right to worship the way that I feel God has called me to
4 worship. I have a freedom to speak the way that God has called me to speak.
5 That is guaranteed under our Bill of Rights. And we want to claim, my God
6 says this, my God says that. It's very clear what God says. Go back and look
7 at your Bible. He calls sin sin. We are all fallen. This isn't about saying
8 that I'm better than you or you're better than me. This is about aligning our
9 right to worship, to speak and to do according to our faith. And our faith is
10 pretty clear. And we're living in a day and an age where there is an agenda
11 and there is reverse prosecution. And personally, I may be speaking out of
12 turn here. But for my African-American brothers and sisters, I personally
13 feel that you had no choice in the color of your skin. There is nothing you
14 can do to change that fact but we want to elevate a decision to a protected
15 civil class. And when we do that in this nation, we are on dangerous ground.
16 There's a lot of emotion left up here, brothers and sisters. I would
17 encourage you to look at this for what it is. And that is to protect my
18 right, your right, to hold what is the most dear to you, to hold what I am
19 willing to die for and as I hope you that claim to be Christians are willing
20 to die for as well and that is your beliefs. When you can no longer have
21 beliefs, you are no longer free.

22 **MR. SPEAKER:** Recognize the chairman to close. Maintain order. We're not
23 having demonstrations.

24 **MR. GIPSON:** I'm not going to try to add to that, Mr. Speaker. I will say
25 this. In response to the issue about allegations of storing up conflict, I

1 would say to you this bill actually resolves conflict. This provides a way
2 that we recognize those fundamental beliefs that the gentleman just
3 mentioned. That we provide an option without fear from all Mississippians,
4 Caucasians, African-Americans, Hispanics, whoever they may be, Asians, if
5 they hold these fundamental beliefs, they can act and they can act and
6 believe without fear. And I urge to pass to vote for this bill because it is
7 the right thing to do. Thank you.

8 **MR. SPEAKER:** [INDISCERNIBLE 01:05:00] House Bill 1523, open machine Madam
9 Clerk. In favor of the bill, vote "aye;" if you're opposed, vote "nay." Has
10 everyone voted? Has everyone voted? Close the machine Madam Clerk. A vote of
11 80 ayes, 39 nays, the bill passes.

12 [01:05:21]

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March 30, 2016 Senate Debate

1 **SENATOR SEAN TINDELL:** Mr. President, I'd like to call of item no. 62 and ask
2 the title be read.

3 **LIEUTENANT GOVERNOR JONATHON REEVES:** Mr. Clerk, please read the title.

4 **CLERK:** House Bill No. 1523 the Protecting Freedom of Conscience from
5 Government Discrimination Act to create.

6 **SENATOR SEAN TINDELL:** Mr. President, I'll make the usual motion.

7 **LIEUTENANT GOVERNOR JONATHON REEVES:** The Senator makes the usual motion. All
8 in favor say, "Aye." Any opposed say, "No." The ayes have it. Senator
9 Tindell, you're recognized.

10 **SENATOR SEAN TINDELL:** Mr. President, I'd like to make an amendment to the
11 bill.

12 **LIEUTENANT GOVERNOR JONATHON REEVES:** I want to recognize the Chairman for
13 Amendment No. 1 to House Bill 1523.

14 **SENATOR SEAN TINDELL:** Amendment No. 1 is really just a clarification
15 amendment. There's some language in the bill, particularly if you look at
16 Section 5, Subsection 3. It says, "Violations of the act are properly
17 governed by Chapter 46, Title 11, Mississippi Code annotated in 1972 shall be
18 brought in accordance with that chapter." That chapter is the Mississippi
19 Tort Claims Act which provides certain immunities for the State and caps
20 damages at \$500,000. However, in Section 8, it says that, basically, there is
21 no such immunity. And so, what we've done is we've stricken Section 8 and
22 we've amended Section 6 to provide the language provided here which is in the
23 amendment to simply say, "An aggrieved party must first seek injunctive
24 relief. If injunctive relief is granted and there's further violation of the
25 injunction, they can then pursue claims against the State or other

1 governmental body pursuant to the Mississippi Tort Claims Act and see
2 compensatory damages, reasonable attorney fees, and other appropriate relief.

3 And that is the amendment of --

4 **LIEUTENANT GOVERNOR JONATHON REEVES:** Any further discussion on the amendment?

5 If not, the question recurs on the adoption of the amendment. All those in
6 favor say, "Aye".

7 **SENATOR SEAN TINDELL:** Aye.

8 **LIEUTENANT GOVERNOR JONATHON REEVES:** Any who opposed say, "No." The ayes have
9 it. We're now on the final passage, Senator Tindell.

10 **SENATOR SEAN TINDELL:** Mr. President, I would recognize Senator Branning to
11 present the bill.

12 **LIEUTENANT GOVERNOR JONATHON REEVES:** Senator Branning is recognized to
13 explain the remaining parts of the Bill. Senator Branning you're recognized.

14 **SENATOR JENIFER BRANING:** Thank you Mr. President. Thank you Chairman Tindell.

15 Good evening ladies and gentlemen of the Senate. House Bill 1523, The
16 Protecting Freedom of Conscience from Government Discrimination Act. This
17 legislation was requested by a number of ministers, foster care agencies,
18 adoption agencies, and a host of individuals from across the State. You all
19 should have received a packet on your desks this afternoon with about 300
20 names of people from our state that have requested this bill. This
21 legislation was brought forward as a result of the United States Supreme
22 Court decision, Obergefell, last summer that legalized same-sex marriage.
23 There are individuals and entities across our state that are in the business
24 of providing marriage-related goods and services. But since Obergefell, these
25 individuals and businesses have been approached by same-sex couples to

1 provide these goods and services. And they're frankly businesses and
2 individuals who are just not comfortable because of their sincerely-held
3 religious belief in providing these goods and services to a same-sex couple.
4 So we sort of find ourselves at a crossroad. We have the law of the land in
5 Obergefell which some people like and some people don't. It is our law and
6 it's got to be enforced. But how do we do that while we protect the religious
7 liberties of people in our state? Now, if any of you are familiar with the
8 Obergefell decision, in the oral argument, our Solicitor General made have
9 mentioned that he realized this case being handed down our Court would create
10 an imbalance in religious liberties among our nation. And it's pretty
11 detailed in the oral argument. Well, Chief Justice John Roberts goes on to
12 say that, yes, he agreed also. He said, "It would be up to the states to
13 balance out the religious liberties as each individual deems fit. And we
14 talked some yesterday about Roe versus Wade in Senator Fillingane's bill that
15 he presented. And I appreciate the work you did on your bill, Senator. But as
16 you remember, when Roe versus Wade was handed down, we found ourselves then
17 at a crossroads. We had a law handed down by our United States Supreme Court
18 that had to be enforced, but it is infringed upon religious liberties among,
19 in that case, medical professionals. So what did we do? Our state balanced
20 out those rights by enacting a Code section that's still on our books today.
21 I believe it is 41-107-15, protects medical personnel from any type of
22 government action in the event they do not feel that they can with a clear
23 conscience provide medical services in furtherance of an abortion. So it's
24 the the same thing here. I like to think of this bill as presenting a
25 solution to the crossroads where we find ourselves today as a result of

1 Obergefell. It gives us the option to enforce the law of the land while
2 protecting the religious liberties of those in our state. And so, with that
3 said, I will go into some of the specifics of the bill.

4 [00:05:00]

5 As I mentioned, there are certain groups of individuals and businesses that
6 provide marriage-related goods and services. This would include ministers. It
7 would include florists, photographers, and people along those lines. This
8 bill would allow them to refuse to provide marriage-related goods and
9 services without fear of government discrimination in the form of fines or
10 fees. When you're talking about foster care agencies, many of those
11 religious-based foster care agencies have a policy that they will award
12 adoptions to traditionally married couples. In this instance, it would
13 prohibit the government from denying the 501(c)(3) tax benefit that they now
14 receive. There is also a medical exclusion here that allows the government --
15 or rather allows individuals in the medical field protection from government
16 interference in the event they do not feel that they can participate in sex
17 change operation and related procedures. And that is it in a nutshell. And
18 now, I'm happy to answer any questions anyone has.

19 **LIEUTENANT GOVERNOR JONATHON REEVES:** Any further discussion on the bill as
20 amended? Senator Horhn, for what purpose is your recognition?

21 **SENATOR JOHN HORHN:** Just a couple of questions, Mr. President.

22 **LIEUTENANT GOVERNOR JONATHON REEVES:** Yes, does the senator yield?

23 **SENATOR JENIFER BRANNING:** Certainly.

24 **LIEUTENANT GOVERNOR JONATHON REEVES:** You're recognized, Senator Horhn.

25

1 **SENATOR JOHN HORHN:** Thank you Mr. President. Thank you, Senator Branning.
2 Senator, I'm a believer in religious freedom as much as the next person. The
3 questions I have have to deal with how this bill might come up for potential
4 abuse by folks who just want to discriminate against other folks and cite
5 their religious beliefs as a reason that they're discriminating against
6 people. How do we address that?

7 **SENATOR JENIFER BRANNING:** I'm glad that you asked, senator. There have been
8 other people that have had that concern and my response to that is this is
9 not a bill to allow any type of discrimination at all. In fact, what it does
10 is quite the opposite. It is lifting a burden imposed on a certain group of
11 individuals that would be infringed upon by the government if something was
12 not put into place at this point in light of the Obergefell decision that was
13 handed down last year. It's not taking away any rights of any group.

14 **SENATOR JOHN HORHN:** Okay. Well, if I want a certain cake maker and I'm -- not
15 me personally, mind you, but let's say that hypothetically a gay couple goes
16 to a dressmaker or a cake maker or someone who's got a facility that they
17 want to rent and they say, "Oh, we want to use your cake making skills or
18 your dressmaking skills or your facility because we're going to get married
19 or we're going to have our wedding reception there." If this bill passes, it
20 basically says that I as a shop owner can turn you down based on my religious
21 beliefs if I don't believe in gay marriage. Is that correct?

22 **SENATOR JENIFER BRANNING:** This bill allows a business owner to refuse to
23 provide wedding-related goods and services in furtherance of the same-sex
24 marriage.

25

1 **SENATOR JOHN HORHN:** Right. So in other words, I can refuse you if I'm that
2 proprietor and I don't agree with your lifestyle?

3 **SENATOR JENIFER BRANNING:** What it does, Senator Horhn, it prevents this
4 business or this business owner from being discriminated against by the
5 government in the form of fees or fines or things of that nature. Now, keep
6 in mind that this couple that would be seeking these wedding services is
7 certainly free to obtain those services anywhere else. It just protects the
8 business owner from his or her deeply and sincerely-held religious belief
9 from being violated.

10 **SENATOR JOHN HORHN:** But if I'm the business owner and my deeply held
11 religious beliefs say I don't believe in gay marriage, I can send you
12 packing, can I, without fear of any recourse coming to me? Isn't that
13 correct?

14 **SENATOR JENIFER BRANNING:** It would allow that, yes. But at the same time, it
15 protects that business owner from the government discriminating because of
16 the business owner's religious beliefs.

17 **SENATOR JOHN HORHN:** Okay. And isn't there something about abridging the
18 State's sovereign immunity that's in this bill?

19 **SENATOR JENIFER BRANNING:** If you saw the amendment, Senator, the sovereign
20 immunity issue was addressed.

21 **SENATOR OHN HORHN:** Oh, that was part of the amendment that Senator Tindell
22 offered?

23 **SENATOR JENIFER BRANNING:** Yes, Senator, it was. What it did, if you want me
24 to clarify a little bit on the amendment, it provides that in the event
25 there's a cause of action based on this bill, that injunctive relief would

1 have to be sought first. And if that is not appropriate, then damages could
2 be awarded, but then it's capped by the Tort Claims Act.

3 **SENATOR JOHN HORHN:** Okay. As it relates to an elected official who might be
4 involved in the issue of some marriage licenses, it would give some cover and
5 protection to a circuit clerk from being able to be discriminated against by
6 the government if they choose not to perform a marriage license ceremonies.
7 Is that correct? Or to issue a marriage license?

8 [00:10:20]

9 **SENATOR JENIFER BRANNING:** Let me speak to the circuit clerks a little bit
10 because it's a little bit different. Keep in mind, they're elected officials
11 and they have a different duty amongst society. It's just the private
12 business owners. So what this bill does, it allows the clerk if he or she has
13 a personal belief that prohibits them from with a clear conscience maybe
14 stamping that marriage license, it requires them to have someone on their
15 staff that will issue those marriage licenses. And the bill says "without
16 delay." So there will be no delay in issuing marriage licenses, but the clerk
17 would have the ability to kind of shuffle staff around just to make it
18 happen.

19 **SENATOR JOHN HORHN:** Isn't that also an opportunity to have the person on
20 staff who's willing to perform that issuance ostracized, shall we say, by the
21 staff that doesn't believe in that? Wouldn't that create a strained office
22 scenario?

23 **SENATOR JENIFER BRANNING:** I don't see that, Senator. What it's doing is the
24 bill is requiring that clerk to uphold the duties that he or she is required
25 to perform by law.

1 **SENATOR JOHN HORHN:** Okay. All right. And so, back to the clerk or back to the
2 proprietor. What if I cite that it's against my religious beliefs to have any
3 kind of ceremony performed with regard to interracial couples?

4 **SENATOR JENIFER BRANNING:** This bill specifically addresses same-sex marriage,
5 Senator Horhn. It's very narrowly drafted.

6 **SENATOR JOHN HORHN:** So it's only about gay people who are trying to get
7 married where they could be turned away? Is that correct?

8 **SENATOR JOHN HORHN:** No, Senator Horhn. The way I view this, it is about
9 protecting the religious freedom of people that don't feel they can with a
10 clean conscience assist a couple that's same-sex in furtherance of their
11 marriage. That's what it's about.

12 **SENATOR JOHN HORHN:** And you don't see this is a slippery slope?

13 **SENATOR JENIFER BRANNING:** I don't, Senator. I think it's great for our state.

14 **SENATOR JOHN HORHN:** Are you aware that the same bill or a very similar bill
15 was put forth in Georgia and passed by the legislature?

16 **SENATOR JENIFER BRANNING:** I'm aware of a bill that was put forth in Georgia,
17 but it's not similar to this bill.

18 **SENATOR JOHN HORHN:** It's not. How is it dissimilar?

19 **SENATOR JENIFER BRANNING:** Okay. Give me just a moment and I'll go into detail
20 with you. All right, the Georgia bill actually included Riffer language. This
21 bill does not have Riffer language in it.

22 **SENATOR JOHN HORHN:** What exactly is Griffer language?

23 **SENATOR JENIFER BRANNING:** The Riffer Law is something that we enacted two
24 years ago.

25 **SENATOR JOHN HORHN:** Oh, Riffer. I'm sorry.

1 **SENATOR JENIFER BRANNING:** Riffer. I may have not pronounced that as clearly
2 as I should have, but it included Riffer language. So that's one difference
3 that we've got in the Georgia bill and our present bill. The next difference
4 is that the Georgia bill didn't provide protections for a situation like
5 Kelvin Cochran. I don't know if anyone heard him on SuperTalk this morning.
6 He is a fire chief from the State of Georgia. And he was actually promoted by
7 President Obama to be on the national level. He served in that position for
8 some time, came back to the State of Georgia. And on his off time -- he
9 wasn't on his work time -- when he's off time, he wrote a man's Bible study
10 that addressed the issue of marriage. And he lost his job for that reason.
11 The Georgia bill didn't have language that would have protected that
12 gentleman. Had he been here in Mississippi and this bill would have been our
13 law, he would have had protection there because that is his sincerely-held
14 religious belief. Another difference is that the Georgia bill was pretty
15 broad. Very broad, in fact. And if you look at the bill before you, it's very
16 narrowly tailored to only address the issue of same-sex marriage and to
17 provide protections for the people that do not feel like with a clear
18 conscience that they can facilitate that marriage. It's not intended to be
19 discriminatory. It takes no rights away from anyone.

20 **SENATOR JOHN HORHN:** Now, Senator, can you see how someone from my background
21 -- and I'm an African-American, I've grown up in Mississippi, I've
22 experienced discrimination as many other African-Americans have -- can't you
23 see how some might look at this legislation as being discriminatory and the
24 fact that it's opening up a Pandora's box? Don't you understand why we might
25 feel that way, why I might feel that way?

1 **SENATOR JENIFER BRANNING:** Let me answer the question this way, Senator Horhn.
2 Because obviously, I'm not in the position that you're in and I have tried to
3 research this bill from every angle. In fact, I did some research to try to
4 put myself in your position to try to maybe see what your reaction would be.

5 [00:15:02]

6 So let me read you something from a brief that was submitted at the time the
7 Obergefell case was being decided. This brief was submitted by a coalition of
8 black pastors, okay, that was very interested in what was happening in
9 Obergefell last year. I'm going to quote from this excerpt. It says,
10 "Comparing the dilemmas of same-sex couples to the centuries of
11 discrimination faced by black Americans is a deceptive distortion of our
12 country's culture and history. The disgraces in our nation's history
13 pertaining to the civil rights of black Americans are unmatched. No other
14 class of individuals, including individuals who are same-sex attracted have
15 ever been enslaved or lawfully viewed as not human but as property." It goes
16 on to say that "Same-sex attracted individuals have never lawfully been
17 forced to attend different schools, walk on separate public sidewalks, sit in
18 the back of the bus, drink out of separate drinking fountains, deny their
19 right to assemble or deny their voting rights." So with all due respect,
20 Senator Horhn, I think this excerpt provides one black pastor's view on
21 whether this bill before you would constitute discrimination.

22 **SENATOR JOHN HORHN:** You misunderstood what I was saying, Senator. I would not
23 for any moment compare discrimination that's been heaped upon African-
24 Americans that anybody in this country or anybody really in the world has
25 faced that same kind of discrimination. So don't get it twisted. I'm not

1 **SENATOR CHRIS MCDANIEL:** The very first operative clause of that amendment
2 speaks to the free exercise of religion.

3 **SENATOR JENIFER BRANNING:** It does.

4 **SENATOR CHRIS MCDANIEL:** And the other, the Establishment Clause, correct?

5 **SENATOR JENIFER BRANNING:** Yes.

6 **SENATOR CHRIS MCDANIEL:** The courts have fashioned those two provisions into a
7 test, haven't they? And we keep hearing that language over and over,
8 "sincerely-held religious belief," right?

9 **SENATOR JENIFER BRANNING:** Right.

10 **SENATOR CHRIS MCDANIEL:** That test has been used for more than 60 years to
11 discern what is a sincerely-held religious belief versus what someone may
12 just concoct to be a religious belief, right?

13 **SENATOR JENIFER BRANNING:** Right.

14 **SENATOR CHRIS MCDANIEL:** And in fact, Federal Law also protects employees from
15 religious prosecution at the workforce, in the workplace, don't they?

16 **SENATOR JENIFER BRANNING:** It does, yes.

17 **SENATOR CHRIS MCDANIEL:** And if someone feels as though they're sincerely-held
18 religious beliefs are being violated in the workforce, the employer must make
19 accommodations.

20 **SENATOR JENIFER BRANNING:** Yes.

21 **SENATOR CHRIS MCDANIEL:** If he doesn't make accommodations, he's guilty of
22 religious discrimination, right?

23 **SENATOR JENIFER BRANNING:** Yes.

24 **SENATOR CHRIS MCDANIEL:** Religious discrimination has been outlawed
25 effectively in this country, hasn't it?

1 **SENATOR JENIFER BRANNING:** The potential is there, yes.

2 **SENATOR CHRIS MCDANIEL:** Title 7 of the Civil Rights Act of 1964, correct?

3 **SENATOR JENIFER BRANNING:** Yes.

4 **SENATOR CHRIS MCDANIEL:** One of the same acts that outlawed racial
5 discrimination, right?

6 **SENATOR JENIFER BRANNING:** Yes.

7 **SENATOR CHRIS MCDANIEL:** One of the same laws that outlawed gender
8 discrimination, right?

9 **SENATOR JENIFER BRANNING:** Yes.

10 **SENATOR CHRIS MCDANIEL:** The First Amendment protects freedom of conscience,
11 doesn't it?

12 **SENATOR JENIFER BRANNING:** It does.

13 **SENATOR CHRIS MCDANIEL:** Senator Blount mentioned a moment ago examples about
14 gambling and alcohol. You're not aware of anyone in Mississippi who's been
15 forced to gamble, are you?

16 **SENATOR JENIFER BRANNING:** No.

17 **SENATOR CHRIS MCDANIEL:** The State wouldn't be able to force someone to
18 gamble, could they?

19 **SENATOR JENIFER BRANNING:** No.

20 **SENATOR CHRIS MCDANIEL:** That would be a violation of the First Amendment,
21 wouldn't it?

22 **SENATOR JENIFER BRANNING:** Right.

23 **SENATOR CHRIS MCDANIEL:** You're not aware of anyone being forced to drink
24 alcohol, are you?

25 **SENATOR JENIFER BRANNING:** No.

1 **SENATOR CHRIS MCDANIEL:** State couldn't do that, could they?

2 **SENATOR JENIFER BRANNING:** I don't think so.

3 **SENATOR CHRIS MCDANIEL:** And all your bill is saying is now the State can't
4 force a Christian, or whomever, to violate those very constitutional rights
5 inscribed in the First Amendment of the United States Constitution, right?

6 **SENATOR JENIFER BRANNING:** That's right.

7 **SENATOR CHRIS MCDANIEL:** That's all this does, isn't it?

8 **SENATOR JENIFER BRANNING:** That's all it does.

9 **SENATOR CHRIS MCDANIEL:** Prohibit state coercion.

10 **SENATOR JENIFER BRANNING:** Right.

11 **SENATOR CHRIS MCDANIEL:** The same coercion that was discussed in the Mayflower
12 Compact in 1620.

13 **SENATOR JENIFER BRANNING:** Yes.

14 **SENATOR CHRIS MCDANIEL:** The same coercion that was discussed in 1634, the
15 Maryland Toleration Act.

16 **SENATOR JENIFER BRANNING:** That's correct.

17 **C SENATOR HRIS MCDANIEL:** The same coercion or prosecution that was discussed
18 in the Virginia Declaration of Rights in 1776. The same that was discussed in
19 1789 with our adoption of the Federal Bill of Rights.

20 **SENATOR JENIFER BRANNING:** Right.

21 **SENATOR CHRIS MCDANIEL:** And those rights, that Bill of Rights applies equally
22 well pursuant to the Fourteenth Amendment to these states, right?

23 **SENATOR JENIFER BRANNING:** That's right.

24 **SENATOR CHRIS MCDANIEL:** And it controls what Mississippi can do.

25 **SENATOR JENIFER BRANNING:** Yes.

1 **SENATOR CHRIS MCDANIEL:** Mississippi cannot violate the rights of Christians
2 or any other religious group if they held sincerely-held religious beliefs.

3 **SENATOR JENIFER BRANNING:** That's my understanding.

4 **SENATOR CHRIS MCDANIEL:** Thank you.

5 **SENATOR JENIFER BRANNING:** Thank you.

6 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator McDaniel. Senator
7 Watson, for what purpose do you seek recognition?

8 **SENATOR MICHAEL WATSON:** Question.

9 **LIEUTENANT GOVERNOR JONATHON REEVES:** Does the senator yield for a question.

10 **SENATOR JENIFER BRANNING:** Yes.

11 **LIEUTENANT GOVERNOR JONATHON REEVES:** You're recognized, Senator Watson.

12 **SENATOR MICHAEL WATSON:** Thank you, Mr. Chairman -- Mr. President. Senator, I
13 want to ask a couple of questions in follow-up there on a couple of things
14 I've heard on the floor. And that's a beautiful phrase, the free exercise
15 thereof, in the First Amendment. And we've heard you have been asked a couple
16 of questions about being forced to do certain things that violate our deeply-
17 held beliefs. Along the lines of the gambling and the drinking questions,
18 have we seen in other states or individuals have been forced by the
19 government and then penalized later thereof to violate their deeply-held
20 religious beliefs?

21 **SENATOR JENIFER BRANNING:** We have. We're beginning to see adoption agencies
22 have to close their doors because they're losing the 501(c)(3) exemption.
23 That's happening right now. And we're seeing other institutes that are
24 specifically addressed in this bill.

25

1 **SENATOR MICHAEL WATSON:** And we talked a little about earlier, I think it was
2 Chief Cochran in Atlanta.

3 **SENATOR JENIFER BRANNING:** Yes.

4 **SENATOR MICHAEL WATSON:** That was a great example. We've seen examples of it
5 across the United States of America.

6 [00:50:02]

7 We continue to hear this word "discrimination" thrown about just all over the
8 place way too much, far too often. And it seems to me that the only people
9 that we don't really care to defend against that discrimination are people of
10 faith.

11 **SENATOR JENIFER BRANNING:** I agree.

12 **SENATOR MICHAEL WATSON:** And I think we've both seen this across this nation,
13 these instances are recurring quite too often.

14 **SENATOR JENIFER BRANNING:** Yes.

15 **SENATOR MICHAEL WATSON:** And so, is this our chance, our time to say enough is
16 enough?

17 **SENATOR JENIFER BRANNING:** It is. And in fact, if you will look at the oral
18 arguments on the Obergefell decision, our Court actually said, "It is up to
19 the states to balance this out." The Court acknowledged that, because of that
20 decision, there's going to be an imbalance in religious liberties among the
21 states. So we're just doing what we've been admonished to do by the Court.
22 And that is to find our balance here in Mississippi. And I believe this bill
23 provides just what we need.

24 **SENATOR MICHAEL WATSON:** So this helps to end the discrimination that we
25 continue to see grow that no one's speaking up against but we will now?

1 **SENATOR JENIFER BRANNING:** Yes.

2 **SENATOR MICHAEL WATSON:** Thank you.

3 **SENATOR JENIFER BRANNING:** Thank you.

4 **SENATOR LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator Watson.

5 Senator Blackmon, for what purposes you seek recognition?

6 **SENATOR BARBARA BLACKMON:** An amendment at the proper time.

7 **LIEUTENANT GOVERNOR JONATHON REEVES:** I will recognize you at the proper time.

8 You will be amendment number three. Senator Fillingane, for what purpose do
9 you seek recognition?

10 **SENATOR JOEY FILLINGANE:** A question, Mr. President.

11 **LIEUTENANT GOVERNOR JONATHON REEVES:** Does the senator yield for a question?

12 **SENATOR JENIFER BRANNING:** Yes.

13 **SENATOR JOEY FILLINGANE:** Thank you, Mr. President. Thank you, Senator
14 Branning. A couple of questions. As an attorney, you have your office. Are
15 there folks that you choose not to serve in the way of taking on them as a
16 client for any number of reasons?

17 **SENATOR JENIFER BRANNING:** There are certain cases that I don't take just
18 because I don't practice certain areas of law. An example would be divorce
19 law. Not because I don't necessarily -- I don't feel wrong about helping
20 someone in a divorce, that's just not what I do as an attorney. So, yes.

21 **SENATOR JOEY FILLINGANE:** But even areas that someone walks in the door in an
22 area that you do choose to practice in, you're not required to provide
23 service to anyone and everyone that walks on your door asking for your
24 service, are you?

25 **SENATOR JENIFER BRANNING:** No, I'm not.

1 **SENATOR JOEY FILLINGANE:** And I'm sure, like myself, there are instances where
2 you choose not to serve someone not because of any prejudice or any sort of
3 discrimination, you just choose for any number of reasons. Maybe you know the
4 person on the other side of that case that you don't want to offend by taking
5 their case, would that be correct?

6 **SENATOR JENIFER BRANNING:** That's correct.

7 **SENATOR JOEY FILLINGANE:** Do you know of pastors who, after engaging in
8 marriage counseling with couples, choose not to perform a wedding service?

9 **SENATOR JENIFER BRANNING:** Yes.

10 **SENATOR JOEY FILLINGANE:** And are there many reasons that they may choose not
11 to do that? Perhaps for instance the person has been married before and it's
12 against their religious practice to marry someone who has been previously
13 married. Are you aware of those instances?

14 **SENATOR JENIFER BRANNING:** Certainly. Or the coupled might not be compatible
15 in that pastor's, you know --

16 **SENATOR JOEY FILLINGANE:** And they might not belong to the church. That person
17 may have the policy that he or she only marries folks that are members of his
18 or her church, is that right?

19 **SENATOR JENIFER BRANNING:** Yes.

20 **SENATOR JOEY FILLINGANE:** And yet under the Obergefell decision that we've
21 been discussing, in the absence of a law like this, can you foresee an
22 instance where a church, a pastor, a florist, a baker, a seamstress might in
23 fact be sued under the Obergefell decision for doing something that he or she
24 does in their daily practice every day which is to simply turn down someone
25 who they choose not to serve? Do you foresee that?

1 **SENATOR JENIFER BRANNING:** Yes, I do. That's what this bill specifically
2 addresses.

3 **SENATOR JOEY FILLINGANE:** So would you agree with me that there is a difference
4 between equal rights and equal protection of the law versus special or
5 elevated rights which some groups may be seeking?

6 **SENATOR JENIFER BRANNING:** Absolutely.

7 **SENATOR JOEY FILLINGANE:** And would that lead to the reverse discrimination
8 that you're talking about here and that you've been answering questions from
9 all of us? I mean do you agree with me that it's our duty under the law to
10 provide equal rights but not special or elevated rights?

11 **SENATOR JENIFER BRANNING:** That's correct. And that's what our Supreme Court
12 has held on numerous occasions.

13 **SENATOR JOEY FILLINGANE:** And is it our intent with this piece of legislation,
14 which you've masterfully handled, by the way, to level the playing field and
15 make sure that while we don't discriminate against anyone, we also don't
16 reverse discriminate against people at the same time?

17 **SENATOR JENIFER BRANNING:** Exactly.

18 **SENATOR JOEY FILLINGANE:** Thank you, I appreciate it.

19 **SENATOR JENIFER BRANNING:** Thank you.

20 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thanks, Senator Fillingane. Senator
21 Derrick Simmons, for what purpose do you seek recognition?

22 **SENATOR DERRICK SIMMONS:** Question, Mr. President.

23 **LIEUTENANT GOVERNOR JONATHON REEVES:** Does the senator yield for a question.

24 **SENATOR JENIFER BRANNING:** Yes.
25

1 **SENATOR DERRICK SIMMONS:** Thank you, Mr. President. Thank you, Senator, for
2 yielding again.

3 **SENATOR JENIFER BRANNING:** Sure.

4 **SENATOR DERRICK SIMMONS:** In your law practice, you are not paid for by State
5 taxpayer dollars, are you?

6 **SENATOR JENIFER BRANNING:** I have been. I have been in the past. There have
7 been times I have served as a special prosecutor when I'm called upon.

8 **SENATOR DERRICK SIMMONS:** Okay.

9 **SENATOR JENIFER BRANNING:** Presently, I'm not, but I have been.

10 **SENATOR DERRICK SIMMONS:** Okay. Well, in that aspect or in that capacity where
11 you've been called on to do those or perform those types of services, will
12 you deny representation, even if you have an order from a court, to a gay
13 couple?

14 **SENATOR JENIFER BRANNING:** I wouldn't, no.

15 [00:55:01]

16 **SENATOR DERRICK SIMMONS:** You would not?

17 **SENATOR JENIFER BRANNING:** I would not.

18 **SENATOR DERRICK SIMMONS:** Okay.

19 **SENATOR JENIFER BRANNING:** That's just me personally.

20 **SENATOR DERRICK SIMMONS:** Okay. But this bill would allow a state employee to
21 deny those services, right?

22 **SENATOR JENIFER BRANNING:** That potential is in here only to protect that
23 employee's sincerely-held religious belief.

24 **SENATOR DERRICK SIMMONS:** Okay. And this bill goes beyond just marriage
25 licenses, wouldn't you agree with me, Senator Branning?

1 **SENATOR JENIFER BRANNING:** There are a couple of provisions in here, Senator.
2 One example would be the medical provision that protects medical providers in
3 the event they do not feel in plain conscience that they can participate in a
4 sex change operation. That's one example.

5 **SENATOR DERRICK SIMMONS:** Okay. Is that line 61 through 72?

6 **SENATOR JENIFER BRANNING:** Give me one moment and I will confirm that. Yes,
7 page 3, Section 4.

8 **SENATOR DERRICK SIMMONS:** Okay. And you say it only deals with sex change?

9 **SENATOR JENIFER BRANNING:** That was it's my phrase. The bill actually says,
10 "Sex reassignment or gender identity transitioning."

11 **SENATOR DERRICK SIMMONS:** Okay. What about lines 65 and 66 that talks about
12 the declines to participate in the provisional of psychological counseling or
13 fertility services based upon sincerely-held religious belief, does that go
14 beyond sex changes?

15 **SENATOR JENIFER BRANNING:** What I understand this line is tailored to do,
16 Senator, is to address those counseling services that are offered to
17 individuals prior to a sex change operation. So it's all related to changing
18 the anatomy, the counseling and fertility services or whatever the case may
19 be.

20 **SENATOR DERRICK SIMMONS:** And I'm just curious to know, based off your
21 sincerely-held religious belief, do you believe in divorce?

22 **SENATOR JENIFER BRANNING:** I believe partially that couples, spouses need to
23 do everything they can to work things out. And I do believe there in the
24 Bible, there are certain circumstances where divorce may be warranted. But
25 we're not her to talk about divorce. It's only same-sex marriage.

1 **SENATOR DERRICK SIMMONS:** Well, I'm just curious, since Senator Fillingane
2 brought an example regarding your practice.

3 **SENATOR JENIFER BRANNING:** Sure.

4 **SENATOR DERRICK SIMMONS:** Would you deny services to a potential client who
5 wants a divorce because of your sincerely-held religious belief.

6 **SENATOR JENIFER BRANNING:** I have. And I've handled just a handful of divorces
7 in my time on a pro bono basis. But honestly, I'm not cut out to be a good
8 divorce lawyer. We'll just leave it at that.

9 **SENATOR DERRICK SIMMONS:** Okay. And do we define the sincerely-held religious
10 belief, I think in Section 2 in this bill?

11 **SENATOR JENIFER BRANNING:** Yes, Section II.

12 **SENATOR DERRICK SIMMONS:** Okay. Do you think we should include polygamy in
13 here?

14 **SENATOR JENIFER BRANNING:** Well, Senator, this piece of legislation was
15 brought forward as a result of the Obergefell decision. So it specifically
16 addresses what the Supreme Court held in that decision, and that is same-sex
17 marriage.

18 **SENATOR DERRICK SIMMONS:** And so, nothing in the proposal will allow a
19 religious organization or a business or a state employee to discriminate
20 based upon their sincerely-held religious belief regarding polygamy?

21 **SENATOR JENIFER BRANNING:** If you look under Section 2, Subparagraph A,
22 "Marriage is or should be recognized as the union of one man and one woman."
23 I suppose that phrase would cover it.

24

25

1 **SENATOR DERRICK SIMMONS:** Okay. And you did say with the amendment that we
2 took up at the beginning before your explanation of the amendment, we did
3 take out the --

4 **SENATOR JENIFER BRANNING:** The sovereign immunity.

5 **SENATOR DERRICK SIMMONS:** The sovereign immunity of the State of Mississippi.

6 **SENATOR JENIFER BRANNING:** Yes.

7 **SENATOR DERRICK SIMMONS:** Okay. Thank you, Senator.

8 **SENATOR JENIFER BRANNING:** Thank you.

9 **LIEUTENANT GOVERNOR JONATHON REEVES:** Senator Horhn, do you seek to offer your
10 amendment at this time? Seeing no further discussion at this time, I will
11 recognize Senator Horhn for amendment number two to House Bill 1523. Senator
12 Horhn?

13 **SENATOR JOHN HORHN:** Thank you, Mr. President.

14 **LIEUTENANT GOVERNOR JONATHON REEVES:** You are recognized to describe your
15 amendment.

16 **SENATOR JOHN HORHN:** Thank you. What this amendment merely does is put a
17 reverse repealer in the legislation. As you've heard from the interrogations
18 that have gone on and discussions, there may be a lot of unintended
19 consequences to this bill and we need to give it as much consideration and
20 thought as possible before we pass it into law. I have a belief that someone
21 who has got sincerely-held religious beliefs about something ought not to be
22 forced into doing some things. But there are also situations where you are a
23 duly sworn officer of the court or the law and you're bound to fulfill your
24 duties in that position. So I think we've got to work on this bill a little
25 bit more, try to get it to where it doesn't do as much damage as some of us

1 think that it might, and close some of the loopholes that are in the
2 legislation. So I would urge the Senate to agree that we assume this bill to
3 conference and try to get things worked out.

4 [01:00:00]

5 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator Horhn. Would the
6 Chairman like to speak against the amendment?

7 **SENATOR SEAN TINDELL:** I oppose that amendment.

8 **LIEUTENANT GOVERNOR JONATHON REEVES:** Senator Horhn, would you like to close
9 on your amendment?

10 **SENATOR JOHN HORHN:** Thank you, Mr. President. I'm not sure what the Chairman
11 just said, but it sounded like he supports the amendment. Is that right, Mr.
12 Chairman? Again, I think that we've got some more work that we need to do,
13 ladies and gentlemen, and we need to enter it into this. This is a very
14 serious matter and we don't need to enter into it lightly because there are a
15 lot of consequences that are unforeseen at this time. Let's try to get it
16 right the first time.

17 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator Horhn. Okay, the
18 question recurs on the adoption of amendment number two. If you're for the
19 amendment, I'll ask you to vote, "Aye." If you're against the amendment, I'll
20 ask you to vote, "No." All those in favor, say, "Aye." Any opposed, say,
21 "No." The Nos have it. We're now on amendment number three. I will recognize
22 Senator Blackmon who would like to offer amendment number three.

23 **SENATOR BARBARA BLACKMON:** Thank you, Mr. President. This amendment simply
24 strikes lines 22 through 24 and the word "and." I think in Section 2, we've
25 defined that marriage is and should be recognized as the union of one man and

1 one woman and we've also said that sexual relations are properly reserved to
2 such a marriage. But then, we go on and say "a male man" and a "female woman"
3 refer to an individual's immutable biological sex as objectively determined
4 by anatomy and genetics at time of birth. Well, there is one in every 4,500
5 births where it is unclear whether the person, the newborn, is a girl or a
6 boy, 1 in every 4,500. The baby seems to have a mixture of both female and
7 male parts. For example, they may have both a vulva and testicles. The causes
8 of these ambiguous genitalia include genetic variations, hormonal imbalances,
9 and malformations of fetal tissues. Now, we say a baby's sex is decided at
10 conception. However, 1 in 4,500, you cannot determine. The baby can have
11 ovaries and testicles and the external genitals are neither clearly male nor
12 female. The baby has ovaries and a penis-like structure, a phallus. The baby
13 has undescended testes and external female genitals including a vulva. So we
14 have taken care of everything in Sections A and B. But since 1 in 4,500
15 births, you cannot make that determination, they have to conduct tests. They
16 have to do physical exams. They have to do hormone tests using blood or
17 urine. They have to do genetic tests. They have to do ultrasound. They have
18 to do x-rays. And in the end, the parent, in consultation with the doctor,
19 makes that determination. And then the parents have to have parental
20 counseling. The child has to have surgery. As the child grows up, the child
21 has to have counseling. And then that child has to have hormone therapy.

22 [01:05:10]

23 So all I'm asking is, since 1 in 4,500, you can't make that determination, is
24 that we simply just strike that and you can still have those other two
25 powerful provisions that you want.

1 **LIEUTENANT GOVERNOR JONATHON REEVES:** Senator Jordan, for what purpose is your
2 recognition?

3 **SENATOR DAVID JORDAN:** Mr. President, may I ask a question?

4 **LIEUTENANT GOVERNOR JONATHON REEVES:** Of course.

5 **SENATOR BARBARA BLACKMON:** You may.

6 **LIEUTENANT GOVERNOR JONATHON REEVES:** Senator Blackmon, do you yield?

7 **SENATOR BARBARA BLACKMON:** Yes, sir.

8 **LIEUTENANT GOVERNOR JONATHON REEVES:** Senator Blackmon yields. You're
9 recognized, Senator Jordan.

10 **SENATOR DAVID JORDAN:** Well, genetically, this person is carrying a double set
11 of XX chromosome and a double set of YY chromosomes?

12 **SENATOR BARBARA BLACKMON:** Well, what is supposed to happen is they say by the
13 eighth week of gestation they are supposed to have an XX or an XY. However,
14 in 1 in 4,500 cases, this does not occur. And the doctor, in conjunction with
15 the parents, makes the decision as to whether this is going to be a male or a
16 female.

17 **SENATOR DAVID JORDAN:** Okay. So these recessive genes that cause this
18 condition, have they mentioned anything about recessive genes?

19 **SENATOR BARBARA BLACKMON:** Well, they say the causes include a genetic
20 condition characterized by the fetal tissues. Tissues and sensitivity to male
21 hormones, that's one. And that's called Androgen Insensitivity Syndrome. The
22 other one is Congenital Adrenal Hyperplasia, and it's an inherited condition
23 that affects hormone production. The other one is sex chromosome disorders.
24 Instead of having either the XX or XY sex chromosomes, a baby may have a
25

1 mixture of both. Or a specific gene in the Y chromosome may be inactive or
2 one of the X chromosomes may have a tiny Y segment attached to it.

3 **SENATOR DAVID JORDAN:** So you said they are recessive genes and that will
4 express themselves in every 4,500?

5 **SENATOR BARBARA BLACKMON:** One in every 4,500 births.

6 **SENATOR DAVID JORDAN:** That's possible, isn't it?

7 **SENATOR BARBARA BLACKMON:** Yes, sir.

8 **SENATOR DAVID JORDAN:** Thank you.

9 **SENATOR BARBARA BLACKMON:** I ask you all to support the amendment.

10 **LIEUTENANT GOVERNOR JONATHON REEVES:** Would anyone else like to speak on the
11 amendment? I recognize Senator Tindell, the Chairman of Judiciary, Division
12 A, to speak on the amendment.

13 **SENATOR SEAN TINDELL:** I oppose the amendment and I think that the language
14 that's in there says that "at the time of birth as determined." It doesn't
15 say to be at the millisecond they're born. So once the doctor makes the
16 determination, and the parents, that is called under question. I think the
17 bill as is provides for it. So, therefore, I oppose the amendment.

18 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator Tindell. I'll
19 recognize Senator Blackmon to close on her amendment.

20 **SENATOR BARBARA BLACKMON:** Thank you, Mr. President. It doesn't state in this
21 bill that doctors make this determination. It says, "Objectively determined
22 by anatomy and genetics at the time of birth." And from the information that
23 I have just shared, there has to be a process that one has to go through. And
24 the parent -- that child ends up having to have surgery in order for that
25

1 gender assignment to take place. So this 22 through 24 does not address what
2 I have just spoken about.

3 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator Blackmon. The
4 question recurs on the adoption of amendment number three. If you're for the
5 amendment, I ask you to vote aye. If you're against the amendment, I ask you
6 to vote no. All those in favor, say, "Aye." Any opposed, say, "No." The Nos
7 have it. We have another amendment on the desk, amendment number four offered
8 by Senator Derrick Simmons. Senator Simmons, I'll recognize you to explain
9 your amendment.

10 **SENATOR DERRICK SIMMONS:** Thank you, Mr. President. This is a friendly
11 amendment.

12 [01:10:00]

13 It came up during debate regarding the posting of a sign outside of -- just
14 the second part of Amendment B, that in order to assert a violation on this
15 act, it must be prominently posted in plain view of any customer, client, or
16 guest at the point of service or place of business, describing any
17 contemplative refusal in detail and in plain English. The first part of the
18 amendment says that a person who refuses to perform any act or supply any
19 good or service must have given prior notice of any refusal with the
20 conditions of any contemplative refusal described in detail and in plain
21 English and legibly reproduced in every advertisement, solicitation, and
22 other promotional materials or activities whether digital, audio, telephonic,
23 or in print. So, basically, it's just putting out there in the public that
24 services will be denied because of this religiously-held belief in any
25 promotional materials, in any advertisement, just to let the public know this

1 particular business, this particular government office or whatever is going
2 to deny services because of this religiously-held belief. And also, when you
3 go to any business or go to a clerk's office or any government office, if
4 that right is going to be asserted based upon what is being proposed, then it
5 should be posted in clear view so that the public could know. That's what the
6 amendment does and I ask you to support the amendment.

7 **LIEUTENANT GOVERNOR JONATHON REEVES:** Anyone else like to speak on the
8 amendment? I recognize the Chairman of Judiciary, Division A, Senator
9 Tindell.

10 **SENATOR SEAN TINDELL:** Thank you, Mr. President. I don't know what it is with
11 all these signs, but I'll just get back to the reference from yesterday.
12 Signs, signs, everywhere signs, I don't think we need another sign. So I
13 oppose the amendment.

14 **LIEUTENANT GOVERNOR JONATHON REEVES:** Senator Simmons, would you like to close
15 on your amendment?

16 **SENATOR DERRICK SIMMONS:** Yes, Mr. President, thank you. I wish we can have a
17 sign in the State of Mississippi from every point or every highway or
18 interstate that you enter that says, "No Discrimination Allowed." But we
19 don't have that sign. So all I'm asking for in this amendment is, if you
20 decide to discriminate based upon your religiously held belief, then let it
21 be clear. Let it be posted. Let the public know that you will be
22 discriminated based upon that. And I ask you to support the amendment and I
23 ask for a roll call vote, Mr. President.

24 **LIEUTENANT GOVERNOR JONATHON REEVES:** The question recurs on the adoption of
25 the amendment. A roll call has been requested. It takes six to get a roll

1 call. We will call the roll on this amendment. Mr. Clerk, please call the
2 roll.

3 **CLERK:** Barnett, Blackmon, Blackwell, Blount, Branning, Browning, Bryan,
4 Burton, Butler, Carmichael, Caughman, Chassaniol, Clarke, Dawkins, Dearing,
5 DeBar, Doty, Fillingane, Frazier, Gollot, Harkins, Hill, Hopson, Horhn,
6 Hudson, Jackson of the 15th, Jackson of the 11th, Jackson of the 32nd, Jolly,
7 Jordan, Kirby, Massey, McDaniel, McMahan, Michel, Moran, Norwood, Parker,
8 Parks, Polk, Seymour, Simmons of the 12th, Simmons of the 13th, Stone,
9 Tindell, Tollison, Turner, Watson, Wiggins, Wilemon, Witherspoon, Younger,
10 Blackmon, Bryan, Frazier, Hudson.

11 [01:15:00]

12 Voting yes or yea; Barnett, Blackmon, Blount, Butler, Dawkins, Dearing,
13 Horhn, Jackson of the 11th, Jackson of the 32nd, Jordan, Norwood, Simmons of
14 the 12th, Simmons of the 13th, Stone, Turner, and Witherspoon. Voting no or
15 nay; Blackwell, Branning, Browning, Burton, Carmichael, Caughman, Chassaniol,
16 Clarke, DeBar, Doty, Fillingane, Gollot, Harkins, Hill, Hopson, Jackson of
17 the 15th, Jolly, Kirby, Massey, McDaniel, McMahan, Michel, Moran, Parker,
18 Parks, Polk, Seymour, Tindell, Tollison, Watson, Wiggins, Wilemon, Younger.

19 **LIEUTENANT GOVERNOR JONATHON REEVES:** By vote of 16 yeas, 33 nays, the
20 amendment fails. I see no further amendments on the floor. We're now in final
21 passage. Senator Simmons, I want to recognize you to speak. Senator Blackmon,
22 for what purpose do you seek recognition?

23 **SENATOR BARBARA BLACKMON:** Point of order.

24 **LIEUTENANT GOVERNOR JONATHON REEVES:** Got my rulebook right here, Senator.

25 **SENATOR BARBARA BLACKMON:** Okay. Thank you, Mr. President.

1 **LIEUTENANT GOVERNOR JONATHON REEVES:** State your point.

2 **SENATOR BARBARA BLACKMON:** Okay. I want to restate the point that under Rule
3 44, the chairmen of the various standing committees shall announce notice of
4 the time and place of meeting of such committees. On deadline day last week,
5 the Chairman of the Committee stated that, and the schedule reflects that,
6 Judiciary A would meet after adjournment. Section 25-41-1, Legislative
7 Statement, "It being essential to the fundamental philosophy of the American
8 Constitutional form of representative government and to the maintenance of a
9 democratic society that public business be performed in an open and public
10 manner and that citizens be advised of and be aware of the performance of
11 public officials and the deliberations and decisions that go into the making
12 of public policy. It is hereby declared to be the policy of the State of
13 Mississippi that the formation and determination of public policy is public
14 business and shall be conducted at open meetings except as otherwise provided
15 herein." 25-41-3 specifically includes the Mississippi Legislature. The only
16 exemption that it provides is for the Mississippi legislative subcommittees
17 and legislative conference committees. On that schedule, it said, "after
18 adjournment." And we did not adjourn until the last committee reported or
19 8:00 p.m. on deadline day, whichever came first. It doesn't say because you
20 have a meeting and a quorum is present that you can violate the Open Meetings
21 Laws.

22 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator Blackmon. A couple of
23 points within our rule on your motion. First of all, this bill is currently
24 before the Senate. The proper time to make this point of order was when the
25 chairman made the usual motion back several hours ago. And so, for future

1 reference, I don't want to change long-time precedent, and so, if we're not
2 to rule on your order, the merits of your order, I would rule that your point
3 is not well-taken because it's not timely.

4 [01:20:00]

5 However, since I ruled on this exact same point of order on March 24th, I'm
6 going to be consistent and rule again and say the same thing I did then,
7 which is the docket room does not look behind the committee report. A proper
8 committee report was filed and it was properly signed and filed in the Senate
9 docket room in a timely manner. Therefore, your point of order today, as it
10 was on March 24th when I made the same ruling, is not well-taken. Now,
11 Senator Simmons, you are recognized to speak on final passage.

12 **SENATOR DERRICK SIMMONS:** Thank you, Mr. President. Ladies and gentlemen of
13 the Senate, I rise to speak against the measure that's before us. And in
14 doing so, let me just say to you that I am a lifetime resident of the State
15 of Mississippi and I love Mississippi. I could have chosen to go to any other
16 state in this nation, but because of my love for Mississippi, I chose to live
17 in the State of Mississippi and have four children that were raised in the
18 State of Mississippi. In 1970, I was in a place called Vietnam, and I
19 appreciate your recognizing me and others who served in Vietnam on yesterday.
20 But I was in Vietnam, and on the battlefield of Vietnam, we had soldiers from
21 all over the country, black and white, Indians. But we were soldiers on the
22 field. And oftentimes we would find ourselves eating out with C-rations, and
23 we would eat from the same can because we didn't discriminate, we didn't see
24 each other as being different. But because when I returned from Vietnam to
25 America, because of past policies and past legislation, one in particular

1 referred to as "Separate But Equal," I realized in returning after us being
2 in Vietnam and eating C-ration from the same can that some of those same
3 soldiers, my comrades, who would return to America, because of those
4 policies, and they may not have been intended to be bad at the time that it
5 was put in place, but we could not enter the same building. We could not sit
6 down in certain restaurants and eat together because of the Separate But
7 Equal Policy. Oftentimes we do things as policy makers not realizing and
8 fully understanding the real impact that it will have on the citizens that we
9 all serve. As I look out at you, I see my friends and my colleagues. And so
10 often, we go out and we have lunch together, we have dinner together, and we
11 shake hands after a vicious fight here on the floor and tell each other how
12 much we love and respect each other. And yet, and yet, very few of us invite
13 each other to worship service on Sunday morning for whatever reason. We just
14 don't move at that level on Sunday morning for some reason. What we are
15 getting ready to do here may have an impact that we really never think about
16 because we see each other in relationships, and that relationship goes far,
17 indeed. I want to commend the Lieutenant Governor and each of you. Because
18 doing this session, after being here for 23 sessions, this session has had
19 some issues that have been very sensitive and that have divided this body
20 tremendously. But I want to thank you and I want to thank the Lieutenant
21 Governor's leadership because on each of those measures, we have not moved
22 processes in place to call for the courses to cut off debates. The leadership
23 has been very serious about making sure that every member who wanted to speak
24 on an issue was given an opportunity to speak. And that takes a lot to have
25 that kind of patience. Each of you, my colleagues, have been very patient.

1 [01:25:00]

2 And only one time in this session have I heard in a member in a motion on the
3 previous question -- and even that member, after thinking about it, came back
4 and withdrew the motion. That's because of the love that we have for each
5 other. That's because of the process in this institution referred to as the
6 "Mississippi State Senate" and the appreciation that we have for it that we
7 love and respect. This measure, though, this measure that we have before us
8 runs the risk of sending a message, and a wrong message. Not to us, because
9 we're going to be okay. There are many of us after we finish this debate this
10 evening who are going to dinner and say how much we love each other and we're
11 going to make a toast because that's the way we function. But the message
12 that's sent to Greater Mississippi, the message that's sent to the larger
13 world, to say to individuals that if you decide, if you decide that you do
14 not want to serve and provide a service to an individual because of what they
15 believe, it's okay for you to do that. And we, The Government, are not going
16 to endorse or embrace that form of discrimination. The message the message
17 could be very challenging for us in the future. I want you to think about a
18 few situations. When you think about a court case in Mississippi referred to
19 as Gates versus Collier, Gates versus Collier was the state penitentiary
20 lawsuit that was filed because there were some individuals that felt that the
21 inmates in the state penitentiary were being treated improperly. We continue
22 to spend money to date on Gates versus Collier although that measure was
23 filed back in the '60s. The Ayers Case, our universities and colleges.
24 Because of the discrimination that took place on individuals deciding where
25 individuals could attend college and where they could not attend college, we

1 pay for it today. If you look at the budget today, we're still spending
2 money. This measure that we have before us could very well set the tone for
3 things that we would not want to take a look at. And what I would share with
4 you in that regard, if you look at the State of Georgia and you look at the
5 situation with the Governor where the NCAA and where the Family Commission
6 had said, "We aren't coming to your state if you do these kinds of things."
7 Now, when you couple and package that together, you package that with the
8 situation where we have with the flag situation in the State of Mississippi,
9 what we have with the situation where our Governor -- and I like and respect
10 our Governor, but where he put in place a proclamation that says that the
11 month of April would be Confederacy Month, and then you put this in that
12 package and you look at all three, I'm concerned about this State that I
13 love. I'm concerned about the impact those things collectively could have on
14 individuals coming to our state, whether they be businessmen or tourists
15 spending money. So I want us to think about the impact that this could have
16 as we move forward with this particular measure. And I don't want you to go
17 on record voting. I want you to just vote loud with me and say, "No," so you
18 are never recorded on how you voted on this measure. Because this measure, if
19 the NCAA -- if the NCAA said to Mississippi universities and colleges, "If
20 you do these kind of things, we aren't going to invite you to the bowl," if
21 you remember last year, the State of Mississippi had four of our great
22 universities invited to bowls; the University of Southern Mississippi,
23 Jackson State, Alcorn, Ole Miss and Mississippi State, not Jackson State,
24 they were all invited to bowls. Those four universities made money and
25 Mississippi made money. If those kinds of institutions begin to say to us

1 because of the things that we are getting ready to do here in this bill that
2 we are not coming, it could impact our economy tremendously. I want us to
3 just think about it. And again, I hope it's not a roll call vote. I hope it
4 is a vote on the morning roll call and you just have an opportunity to shout
5 with me as loud as you can so nobody can ever say you voted for or against
6 and just knows that, at the end of the day, the vote was so loud that we send
7 a message to Mississippi and America that we aren't going to continue to
8 practice these kinds of measures that will prevent individuals from wanting
9 to come to our state and from our universities to being able to participate
10 in those kinds of activities.

11 [01:30:18]

12 I hope that you will understand how I felt when I returned from Vietnam after
13 being on a war zone and fighting with my brothers and eating out of C-ration
14 cans in the field, the same can, and yet when I returned to Mississippi, we
15 who ate C-rations out of the same can could not go to certain restaurants and
16 sit down at the table and eat together. Sometimes good intentions turn bad. I
17 hope your conscience would not be on what is proposed in the title of this
18 bill, but it would be to do the right thing. I ask you to vote against the
19 measure.

20 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator Simmons. Senator
21 Bryan has asked to speak.

22 **SENATOR HOB BRYAN:** Thank you, Mr. President. We are having this year, as we
23 did in the past, a discussion about the tension we have in accommodating
24 religious beliefs in our society. The First Amendment of the Constitution
25 grants certain exemptions for people who have strong religious beliefs and

1 there are statutes that grant special privileges for those with religious
2 beliefs. But we have struggled and continued to struggle with how to draw
3 that line and where to permit someone's religious beliefs to override general
4 law. By way of example, this is an extreme case, but if someone's firm
5 religious beliefs involve human sacrifice, we're not going to permit that
6 person to engage in human sacrifice despite the general laws of murder. But
7 if one's strongly held religious beliefs require, for example, the use of
8 peyote in a traditional ceremony, we probably will allow the use of peyote
9 notwithstanding the general laws against hallucinogens. I assume there are
10 similar situations with churches using wine in counties and in cities where
11 that are illegal. But it is a struggle to determine under what circumstances
12 one's strongly held religious beliefs allow someone to have an exemption from
13 general law. That's a very difficult issue. It's not clear-cut. It's not
14 simplistic. I have personally tried to get straight in my head where I felt
15 about that since law school. And just to cut to the chase, I come down pretty
16 strong on the side of religious exemptions from general laws even though I'm
17 not sure I can articulate exactly where I would draw the line in every case.
18 But last year with the Religious Freedom Restoration Act, and this year with
19 much of the debate about this act, we are simply debating matters that don't
20 exist. The purpose of the Religious Freedom Restoration Act was to grant
21 exemptions for religious purpose from general law. And much of the discussion
22 here today has been revolved around private businesses who would be required
23 to perform services or make contracts when they did not want to. There are no
24 State laws prohibiting discrimination by private actors. There is no State
25 law right now that prohibits any private concern from putting up a sign that

1 says, "Whites only." It violates Federal Law, but it does not violate State
2 Law. So much of the debate about the Religious Freedom Restoration Act was
3 completely beside the point for questions about whether we're going to grant
4 exemptions from discrimination laws that don't exist.

5 [01:34:55]

6 The bill that's before you, what we're voting on today is restricted to
7 discrimination by the State, by Government. This bill has nothing to do with
8 a private individual who wishes or doesn't wish to provide flowers or wedding
9 cakes or DJ services or any of that. There's no requirement or no prohibition
10 against those individuals discriminating against anybody for any reason or
11 for no reason. So the notion that somehow we need this legislation to protect
12 disc jockeys and florists and all is just beside the point. In other states
13 where they have antidiscrimination laws and where those antidiscrimination
14 laws apply to sexual orientation, they have issues they have to struggle with
15 and those are difficult issues. But we don't have that situation in
16 Mississippi. So, as it's frequently the case, much of the debate is about
17 something that the bill doesn't do. There are other arguments that have been
18 made that we need to have this bill because it will protect the right of
19 ministers and others to preach the gospel as they see it. There's no
20 prohibition, nor can there be any prohibition, against a minister proclaiming
21 the gospel or against the content of a sermon that a preacher makes. There
22 are those who, for whatever reason, whether they know that they're misleading
23 people or whether they're just incorrect, have convinced a lot of good people
24 who have written us letters that we need to pass this law to protect churches
25 so they can preach the gospel. There's no prohibition against that with or

1 without this law. I remember last year, again, it was under the Religious
2 Freedom Restoration Act, but the Christian Action Commission, bless their
3 hearts, said, "We need to pass this law to protect the right of Jews to close
4 their restaurants on Saturday." It's an exemption from general law. There's
5 no law requiring restaurants to stay open on Saturday. It's just very
6 frustrating. And it's particularly frustrating when I believe that good
7 Christian people are being misled about what this bill does and what it
8 doesn't do and what the effect of it is. There is a particular area of
9 concern about something a bill does. And bless their hearts, the circuit
10 clerks of this state don't want to be involved in this mess. But the circuit
11 clerks are in the business of issuing marriage licenses. And apparently, it's
12 a federal law that same-sex couples are entitled to get marriage licenses on
13 the same basis as couples who are of different sexes. If that's the case, we
14 can't do anything about that. And the clerks, bless their hearts, are having
15 to deal with that situation. It's interesting that it's thought that somehow
16 it's helpful to a clerk who has strong religious convictions opposed to same-
17 sex marriage can resolve that doubt by simply hiring a clerk. There's a
18 Supreme Court case that says, "It's an imposition on your religious freedom
19 to have to file a piece of paper to ask for an exemption." How much more of
20 an imposition is it to have to hire, out of your own pocket, by the way, a
21 deputy clerk and find a deputy clerk who would not have religious objections
22 to issuing a marriage license? I can't find in the text of the bill that
23 that's required. But if that is said to be the answer, I don't think it's
24 very effective one. But our clerks are going to get caught up in this. When
25 this becomes law, you're putting your clerks in a very difficult situation

1 because they're going to be pressured to opt out. And if they do opt out,
2 it's quite possible they're going to run afoul a federal law. And the clerks
3 don't want to be in the middle of all this. I thought also about the dilemma
4 of a circuit clerk who had firmly-held religious beliefs against the death
5 penalty. What's that clerk supposed to do if there's a death penalty case
6 that comes through the office? The clerk has to file the paperwork about the
7 trial that was being held and the verdict. It would be a difficult situation
8 if I were a clerk and I was involved in doing that. But that's sort of what
9 the office is.

10 [01:40:02]

11 So just I think that we're putting our clerks in difficult situation. As I
12 say, Mr. President, personally, I think I'm pretty far down the road on the
13 side of those who would grant religious exemptions for individuals with
14 strongly-held beliefs. Certainly, if there's any question that an adoption
15 agency could not refer adoptions to those that it feels are appropriate, I
16 would be in favor of legislation to make clear that that adoption agency
17 could make referrals in connection with their beliefs. But that's not the
18 bill that's before us. And I have read this bill. I thought about the bill.
19 And I cannot in good conscience vote for it. And I cannot figure out what
20 this bill is going to prohibit, what this bill is going to protect. I can't
21 figure out what is accomplished in the name of religious freedom by passing
22 this bill that isn't already the law based on either the absence of State Law
23 or on existing Constitutional and statutory protections. Thank you!

24 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator Bryan. Senator Horhn
25 has asked to speak on the bill. I'll recognize Senator Horhn at this time.

1 **SENATOR JOHN HORHN:** Thank you, Mr. President. Ephesians 6:5, "Slaves, obey
2 your earthly masters with respect and fear, and with sincerity of heart, just
3 as you would obey Christ." Colossians 3:2, "Slaves, obey your earthly masters
4 and everything, and do it not only when their eye is on you and to curry
5 their favor, but with sincerity of heart and reverence for the Lord." 1 Peter
6 2:18, "Slaves, in reverent fear of God, submit yourselves to your masters,
7 not only to those who are good and considerate, but also to those who are
8 harsh." These are examples, ladies and gentlemen, of how religion and how the
9 Bible was used to justify slavery. So what I'm saying to you today is that
10 religion isn't always right about things, isn't always just about things,
11 because people use religion. Now, we talk about our Constitution. Twenty five
12 years ago, we had some egregious in the things in the Mississippi
13 Constitution that were discriminatory against African-Americans. They had to
14 be out of town by six o'clock. They had to be gone by sundown. They couldn't
15 walk on the sidewalks. All kinds of discriminatory actions. And I wonder,
16 "Where does this all end? Why do we keep doing this to ourselves,
17 Mississippi?" And we wonder why the rest of the world thinks so badly of us.
18 It's because of some things that we do that are unjust that don't make good
19 sense, that aren't properly thought out. And this is one of them, this House
20 Bill 1523 that's before us. Now, they say that it's only about same-sex
21 marriage. Well, if that's the case, why is foster care and adoptive care
22 services referenced in the bill? If that's the case, why are people able to
23 discriminate against folks in terms of the provision of medical services to
24 those folks? This is really a slippery slope. And the reason that we are so
25 adamantly opposed to it is we've already been there. We've seen how little

1 things turn into big things, how the small measure was just this group over
2 here, "We just want to get with these gay folks. And my deeply held religious
3 belief says I ought to be able to discriminate against them, even if I'm a
4 duly sworn elected official."

5 [01:44:58]

6 Ladies and gentlemen, we don't need to pass this legislation. We don't need
7 to put another stain on Mississippi. We don't need to demonstrate to the rest
8 of the world how backwards we are in our thinking. Let's do the right thing.
9 Let's vote this bill down.

10 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator Horhn. I'm going to
11 to recognize -- Senator Blount, for what purpose do you seek recognition?

12 **SENATOR DAVID BLOUNT:** To speak at the appropriate time, Mr. President.

13 **LIEUTENANT GOVERNOR JONATHON REEVES:** I'll recognize you at your appropriate
14 time. Senator McDaniel has asked to speak. I will recognize Senator McDaniel
15 to speak on final passage.

16 **SENATOR CHRIS MCDANIEL:** Thank you, Mr. President, men and women of the
17 Senate. It says a line about the nature of government and a view to see this
18 diverse of an audience and to work with such fine human beings from all over.
19 Where else could a son of an Irishman and a Scotsman work next to sons of
20 Englishmen and Frenchmen and African-Americans? It says a lot about our
21 state, the direction we're going, places we've been. We've learned a lot from
22 our past and it was in matters of race egregious. There's no justification
23 whatsoever for discrimination. But if there's one thing in the world worse
24 that discrimination, it's state-sponsored discrimination. How ironic Senator
25 Simmons mentioned Plessy versus Ferguson. That was the same Supreme Court

1 that this latest decision that gave us Plessy versus Ferguson. How ironic we
2 would mention about these terrible days of slavery and discrimination, and it
3 was the government that sanctioned slavery, that sanctioned Jim Crow, that
4 made sure only certain people can vote. It was government action. It wasn't
5 restrained. It was passionate. And it was wrong. We stand today with this
6 bill to constrain government action. People of faith do not lose their rights
7 when they take a job. They don't lose rights when they're elected. We
8 shouldn't ask them to. When we talk about deeply-held religious beliefs, it
9 goes right to very heart of what it means to be an American, a country that
10 was founded on religious freedom. And yet we're told today, because of a
11 Supreme Court decision that wasn't based out of Congress, that wasn't based
12 in the Common Law, that was based more on the imagination of Justice Kennedy,
13 that we're supposed to put aside the First Amendment and ignore its
14 historical underpinnings, ignore our great history. If only those men and
15 women 30 and 40 and 50 years ago had recognized the value of civil liberties.
16 If only they had constrained government when they had the opportunity. It
17 doesn't matter how popular an issue is. Things become politically popular and
18 they become politically unpopular. The one great bulwark we have against the
19 mob, against democracy, is a stable and solid Bill of Rights. And you cannot,
20 and we cannot, and no one can ever take away your rights. God-given,
21 inalienable, not subject to transfer. People of religion deserve those same
22 rights. You have to sometimes take action before the harm occurs. It seems to
23 be suggested that there's nothing to see here, no harm. But tell that to a
24 person who does have deeply-held religious beliefs on the issue of marriage
25 and explain to the person that if they take action they may be punished. Why

1 not take preemptive action and make sure they're not punished? Why not
2 preserve the First Amendment? Why not preserve the civil liberties that
3 should have always been preserved? Not necessarily by individual actors, but
4 by state action? Limit the power of the state. Control those passions. Temper
5 the mob. And recognize those individual liberties came with an
6 extraordinarily high price. This bill speaks to those issues. And I'll tell
7 you this, Senator Simmons, thank you for your service. It's been an honor to
8 serve with you, all of you. But this bill goes more to protect rights than
9 erode them. More to secure what should have always been secured than to
10 deliver us back to the good old days. I urge you to support the bill. It's a
11 matter of common sense. Thank you.

12 [01:50:07]

13 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you Senator McDaniel. I'll
14 recognize Senator Blount who has asked to speak on final passage.

15 **SENATOR DAVID BLOUNT:** Thank you, Mr. President. Ladies and gentlemen of the
16 Senate, I know it's late, we've had a long day, but I appreciate the
17 seriousness with which this debate is being heard in here. It reminds of the
18 debate we did have a couple years ago on the Religious Freedom Bill where I
19 felt like everybody was listening to each other, and even though there were
20 disagreements about that bill, the tone of the debate was like it is tonight,
21 and that makes me proud to be a member of this body. What we found at that
22 time was what was presented rather rationally and hurriedly and was
23 politically popular at the moment later caused a lot of problems for the
24 State. And quite frankly, it solidified in the minds of most Americans their
25 perception of Mississippi. The perception that we often complain about. The

1 perception that if we had the will, we could do something about. The Religion
2 Act -- and I will mention, this bill, if you turn to the end in Section 11,
3 specifically excludes the Religious Freedom Act. I believe that the concerns
4 expressed are covered under current law and the bill that we passed a couple
5 years ago. I'm not an attorney, and let me say I think Senator Branning has
6 done an exemplary job explaining this bill, the contents of it, the specifics
7 of it in just a way that I had tremendous respect for her. She didn't lose
8 her cool. She answered every question. She answered with substance, and I
9 appreciate that. But as best as I could understand it, there are really three
10 broad categories here. First is how this bill affects our churches. And as I
11 read it, I support everything in this bill that affects our churches. That is
12 a First Amendment right. Any church that wants to practice its religion as it
13 sees fit whether it be in the Christian faith or any other faith, that is
14 their right under the United States Constitution. And there's nothing in this
15 bill that relates to churches or religious organizations as its defined in
16 here that I have any problem with. The second category is a little trickier,
17 and that deals with businesses. And it raises the question of public
18 accommodation. Can a business -- I mean we hear these stories about folks
19 marauding across the state demanding that cakes should be baked and it's just
20 kind of hard to take seriously, but it is a serious question. Can a business
21 refuse service to someone simply on the basis of their sexual orientation? I
22 mean we make choices in our professions. Senator Branning talked about how
23 she makes choices in her profession. But that is dangerous, I would say to
24 you, private businesses making choices based on the sexual orientation of the
25 person. Now, I think that certain rights need to be protected in private

1 businesses. I haven't figured that out yet, quite frankly, but I think this
2 bill raises problems with regard to public accommodation. The thing that
3 gives me the most problem, though, and the reason that I'm opposed to the
4 bill is its effect on the responsibility of public officials, officers of the
5 state, to do the job that they were elected to do. They knew the job
6 description when they ran for it. And it makes certain parts of the job and
7 certain observances of other people's constitutional rights optional. I
8 mentioned in a question to Senator Branning gambling, the death penalty,
9 consumption of alcohol, and usury or 400% and 500% interest rates. Obviously,
10 a private citizen can choose whether or not to gamble, a private citizen can
11 choose whether or not to consume alcohol. But we have the State Gaming
12 Commission that regulates casinos. We have the Department of Corrections that
13 executes people. We have the Department of Revenue that deals with alcohol.
14 We don't make special provisions for employees who work there. We don't make
15 any of the provisions laid out here. We know that those people who work in
16 those positions of the state have a job to do. I've never heard of any
17 problems with that. And I think we can find accommodation, reasonable
18 accommodation for those people.

19 [01:55:10]

20 But the danger is that certain rights are optional. The most important thing,
21 I think, in this whole debate is that we as a state have missed an
22 opportunity to meet both sides halfway and do the right thing. It's a little
23 off-putting to me to see the word "discrimination" in the title. I recognize
24 that there are public officials and lots of private citizens that have
25 problems and fundamentally disagree with the marriage issue. But it has not

1 been said, I don't believe, in this debate that people who are gay or
2 homosexual are discriminated against in this state. We know that. A person
3 can refuse, under this bill, service to someone on the basis of the fact that
4 they are gay. Under State Law, there is no protection for someone being fired
5 because they were gay. They can lose their job. It is not a protected class
6 under Federal Law. There are no State provisions to protect people. And that
7 happens. That happens in the real world. What we should have done, in my
8 opinion, is what was done in the most religious state in the country,
9 probably the only state in the country with a higher percentage of
10 churchgoers and church membership and people who profess the Christian faith
11 than Mississippi, and that's the State of Utah. I passed out to you earlier
12 today what Utah did when faced with this. And this, we do this too often. We
13 face difficult issues and we have the opportunity to do it right and we
14 choose do what is simplistic and politically expedient. What did they do in
15 Utah when faced with this? They got all sides to the table and they worked
16 out of provision that protected their religious liberty of private businesses
17 and public officials, and at the same time, they recognized that there are
18 people in their state who are gay or lesbian who have suffered discrimination
19 and they decided to do something about it. They decided to do something about
20 it. You can't fire a person in Utah -- which has got to be, again, one of the
21 most conservative states in the country -- you can't fire a person based on
22 their sexual orientation in Utah. Why can't we do that in Mississippi? Why
23 can't we protect the religious liberties of businesses and at the same time
24 extend a hand to recognize that there is discrimination that exists in this
25 state? We have made progress in this state in fighting discrimination. But

1 that progress has not come out of this building. That progress has become --
2 because of the United State Supreme Court, because of the Voting Rights Act,
3 and our progress has been reluctant out of this building. That's why there is
4 a great skepticism among some of us and most of the country when Mississippi
5 chooses to question a Supreme Court decision. We have earned that. We have
6 brought that on ourselves. We don't have a lot of credibility on this stuff,
7 folks. We could have done this the right away. I believe the religious
8 liberties of folks are already protected with the law that we passed a couple
9 years ago when Senator Gandy was here. That's what we should have done. And
10 we should also recognize, again, that discrimination exists in this state and
11 that this body, for once, is going to be proactive about it and we're going
12 to sit down with folks. I think we can do that. I think -- I know that we all
13 have constituents in our district who are gay or lesbian and they may be
14 married or may not be married and they experienced discrimination and it
15 ought to be an issue that we can deal with. This bill does not deal with
16 that. Again, as it relates to churches, I don't want the government in the
17 business of regulating churches or the services provided by churches. Just
18 like down the road is Catholic Charities, they do an outstanding job but they
19 don't want to participate in programs that violate their religious beliefs.
20 That is their right and I respect them. They do great work in the state.

21 [02:00:06]

22 As it relates to businesses, it's a little tricky. But as it relates to the
23 State, if we're against discrimination, we need to be against all
24 discriminations. And maybe then, this legislature won't be portrayed as 30
25 hissing possums in a barn, but as a group of people that wanted to change the

1 State of Mississippi for the better and change the way that we're seen by all
2 of the businesses that are fighting these bills in North Carolina and Georgia
3 and other southern states. And maybe then we would not be first in the South
4 in unemployment and first in population loss. And our young people across the
5 state, Democrat and Republican, are having none of this, folks, they're
6 having none of this. We can change our state right here, we have the
7 opportunity to do it. This bill does not do that. And for that reason, I'm
8 going to vote no. Thank you!

9 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator Blount. Seeing no one
10 else who would like to speak on the bill, the Chairman has asked that I
11 recognize Senator Branning to close. Senator Branning, you are recognized to
12 close and make a motion.

13 **SENATOR JENNIFER BRANNING:** Thank you Mr. President. Ladies and gentlemen of
14 the Senate, I want to thank you for your attendance today. I count it a very
15 high honor to be given the opportunity to present this bill to you. I thank
16 each one of you that participated. There were some of you that maybe didn't
17 agree with me and I didn't agree with you, but I want you to know, each one
18 of you, I respect your views and your opinions on this issue. So, thank you
19 for that. I count it a privilege to work with each of you. I do want to set
20 the record straight. This bill in no way allows for discrimination about one
21 person against another. What it does is it prohibits your government from
22 discriminating against you with regard to your religious beliefs. That's the
23 bottom line. I whole-heartedly support this legislation and I ask you to do
24 the same. With that said, I move for final adoption.

25

1 **LIEUTENANT GOVERNOR JONATHON REEVES:** The Senator suggests use the morning
2 roll call for final passage. Is there any objection? Mr. Clerk, there is
3 objection? Please call the roll.

4 **CLERK:** Barnett?

5 **SENATOR JUAN BARNETT:** No.

6 **CLERK:** Blackmon?

7 **SENATOR BARBARA BLACKMON:** No.

8 **CLERK:** Blackwell?

9 **SENATOR KEVIN BLACKWELL:** Aye.

10 **CLERK:** Blount?

11 **SENATOR DAVID BLOUNT:** No.

12 **CLERK:** Branning?

13 **SENATOR JENNIFER BRANNING:** Aye.

14 **CLERK:** Browning?

15 **SENATOR NICKEY BROWNING:** Aye.

16 **CLERK:** Bryan?

17 **SENATOR HOB BRYAN:** No.

18 **CLERK:** Burton?

19 **SENATOR TERRY BURTON:** [INDISCERNIBLE 02:02:33].

20 **CLERK:** Butler?

21 **SENATOR ALBERT BUTLER:** No.

22 **CLERK:** Carmichael?

23 **SENATOR VIDET CARMICHAEL:** Aye.

24 **CLERK:** Caughman?

25 **SENATOR CHRIS CAUGHMAN:** Aye.

1 CLERK: Chassaniol?

2 SENATOR LYDIA GRAVES CHASSANIOL: Aye.

3 CLERK: Clarke?

4 SENATOR EUGENE CLARKE: Aye.

5 CLERK: Dawkins?

6 SENATOR DEBORAH JEANNE DAWKINS: No.

7 CLERK: Dearing?

8 SENATOR BOB DEARING: No.

9 CLERK: DeBar?

10 SENATOR DENNIS DEBAR: Aye.

11 CLERK: Doty?

12 SENATOR SALLY DOTY: Aye.

13 CLERK: Fillingane?

14 SENATOR JOEY FILLINGANE: Aye.

15 CLERK: Frazier?

16 SENATOR HILLMAN TEROME FRAZIER: No.

17 CLERK: Gollot?

18 SENATOR TOMMY GOLLOT: Aye.

19 CLERK: Harkins?

20 SENATOR JOSH HARKINS: Aye.

21 CLERK: Hill?

22 SENATOR ANGELA BURKS HILL: Aye.

23 CLERK: Hopson?

24 SENATOR W. BRIGGS HOPSON: [INDISCERNIBLE 02:02:56].

25 CLERK: Horhn?

1 SENATOR JOHN HORN: No.

2 CLERK: Hudson?

3 SENATOR BILLY HUDSON: [INDISERNIBLE 02:02:59].

4 CLERK: Jackson of the 15th?

5 SENATOR GARY JACKSON: Aye.

6 CLERK: Jackson of the 11th?

7 SENATOR ROBERT JACKSON: No.

8 CLERK: Jackson of the 32nd?

9 SENATOR SAMPSON JACKSON: No.

10 CLERK: Jolly?

11 SENATOR RUSSEL JOLLY: Aye.

12 CLERK: Jordan?

13 SENATOR DAVID JORDAN: No.

14 CLERK: Kirby?

15 SENATOR DEAN KIRBY: Aye.

16 CLERK: Massey?

17 SENATOR CHRIS MASSEY: Aye.

18 CLERK: McDaniel?

19 SENATOR CHRIS MCDANIEL: Aye.

20 CLERK: McMahan?

21 SENATOR CHAD MCMAHAN: Aye.

22 CLERK: Michel?

23 SENATOR J. WALTER MICHEL: Aye.

24 CLERK: Moran?

25 SENATOR PHILIP MORAN: Aye.

1 CLERK: Norwood?
2 SENATOR SOLLIE NORWOOD: No.
3 CLERK: Parker?
4 SENATOR DAVID PARKER: Aye.
5 CLERK: Parks?
6 SENATOR RITA POTTS PARKS: Aye.
7 CLERK: Polk?
8 SENATOR JOHN POLK: Aye.
9 CLERK: Seymour?
10 SENATOR JOSEPH SEYMOUR: Aye.
11 CLERK: Simmons of the 12th?
12 SENATOR DERRICK SIMMONS: No.
13 CLERK: Simmons of the 13th?
14 SENATOR WILLIE SIMMONS: No.
15 CLERK: Stone?
16 SENATOR BILL STONE: Aye.
17 CLERK: Tindell?
18 SENATOR SEAN TINDELL: Aye.
19 CLERK: Tollison?
20 SENATOR GRAY TOLLISON: Aye.
21 CLERK: Turner?
22 SENATOR ANGELA TURNER: No.
23 CLERK: Watson?
24 SENATOR MICHAEL WATSON: Aye.
25 CLERK: Wiggins?

1 **SENATOR BRICE WIGGINS:** Aye.

2 **CLERK:** Wilemon?

3 **SENATOR J.P. WILEMON, JR.:** Aye.

4 **CLERK:** Witherspoon?

5 **SENATOR TAMMY WITHERSPOON:** No.

6 **CLERK:** Younger?

7 **SENATOR CHUCK YOUNGER:** Aye.

8 **CLERK:** Burton?

9 [CROSSTALK 02:04:05 - 02:04:12]

10 **CLERK:** Frazier?

11 **SENATOR HILLMAN FRAZIER:** [INDISCERNIBLE 02:04:13]

12 **CLERK:** Hopson?

13 **SENATOR BRIGGS HOPSON:** Aye.

14 **CLERK:** Hudson?

15 **SENATOR BILLY HUDSON:** [INDISCERNIBLE 02:04:18]

16 **CLERK:** Simmons of the 12th?

17 **SENATOR DERRICK SIMMONS:** No.

18 **CLERK:** Wiggins?

19 **SENATOR BRICE WIGGINS:** Aye.

20 **CLERK:** Voting yes or yea; Blackwell, Branning, Browning, Carmichael,

21 Caughman, Chassinol, Clarke, DeBar, Doty, Fillingane, Gollot, Harkins, Hill,

22 Hopson, Jackson of the 15th, Jolly, Kirby, Massey, McDaniel, McMahan, Michel,

23 Moran, Parker, Parks, Polk, Seymour, Tindell, Tollison, Watson, Wiggins,

24 Wilemon, Younger.

25 [02:04:56]

1 Voting no or nay, Barnett, Blackmon, Blount, Bryan, Butler, Dawkins, Dearing,
2 Horhn, Jackson of the 11th, Jackson of the 32nd, Jordan, Norwood, Simmons of
3 the 12th, Simmons of the 13th, Stone, Turner, and Witherspoon.

4 **LIEUTENANT GOVERNOR JONATHON REEVES:** Senator Burton?

5 **SENATOR TERRY BURTON:** To the vote, Mr. President.

6 **LIEUTENANT GOVERNOR JONATHON REEVES:** State your preference.

7 **SENATOR TERRY BURTON:** If Senator Frazier were here, he would vote "No."

8 Therefore, record me as voting "Aye."

9 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator Burton.

10 [AUDIO GAP: 02:05:24 - 02:07:51]

11 **LIEUTENANT GOVERNOR JONATHON REEVES:** By vote of 31 yays, 17 nays, the bill is
12 passed. Senator Horhn, for what purpose do you seek recognition?

13 **SENATOR JOHN HORHN:** Thank you Mr. President. I'd like to hold House Bill 1523
14 on a motion to reconsider.

15 **LIEUTENANT GOVERNOR JONATHON REEVES:** Thank you, Senator Horhn. Before we
16 conclude --

17 [02:08:07]

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March 31, 2016 Senate Debate

1 **CLERK:** Item 24, House Bill Number 1523.

2 **MR. SEAN TINDELL:** Mr. President, I'd like to have item number 24 called up in
3 the title read.

4 **MR. PRESIDENT:** Please read the title.

5 **CLERK:** House Bill number 1523, the Protecting Freedom of Conscience from
6 Government Discrimination Act, create.

7 **MR. PRESIDENT:** Senator Tindell.

8 **MR. SEAN TINDELL:** Thank you Mr. President. I would move to table the motion
9 to reconsider.

10 **MR. PRESIDENT:** Motion to table the motion to reconsider on item 24 House Bill
11 1523. We have five minutes for those in favor of that motion and we'll have
12 five minutes for those on opposition to follow. Senator Tindell you're
13 recognized to speak on your motion.

14 **MR. SEAN TINDELL:** If I was to toss up 20 seconds ago, I'm sure I'm about to
15 be tossed out by Senator Bryan here shortly. Another great example of our
16 process and work, there was a lot of healthy debate yesterday, a lot of
17 discussion. I'm sure there's been a lot of feedback on social media and other
18 places this morning. But Senator Branning did an excellent job presenting the
19 bill and I think she went through the key points of it, and would ask that
20 the body support their decision yesterday and table the motion to reconsider.

21 **MR. PRESIDENT:** Is there anyone else wish to speak in favor of the motion to
22 table the motion to reconsider? Anyone wish to speak in favor? Senator Blount
23 you were down first do you want to -- oh, Senator Horhn do you wish to speak
24 in opposition to the motion?

25 **MR. JOHN HORHN:** Yes, sir.

1 **MR. PRESIDENT:** The opponents have five minutes. You're recognized.

2 **MR. JOHN HORHN:** I thank you Mr. President. Ladies and gentlemen of the
3 Senate, I don't want to belabor the point but, what we did yesterday was, it
4 provided measure that will allow persons to discriminate against people who
5 are of the same -- who are involved in same sex relationships. Tomorrow, it
6 might be that we decide that we are a Christian nation and we are going to
7 discriminate against everybody who is not a Christian. I just don't know
8 where this bill can end and I think that we are really stepping off into
9 dangerous territory here and then we need to rethink it. Now, we tried
10 yesterday to put in a reverse repealer to send this bill to conference so
11 that we could continue to work on it so that whatever unintended consequences
12 we might be able to minimize. That motion failed and so, by this vote we're
13 going to send it back over to the House and they are going to send it as
14 quickly as they can to the governor is what I imagine is going to happen. I
15 don't know that we are thinking in our right minds and I refer you to what
16 the Honorable [PH] Condoleezza Rice had said a few minutes ago when she was
17 up here being honored as the first African-American female to graduate from
18 the University of Mississippi Law School and also to commend her for her
19 other work in state government being Assistant Secretary of State and so
20 forth. When she said, "We ought to look towards what is righteous." What is
21 the element that will allow us to appeal to our higher virtues and our higher
22 calling as opposed to the fear and potential hate-mongering that we may wind
23 up doing as a result of this legislation. And I would ask you to rethink
24 this, let's bring this bill back up and defeat it and get on about the
25 business of the people's [PH] state. Thank you Mr. President.

1 MR. PRESIDENT: You have about 2 minutes and 50 seconds left, Senator Blount.

2 MR. DAVID BLOUNT: Thank you Mr. President, Ladies and gentlemen of the
3 Senate. I would ask you to defeat the motion at the table. Earlier this year
4 we had a bill dealing with Sanctuary Cities. The bill said that our local
5 officials are going to file a federal law as it relates to immigration. I
6 voted for that bill because I think we ought to follow federal law. I don't
7 think that's optional. I think that's the areas we take. But the vote was
8 what it was and I think it was a healthy debate. I want to challenge you, I
9 want to challenge some of the churches who have worked on this bill. I think
10 all of us and I try to make this clear yesterday's support the religious
11 freedom of our churches to worship in the manner they see fit to practice
12 their beliefs as they see fit. We ought to protect their tax status so they
13 can maintain that right. But when I called many of these same churches last
14 fall and I spent hours, when I called many of these business associations,
15 when I sat down with some of the same churches this session who are pushing
16 this legislation. These churches you have events regularly to deal with the
17 issue of racial reconciliation. One big statewide organization which claims
18 to be for racial reconciliation as having a launch next week, and I asked
19 them to address as a moral issue the most visible symbol of racial
20 reconciliation in this state, they told me it was political and they would
21 not, that they would remain silent.

22 [00:05:11]

23 And so, to those groups, to all of you, we have time every year to pass gun
24 bills and I voted for every single one of them except the one dealing with
25 churches. In the nine years I've been here, I voted for every one of them.

1 When we have time to deal with Sanctuary Cities to uphold federal law, I
2 voted for it. We have time every single year to pass anti-abortion bills and
3 I voted for most of those including the one this week. But we do not have
4 time ever in the history of this state to pass a bill that prohibits
5 discrimination that protects people's rights. Let's make time. Let's make
6 time for racial reconciliation to the groups that want to get involved on
7 some of the issues. I encourage you can get involved in all issues. Let's
8 make time for racial reconciliation. Let's make time to make an affirmative
9 statement that we don't believe in discrimination. Let's make time to do
10 that. I ask you to vote against the motion.

11 **MR. PRESIDENT:** Senator Bryan you have 15 seconds left. You recognize to
12 speak?

13 **MR. HOB BRYAN:** You're putting the circuit clerks in an untenable position.
14 They will be pressured to file a petition or a statement saying they want an
15 exception, if they don't file it, they'll be attacked in the next campaign.
16 If they do file it and their deputy's file it they're probably running a file
17 a federal law. There is a real world consequence of this legislation and it
18 is to create an unnecessarily difficult situation for your circuit clerks and
19 I don't think we want to do that.

20 **MR. PRESIDENT:** Thank you sir. Just a clarification, Senator Horhn there are
21 no extensions on the motion to reconsider, no extensions of time. The vote
22 now recurs on the motion to table the motion to reconsider on House Bill
23 1523.

24 **CLERK:** Roll call.
25

1 MR. PRESIDENT: Roll call is requested. We have six or more who demand a roll
2 call. There is sufficient number, call roll.

3 CLERK: Barnett, Blackmon? Blackwell?

4 MR. KEVIN BLACKWELL: Aye.

5 CLERK: Blount?

6 MR. DAVID BLOUNT: No.

7 CLERK: Branning?

8 MS. JENIFER BRANNING: Aye.

9 MR. NICKEY BROWNING: Aye.

10 MR. HOB BRYAN: No.

11 CLERK: Burton?

12 MR. TERRY C. BURTON: Aye.

13 CLERK: Butler?

14 MR. ALBERT BUTLER: No.

15 CLERK: Carmichael?

16 MR. VIDET CARMICHAEL: Aye.

17 CLERK: Caughman?

18 MR. CHRIS CAUGHMAN: Aye.

19 CLERK: Chassaniol? Clark?

20 MR. EUGENE S. CLARKE: Aye.

21 CLERK: Dawkins?

22 MS. DEBORAH JEANNE DAWKINS: No.

23 CLERK: Dearing?

24 MR. BOB DEARNING: No.

25 CLERK: DeBar?

1 MR. DENNIS DEBAR: Aye.
2 CLERK: Doty?
3 MS. SALLY DOTY: Aye.
4 CLERK: Fillingane?
5 MR. JOEY FILLINGANE: Aye.
6 CLERK: Frazier?
7 MR. HILLMAN TEROME FRAZIER: No.
8 CLERK: Gollot?
9 MR. THOMAS ARLIN GOLLOT: Aye.
10 CLERK: Harkins?
11 MR. JOSH HARKINS: Aye.
12 CLERK: Hill?
13 MS. ANGELA BURKS HILL: Aye.
14 CLERK: Hopson? Horhn?
15 MR. JOHN A. HORHN: No.
16 CLERK: Hudson? Jackson of 15th?
17 MR. GARY JACKSON: Aye.
18 CLERK: Jackson of 11th?
19 MR. ROBERT L. JACKSON: No.
20 CLERK: Jackson 32nd?
21 MR. SAMPSON JACKSON II: No.
22 CLERK: Jolly?
23 MR. RUSSELL JOLLY: Aye.
24 CLERK: Jordan?
25 MR. DAVID LEE JORDAN: No.

1 CLERK: Kirby? Massey?
2 MR. CHRIS MASSEY: Aye.
3 CLERK: McDaniel? McMahan?
4 MR. CHAD MCMAHAN: Aye.
5 CLERK: Michel?
6 MR. J. WALTER MICHEL: Aye.
7 CLERK: Moran?
8 MR. PHILIP MORAN: Aye.
9 CLERK: Norwood?
10 MR. SOLLIE NORWOOD: No.
11 CLERK: Parker?
12 MR. DAVID PARKER: Aye.
13 CLERK: Parks?
14 MS. RITA POTTS PARKS: Aye.
15 CLERK: Polk?
16 MR. JOHN A. POLK: Aye.
17 CLERK: Seymour?
18 MR. JOSEPH SEYMOUR: Aye.
19 CLERK: Simmons of the 12th?
20 MR. DERRICK SIMMONS: No.
21 CLERK: Simmons of the 13th?
22 MR. WILLIE LEE SIMMONS: No.
23 CLERK: Stone?
24 MR. BILL STONE: No.
25 CLERK: Tindell?

1 MR. SEAN TINDELL: No.

2 CLERK: Tollison?

3 MR. GRAY TOLLISON: Aye.

4 CLERK: Turner?

5 MS. ANGELA TURNER: No.

6 CLERK: Watson? Wiggins?

7 MR. BRICE WIGGINS: Aye.

8 CLERK: Wilemon?

9 MR. J. P. WILEMON: Aye.

10 CLERK: Witherspoon?

11 MS. TAMMY WITHERSPOON: No.

12 CLERK: Younger?

13 MR. CHARLES YOUNGER: Aye.

14 CLERK: Barnett?

15 MR. JUAN BARNETT: No.

16 CLERK: Blackmon?

17 MS. BARBARA BLACKMON: No.

18 CLERK: Chassaniol? Hopson? Hudson? Kirby? McDaniel? Watson? Voting yes or
19 yay, Blackwell, Branning, Browning, Burton, Carmichael, Caughman, Clarke,
20 DeBar, Doty, Fillingane, Gollot, Harkins, Hill, Jackson of the 15th, Jolly,
21 Massey, McMahan, Michel, Moran, Parker, Parks, Polk, Seymour, Tindell,
22 Tollison, Wiggins, Wilemon, and younger.

23 [00:09:59]

24

25

1 Voting no or ney, Barnett, Blackmon, Blount, Bryan, Butler, Dawkins, Dearing,
2 Frazier, Horhn, Jackson of the 11th, Jackson of the 32nd, Jordan, Norwood,
3 Simmons of the 12th, Simmons of the 13th, Stone, Turner and Witherspoon.

4 **MR. PRESIDENT:** Senator Blackwell, your light is on. I don't see if it cleared
5 out. I'll get to serve to McMahan after we announce the vote.

6 [AUDIO GAP: 00:10:41 - 00:11:21]

7 **MR. PRESIDENT:** By vote of 29 yeys, 18 neys, the motion to table the motion to
8 reconsider has been adopted. Senator --

9 [00:11:27]

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April 1, 2016 House Debate

1 MR. GIPSON: Thank you Mr. Speaker. I'd go to item 74 on the concurrence and
2 non-concurrence calendar House Bill 1523.

3 MR. SPEAKER: Okay.

4 MR. GIPSON: And would explain the changes at the senate made and explained --

5 MR. SPEAKER: What's your motion, gentleman?

6 MR. GIPSON: The motion would be to concur.

7 MR. SPEAKER: Okay, thank you. You're recognized.

8 MR. GIPSON: Thank you, Mr. Speaker, ladies and gentlemen of the house, today
9 is April Fools' Day.

10 [VOICE OVERLAP]

11 MR. SPEAKER: Excuse me gentleman, that microphone doesn't seem to pick
12 enough, pull it closer to you.

13 MR. GIPSON: How about now?

14 MR. SPEAKER: There you go.

15 MR. GIPSON: Okay, thank you Mr. Speaker. Ladies and gentlemen of the house,
16 today is April Fools' Day. And as I woke up this morning, it occurred to me
17 that many of the articles that I've read about this bill are in fact
18 deceptive and wrong. Some may say this bill would deny services to
19 individuals. That's not true. The bill does however protect people of faith
20 against discrimination by the government for exercising their sincere
21 religious beliefs and it gives them calls of action if that religious freedom
22 is violated. What the senate change did was struck Section 8 of the bill
23 which waves sovereign immunity and then what they did in Section 6 was to say
24 that any aggrieved person must forseek injunctive relief to prevent a remedy
25 of violation of this act, all the effects of a violation of this act. If

1 injunctive relief is granted by the court and the injunction is thereafter
2 violated, then and only then may the aggrieved party, subject to the
3 limitations of liability in Section 11, 46, 15, then they can seek
4 compensatory damages for pecuniary and non-pecuniary losses; reasonable
5 attorneys' fees and costs; and any other appropriate relief, except that only
6 declaratory relief and injunctive relief shall be available against a private
7 person not acting under color of state law upon a successful assertion of a
8 claim or defense under this act. Ladies and gentlemen, don't buy the
9 deception, the untrues of these articles that you've seen, the talking heads,
10 they're wrong. This is an antidiscrimination bill and I move that we do
11 concur.

12 **MR. SPEAKER:** Question? Gentleman from [PH] Hans, [PH] Mr. Bail, you have a
13 question?

14 **MALE 2:** Speaking against the bill [INDISCERNIBLE 00:02:31].

15 **MR. SPEAKER:** Okay. All right, I don't see anything else. I'll recognize
16 gentleman from Hans, Mr. Bail.

17 **MALE 2:** Good morning. Ladies and gentlemen, I too like -- many members in
18 this room do not like to come to this will, to just come to the will. But
19 this Bill 1523 is not good for Mississippi. This Bill 1523 is an open
20 container for discrimination across the board for the residents and the
21 citizens of State of Mississippi. You are now given the opportunity for
22 gainfully employed individuals who are employed by the State of Mississippi
23 to openly discriminate against individuals. Ladies and gentlemen, we are
24 well-beyond discriminating against anybody. We're trying to move this state
25 forward. We're trying to do things outside of the State of Mississippi. We

1 should be talking about a global economy. We should be talking about
2 educating our students. We should be talking about providing jobs for our
3 citizens but yet and still, we sit here today with this Bill 1523 and we're
4 asking to legalize discrimination. Now that's before. What comes next? Are we
5 going to start discriminating against interracial marriages? Are we going to
6 start discriminating against African-Americans, Asians, Jews? When does this
7 stop? When do we have common sense? When do we really sit down and think
8 about what we're doing in this building? This morning I prayed for an open
9 and a clear mind and a heart for all of us to do the work for all of the
10 citizens of Mississippi. This is another bill that's going to end up in a
11 legal battle. Why are we constantly and consistently engaging in legal
12 battles over things that we should have no jurisdiction here? Ladies and
13 gentlemen, I submit to you that today is not the day.

14 [00:05:00]

15 And like the gentleman said it is April Fools' Day and I promise, I thought
16 this was April Fools' joke that this bill would be before us this morning but
17 here it is. I'm asking each and every one of you to think deep within your
18 hearts to not support this bill, thank you.

19 **MR. SPEAKER:** Gentleman from Washington, what purpose do you speak for? You're
20 recognized.

21 **MALE 3:** Thank you Mr. Speaker. Ladies and gentlemen of the house --

22 **MR. SPEAKER:** Excuse me gentlemen, maintain order please, you're recognized.

23 **MALE 3:** Thank you Mr. Speaker. Ladies and gentlemen of the house, I have a
24 tendency of waking up at 02:30, 3 o'clock in the morning and begin to read
25 what the national news says about certain issues around this country. And

1 what's been interesting over the last couple of days, the national story has
2 been about the governor of the State of Georgia vetoing a piece of
3 legislation that is almost identical to this. Well, it was interesting how
4 major business entities made a decision to leave that state based upon this
5 piece of legislation and how it would have an economic impact on that state.
6 Well, in case you hadn't heard, we've had a five percent drop in our economy
7 in this state already. In case you hadn't heard, we can afford to have one
8 blow economically in the negative. In case you hadn't heard, people are
9 paying attention to stuff like this in the state. Now, over the last few
10 decades, Mississippi had worked to turn its image around and it appears to be
11 that we are back paddling now. It appears to be that the days of old that we
12 worked so hard to move away from are beginning to resurface again. It almost
13 appears that though they're trying to bring back up the [PH] salvage
14 commission with the mindset it is taking place in the state and that's
15 unfair. Mississippi is a great place that has built a reputation of
16 hospitality. However, this particular piece of legislation is not very
17 hospitable. When you encourage discrimination, be it racial, social,
18 religious, any type of discrimination is wrong. Now, the script should talk
19 about the persecutions of Christians. It never said how the Christian will be
20 persecuted, how the persecution will begin. See, if I poke my finger in that
21 gentleman's eye then I'm wrong and that gentleman hadn't done nothing to me.
22 Now, that gentleman pokes his finger in my eye, he's wrong. We are poking
23 fingers in folk eyes. Sometimes you can try to hold up the blood stain better
24 so much until you stain it with your own blood. We need to understand that
25 the concepts that we are protesting here and presenting here might be the

1 beginning of the tumbling of the foundation we declare we stand upon. We need
2 to be wise about how we do things here. Now, it has been touted that this
3 piece of legislation is to protect certain people religious' rights. How do
4 you protect your religious rights when you are adversely affecting somebody
5 else? When you are poking your finger in somebody else's eye? Now, you're
6 encouraged to do whatever you want to on this piece of legislation, but I
7 can't support something that would discriminate against another group or
8 sector of people because I don't know how many of you all have been
9 discriminated against but I had.

10 [00:10:06]

11 And I have watched people be discriminated. And the interesting piece, I have
12 seen people who don't look like me be discriminated against, who had been
13 considered to be into minority, but because they didn't have the right type
14 of pedigree, they were discriminated against. We need to be wise about what
15 we're doing. We need to be very wise. Now we said it yesterday that we have
16 to spend some more money to defend a lawsuit. We spent mounds and mounds of
17 money to fit in lawsuit. I'm here to tell you. We often spend some more money
18 because this is discriminatory. I thank you for giving me an opportunity to
19 stand here and say what I needed to say but I want you to think about it.
20 What would Jesus do?

21 **MR. SPEAKER:** Gentleman from Adams what purpose?

22 **MALE 4:** For an introduction, Mr. Speaker.

23 **MR. SPEAKER:** Okay we'll get right to you. I recognize chairman to close.

24 **MR. GIPSON:** Thank you Mr. Speaker. Ladies and gentlemen of the house, I
25 simply want to reiterate that we should not be intimidated, we should not buy

1 in to the April Fools' deception as being propagated by the national media,
2 by some reporters and realize that this is a bill that actually protects the
3 most fundamental rights that all Mississippians have, their religious
4 freedoms and their freedom of conscience. On your desk as being passed out if
5 it hasn't already, a recent poll done my Mason-Dixon Polling & Research and
6 it finds that Mississippians, as of March 30th, supported this bill
7 overwhelmingly to almost two-thirds of Mississippians. All genders, all
8 races, all parties, all ages, if you look at that poll, all Mississippians,
9 the people who elected us who sent us here to do their work, they support
10 this legislation and I think it's time that we stand up and do the work of
11 the people and protect the freedoms that they enjoy and want to continue to
12 enjoy and I urge you to vote in favor of this motion to concur, thank you.

13 **MR. SPEAKER:** All right, question now occurs on the motion to concur. Open the
14 machine, Madam Clerk. If you favor the motion to concur, vote "aye;" if
15 you're opposed, vote "nay." Has everyone voted? Has everyone voted? Close the
16 machine, Madam Clerk. The vote is 69 ayes, 45 nays, motion to concur
17 prevails.

18 **[AUDIO ABRUPTLY ENDS]**

19 **[00:13:02]**

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April 4, 2016 House Debate

1 **MR. SPEAKER:** Gentleman from [PH] Samson, [PH] Mr. Gibbs.

2 **MR. GIPSON:** Thank you, Mr. Speaker. I go at Item 56 House Bill 1523 at a move
3 that we do table.

4 **MR. SPEAKER:** Those opposed have five minutes. Gentleman from [PH] Lee wishes
5 to speak.

6 **MR. AGUIRRE:** I played the piano in a Methodist Presbyterian Church yesterday
7 and I prayed real hard while I was doing it. All of you know that for 42
8 years of my life, I've been a southern undertaker. And I looked death in the
9 face everyday of my life just like the gentleman from one owner and several
10 of you do that our fellow travelers in this dismal trade. And there's one
11 thing that I've learned in 42 years. We're born unequal but we die equal.
12 When you're on that table, you're just as dead as you can be and everybody is
13 equally dead. Now, I don't even know, hardly know where to start and where to
14 stop on this. But this is the most hateful bill that I've seen in my career
15 in the legislature. There's literally zero reason for it, zero! I don't care
16 who you are. I don't care what party you belong to. There is no way that you
17 can justify passing this bill. Not under New Testament Christianity can you
18 justify? Not at all. None whatsoever. None whatsoever can you justify under
19 for what I have been taught 60 years to be the teachings of Jesus Christ,
20 which I think most of us profess including the preachers here. Now, my family
21 and I do not, do not practice discrimination. I remember going to the first
22 grade in 1960 at [INDISCERNIBLE 00:02:12]. And the thing that broke my heart
23 the most was Willy and [PH] Flablo and Junior, the Black friends that I grew
24 up with on my farm didn't go to school with me. And that broke my heart as
25 early as 1960. Now if you table this bill, you know one thing and you heard

1 it here. You're discriminating. That's what you're doing. You call it
2 religious whatever you want to but you ought to be ashamed of yourself
3 because you're doing nothing but discriminating. If I want to refuse somebody
4 at Holland Funeral Directors, all I got to do is say, "Go to the competitor."
5 I've never done that. Also, I remember in the mid-80s when I got a call from
6 a lady from Itawamba County, gentleman from Itawamba, who is so in tears she
7 could not even talk to me for five minutes. I've got her settled down and she
8 said, "Steve, my son died at eight o'clock this morning and they're out at
9 Salem digging a hole right now because they said he had to be buried by
10 night." And I said, "Why?" She said, "He died of AIDS." At which point I
11 said, "Baby, you call that funeral home and tell them I'm on the way." And I
12 not only gave the woman a funeral because she was impoverished but I opened
13 my place, my life and my Christianity up to that family. We had wine cheese
14 parties, one of the best I've ever seen. Hell of a send-off. Incredible send-
15 off. We don't discriminate in my family and the Mississippi House of
16 Representative shouldn't discriminate.

17 **MR. SPEAKER:** Gentleman from Lafayette wishes to speak. You got a minute and
18 20 seconds, gentleman.

19 **MR. HUGHES:** Ladies and gentlemen, I come before you today, this is personal
20 to me. It's Mississippi to me.

21 **MR. SPEAKER:** Gentleman, pull that microphone down to you, please. Thank you.

22 **MR. HUGHES:** I know I'm the least popular guy that come to this will because I
23 speak sometimes from my heart without a filter and without an apology. But as
24 a lawyer and a businessman, I now say to you this bill is poorly written. It
25 is facially unconstitutional. Line 20 says, "Sexual relations are properly

1 reserved to such a marriage between a man and a woman. Everyone who have ever
2 had premarital sex or knows anyone, better watch out." Is this really where
3 we are now as a government that we're going to go into the bedrooms, develop
4 a litmus test for sex?

5 [00:05:02]

6 How does a store owner or a public official administer that test? Is it if
7 you look or sound like you may have sex outside of marriage? Or what happens
8 if you happen to sound gay? What is the standard here we're trying to do? And
9 it's not just about religion, it's about moral conviction is also one has to
10 have. All the discrimination in history where there it was blacks, women,
11 Jews has been done --

12 [AUDIO ABRUPTLY STOPS]

13 [00:05:32]

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EXHIBIT NO. CSF-28
CAUSE NO. 3:16-cv-442-CWR-LRA
WITNESS Nejme
CLERK JOYCE SMITH

JUN 23 2016

UNITED STATES DISTRICT COURT
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Mississippi Protects Freedom of Conscience in Law

April 5



Mississippi Gov. Phil Bryant signed HB 1523, the Protecting Freedom of Conscience from Government Discrimination Act. The law means that the state cannot violate the conscience of business owners or individuals because of their views on marriage.

Our friends at Alliance Defending Freedom wrote model legislation for the bill. Kellie Fiedorek, an attorney with ADF, said people know the value of religious freedom.

PLAINTIFF'S
EXHIBIT
CSE-29

“The people of Mississippi, from every demographic, support this commonsense ‘Live and Let Live’ bill, which simply affirms the freedom of all people to peacefully live and work according to their deeply held beliefs without threat of punishment from their own government,” she explained. “We commend the governor for signing into law protections for schools, churches, businesses and public employees, so they won’t face such discrimination. What makes America unique is our freedom to peacefully live out those beliefs, and the Constitution protects that freedom.”

EXHIBIT NO. OSE 29
CAUSE NO. 3:16cv442CWR-LRA
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CLERK JOYCE SMITH

JUN 23 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
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