



From Conflict to Mutual Respect

Robin Fretwell Wilson

Associate Dean for Public Engagement and Roger and Stephany Joslin Professor of Law

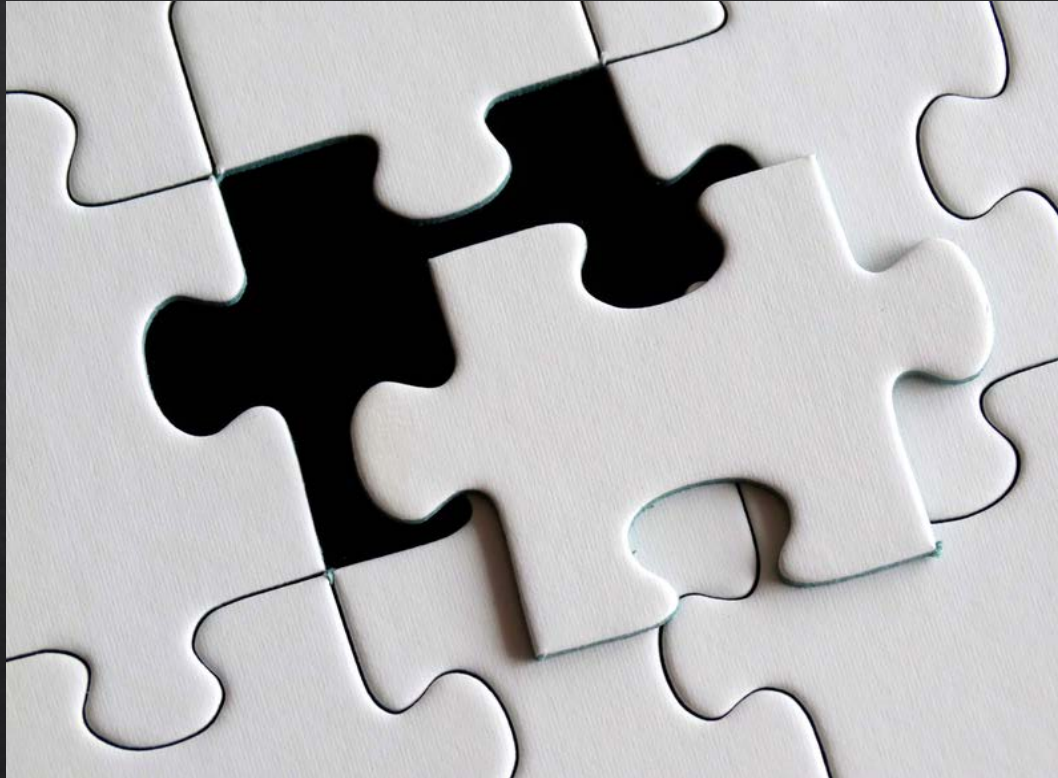
University of Illinois College of Law

wils@Illinois.edu, © 2019

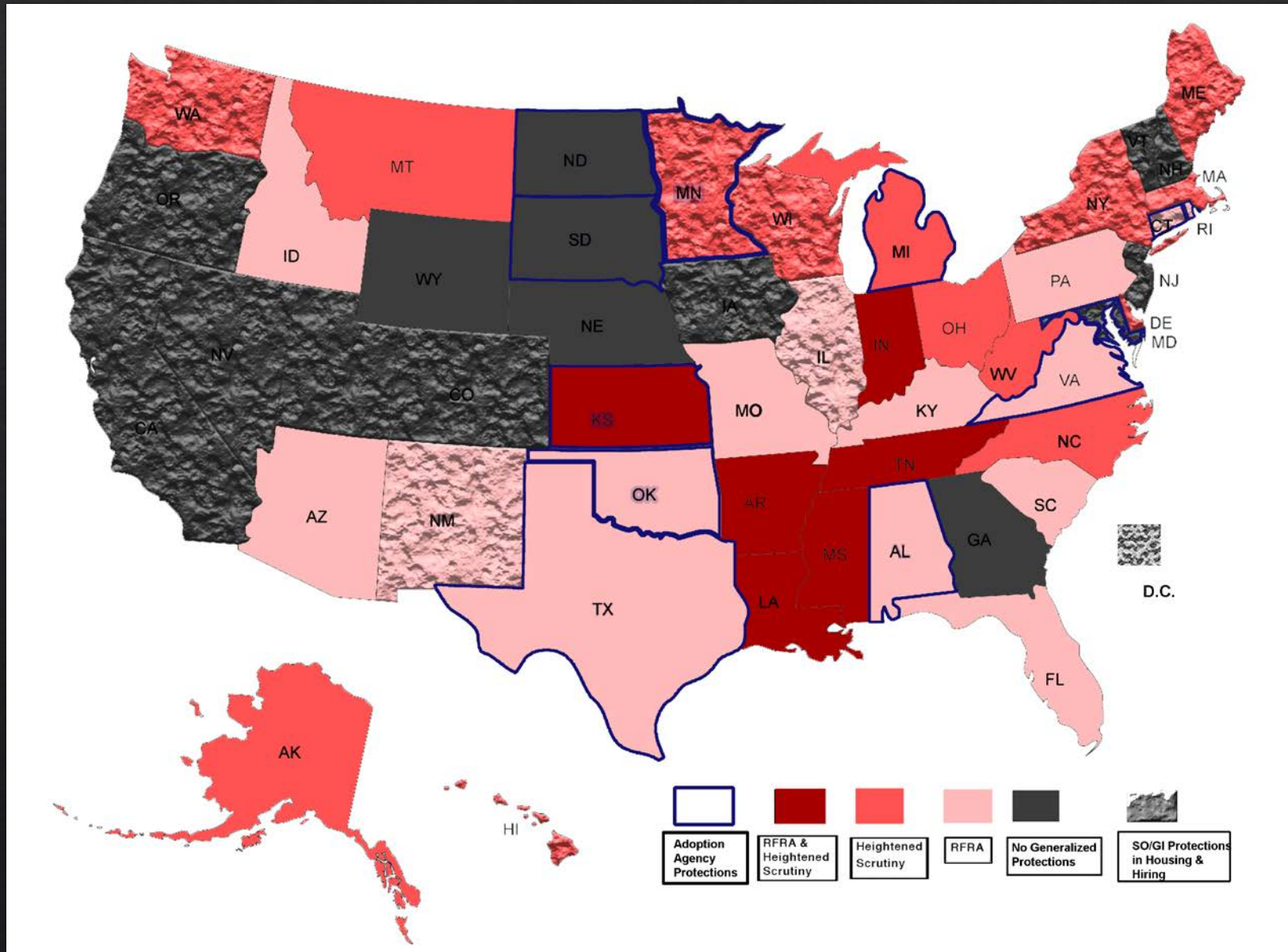
THE CULTURE WAR TODAY



CIVIL RIGHTS COMPLEMENTARITY



Red & Bumpy America



Lines Have Hardened Nationally

U.S. Commission on Civil Rights Report

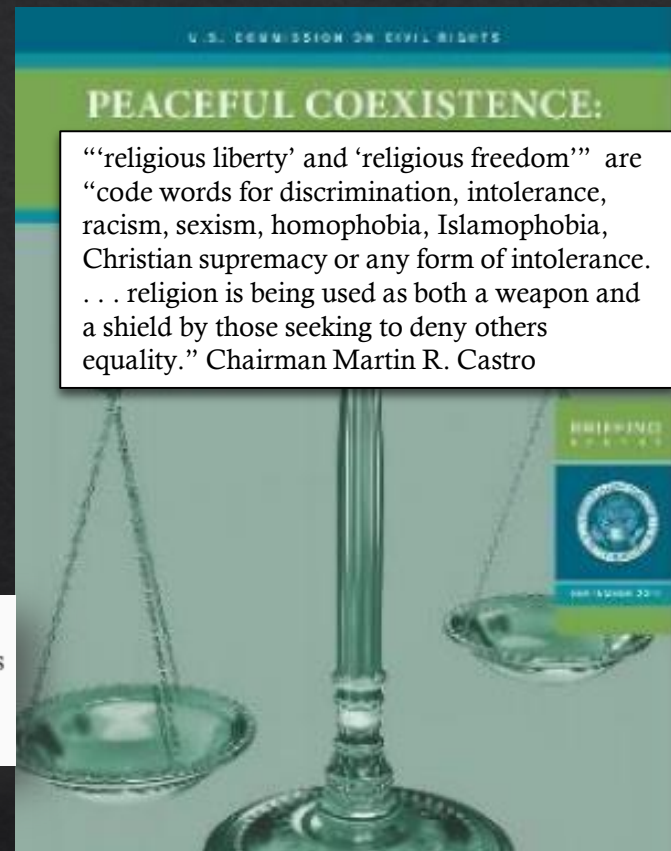
PRESERVE FREEDOM, REJECT COERCION

As Americans, we cherish the freedom to peacefully express and live by our religions, philosophical, and political beliefs—not merely to hold them privately. We write on behalf of millions of Americans who are concerned about laws that undermine the public good and diminish this freedom for individuals and organizations alike.

We affirm that every individual is created in the image of God and as such should be treated with love, compassion, and respect. We also affirm that people are created male and female, that this complementarity is the basis for the family centered on the marital union of a man and a woman, and that the family is the wellspring of human flourishing. We believe that it is imperative that our nation preserve the freedoms to speak, teach, and live out these truths in public life without fear of lawsuits or government censorship.

In recent years, there have been efforts to add sexual orientation and gender identity as protected classifications in the law—either legislatively or through executive action. These unnecessary proposals, often referred to as SOGI policies, threaten basic freedoms of religion, conscience, speech, and association; violate privacy rights; and expose citizens to significant legal and financial liability for practicing their beliefs in the public square. In recent years, we have seen in particular how these laws are used by the government in an attempt to compel citizens to sacrifice their deepest convictions on marriage and what it means to be male and

discriminatory. We therefore believe that proposed SOGI laws, including those narrowly crafted, uncatch fundamental freedoms, and any ostensible protections for religious liberty appended to such laws are inherently inadequate and unstable.



Principled and Pragmatic

“A male Jewish youth with feminine qualities was harassed by his instructors at a beauty school. He was informed publicly that ‘Jewish Faggots’ were not welcome and he was removed from the class. After several attempts he was finally removed permanently from the class.”

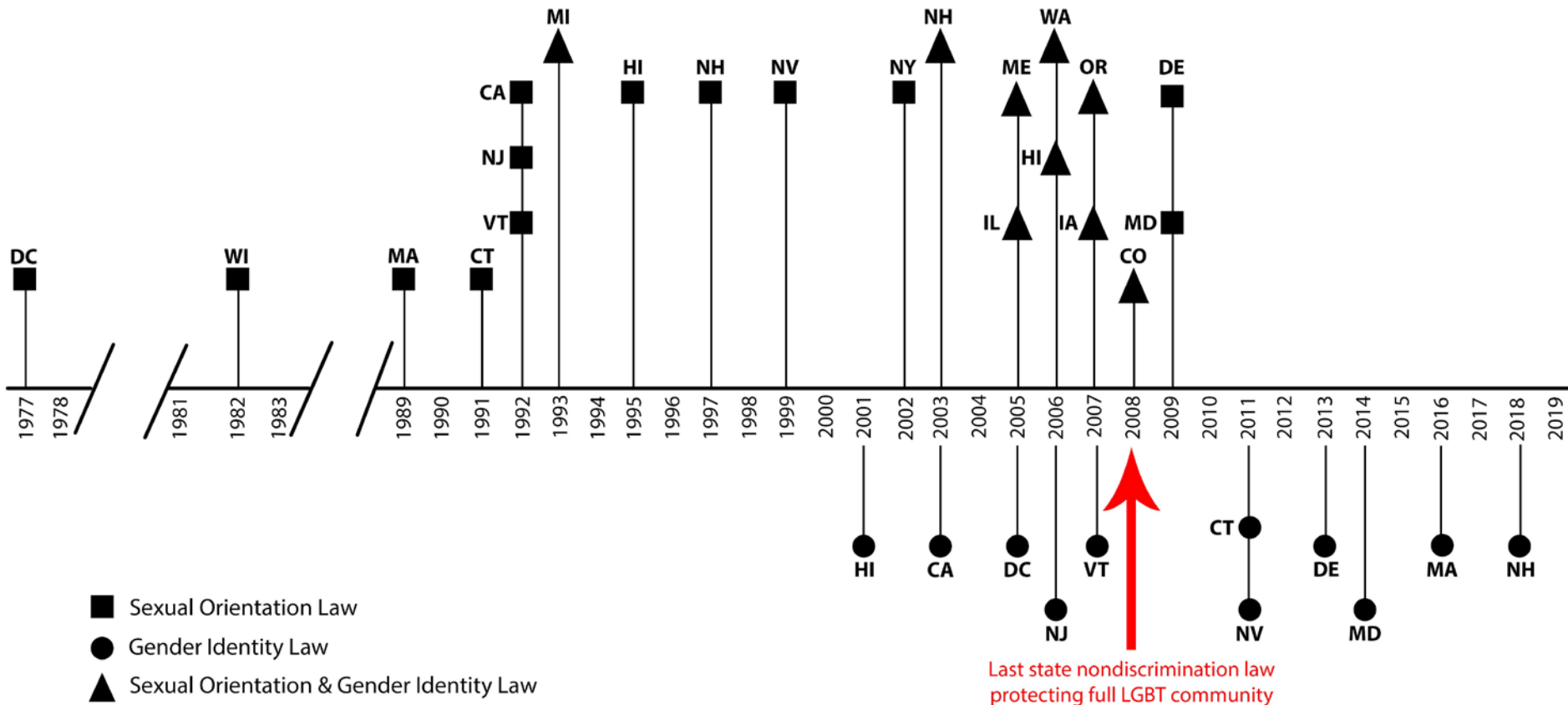
“At the same Institute, the only African American gay student was also harassed. When he took a leave for personal reasons he was denied re-entry though there were no discipline or performance issues on his record.”

-Maitland v. Aveda

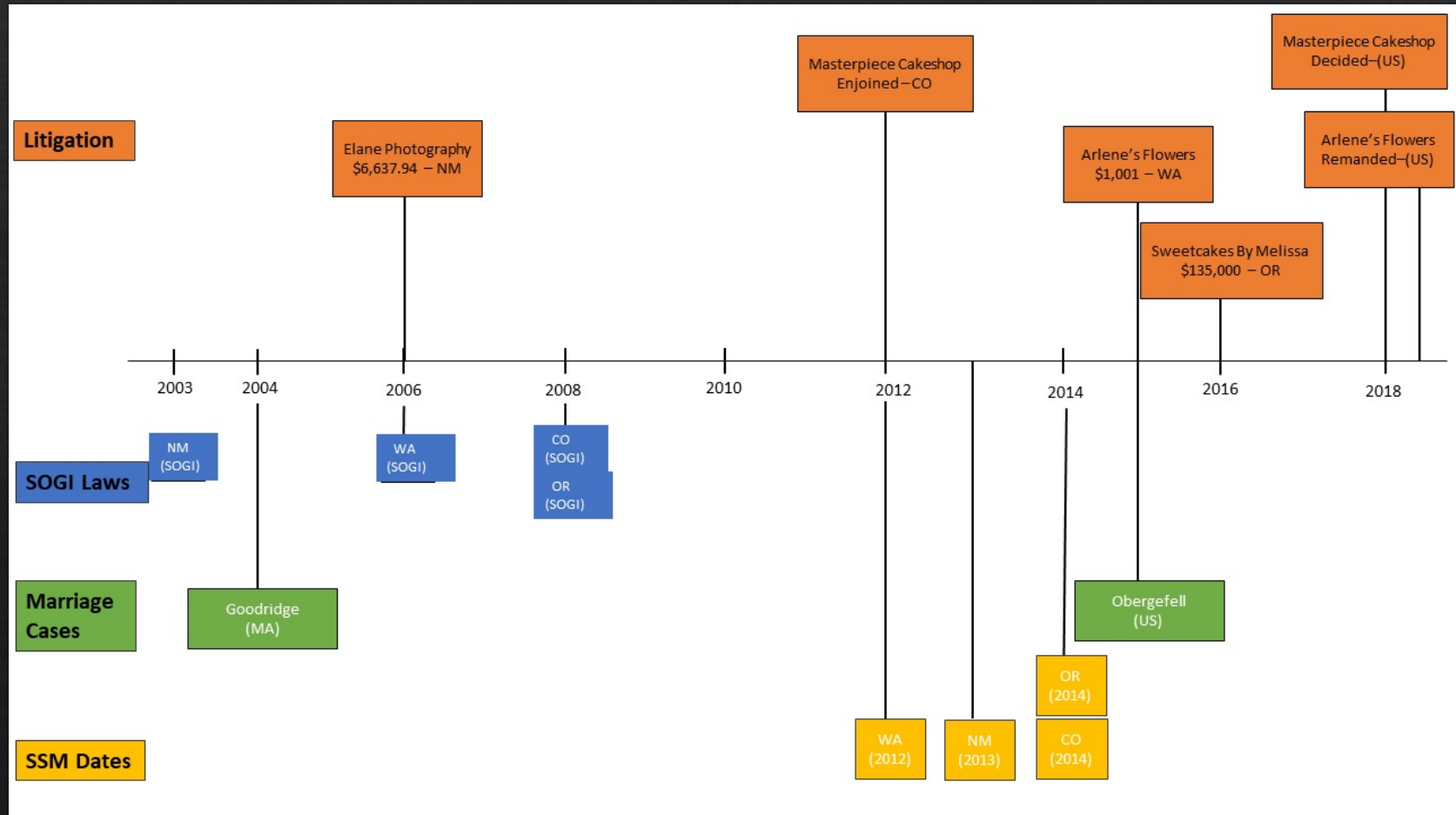


LGBT Community has a Stake

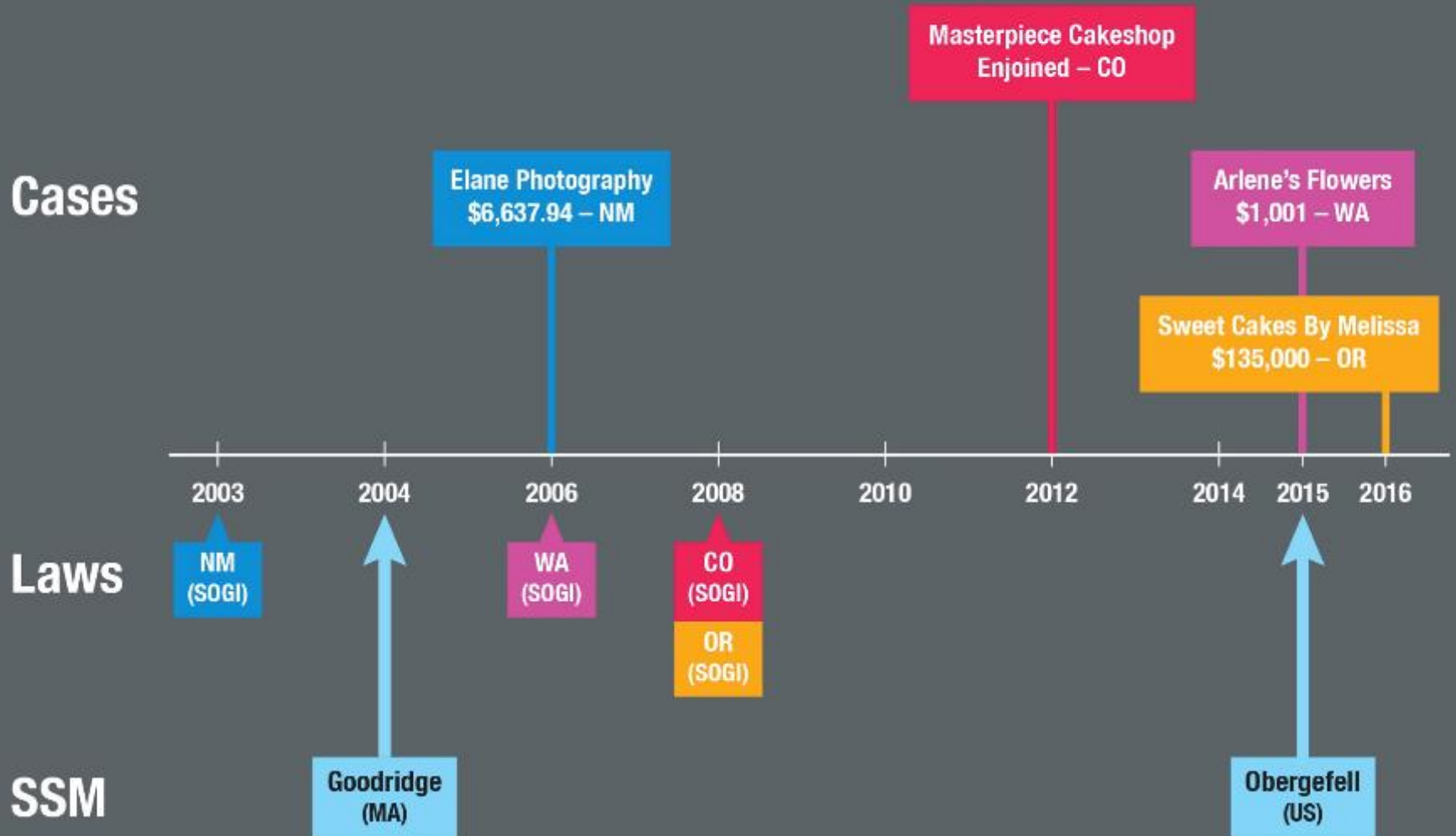
Sexual Orientation & Gender Identity Nondiscrimination Laws (Public Accommodations)



Religious Community has a Stake



Ordinances Pre-Date Same-Sex Marriage



Urgency in Idaho



2015 "Add the Words" Bill

Idaho



is tied for
33rd

most religious state overall
(about this score)



51%
of adults in Idaho are "highly religious," based on an overall index

Religious profile of Idaho



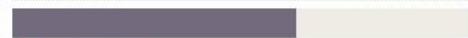
51% (24th)
say religion is very important in their lives



35% (25th)
say they attend worship services at least weekly



50% (35th)
say they pray daily

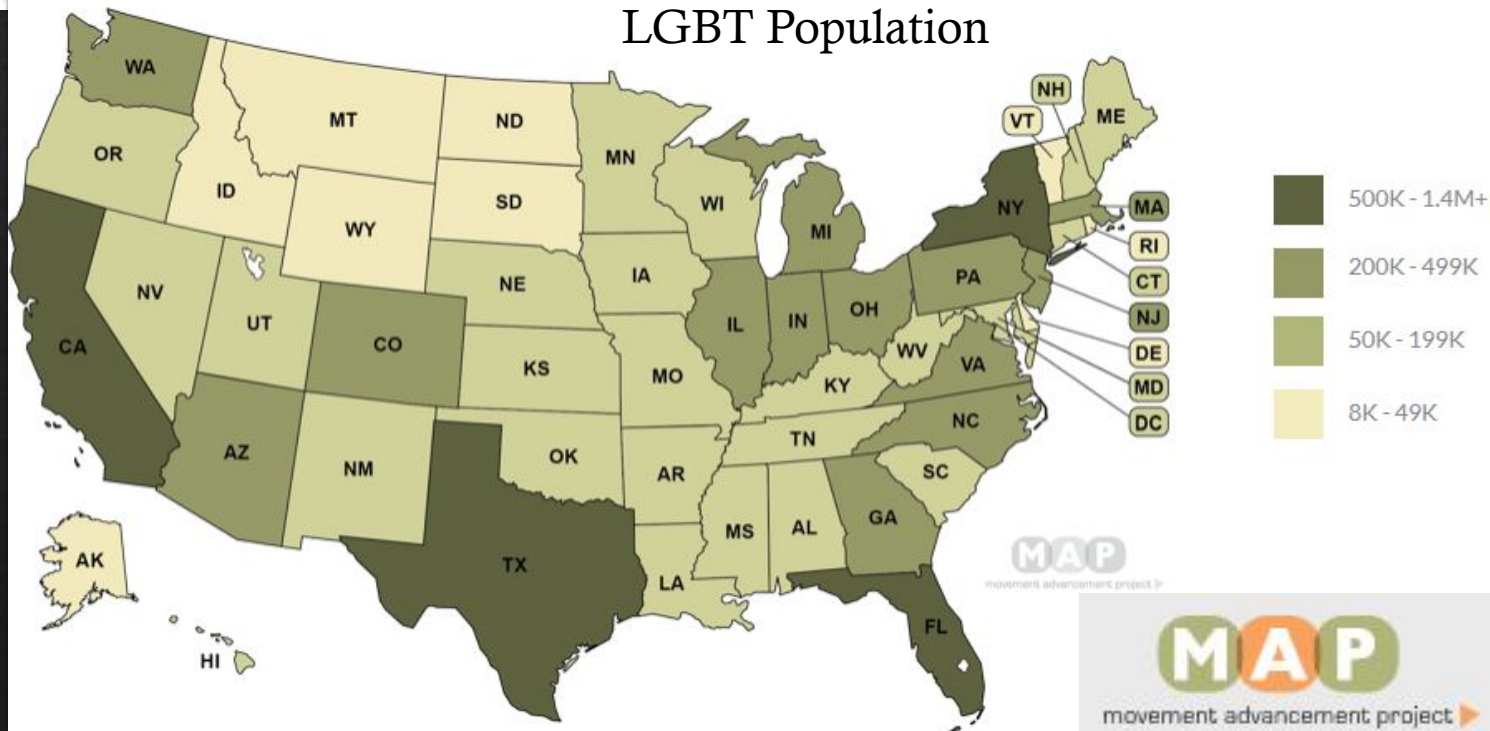


62% (28th)
say they believe in God with absolute certainty



Pew Research Center

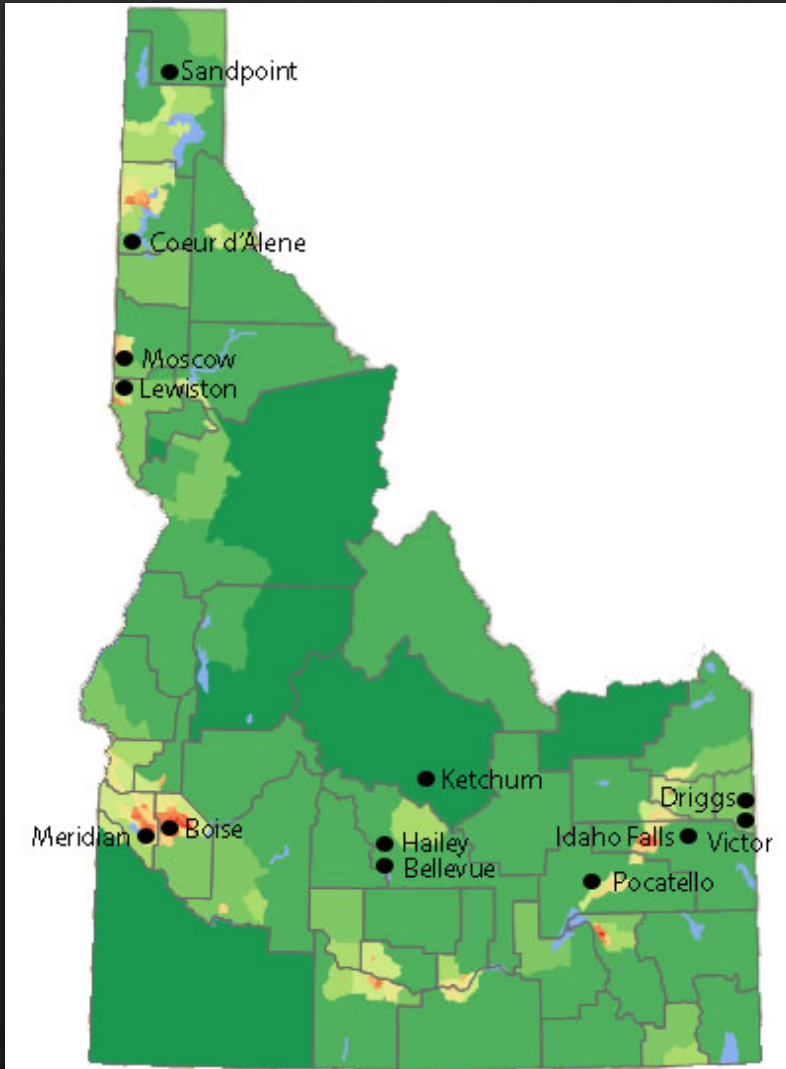
LGBT Population





31,800 in Idaho

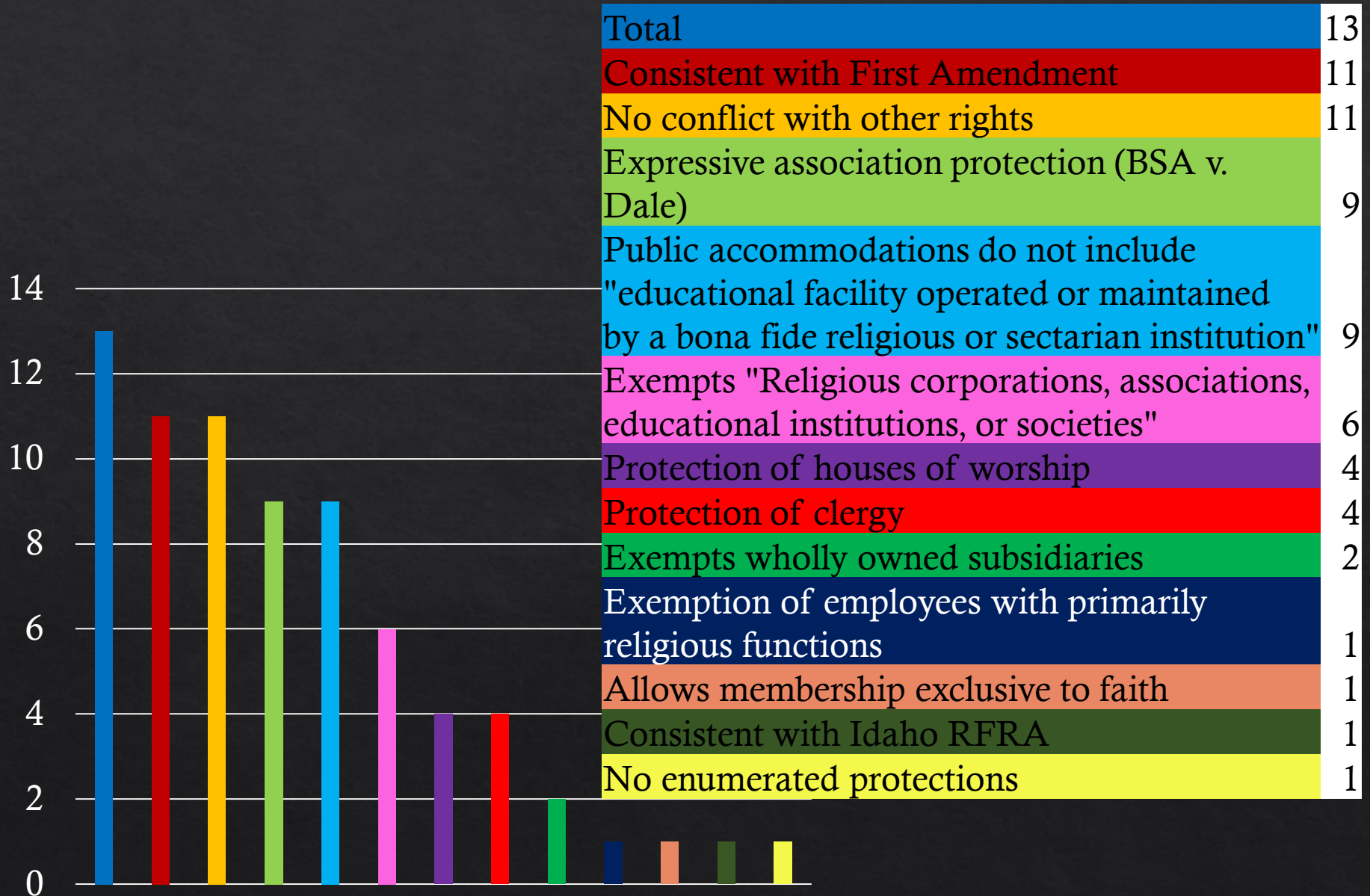
Municipal SOGIs

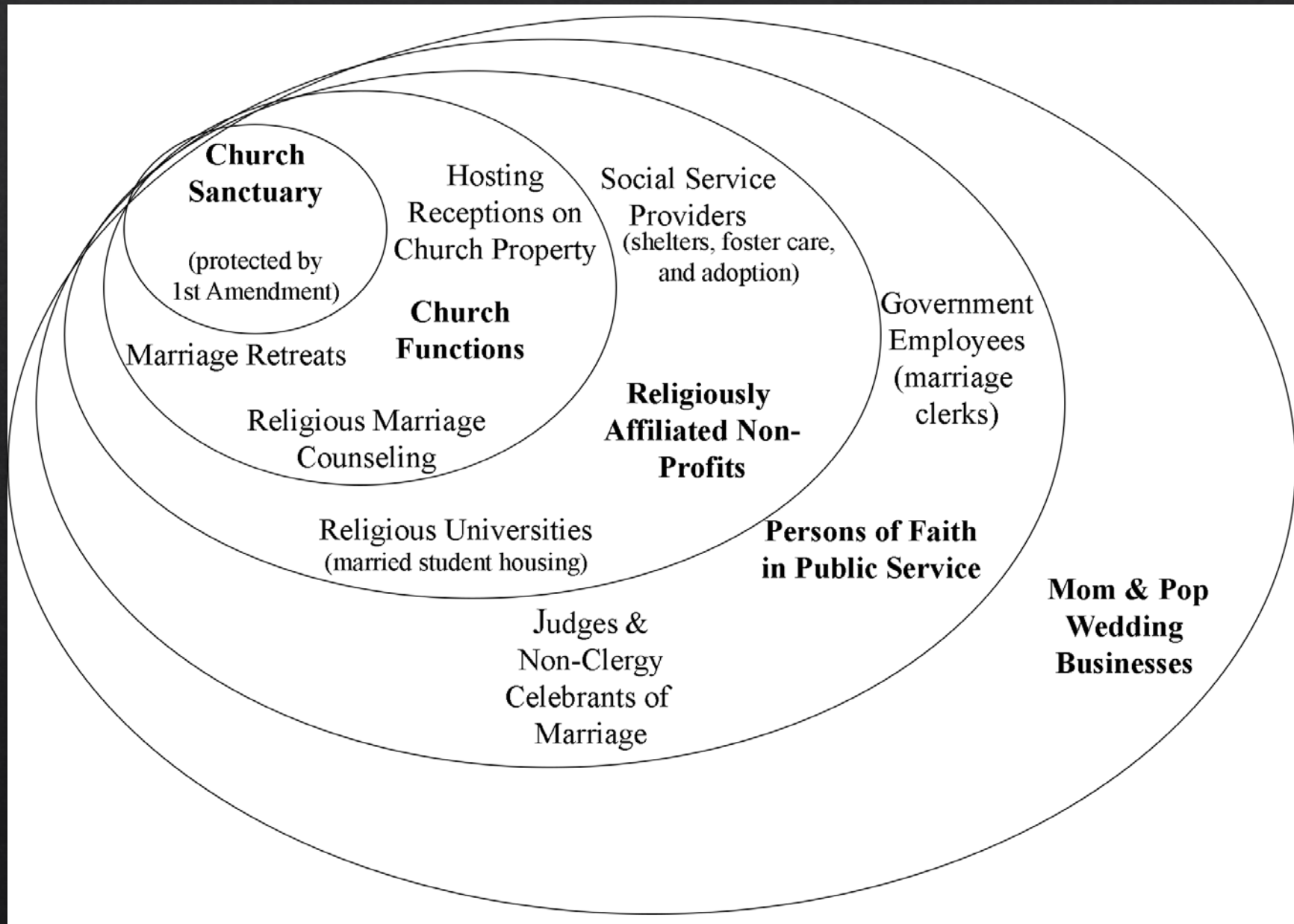


| MUNICIPAL SOGI | POPULATION |
|----------------|------------|
| Bellevue | 2,362 |
| Boise | 226,570 |
| Coeur d'Alene | 50,665 |
| Driggs | 1,805 |
| Hailey | 8,282 |
| Idaho Falls | 61,076 |
| Ketchum | 2,763 |
| Lewiston | 32,820 |
| Meridian | 99,926 |
| Moscow | 25,146 |
| Pocatello | 55,193 |
| Sandpoint | 8,390 |
| Victor | 2,145 |

◇ 32.4% of people in Idaho live under municipal SOGIs

Municipal SOGIs





Church Spaghetti Dinner Problem

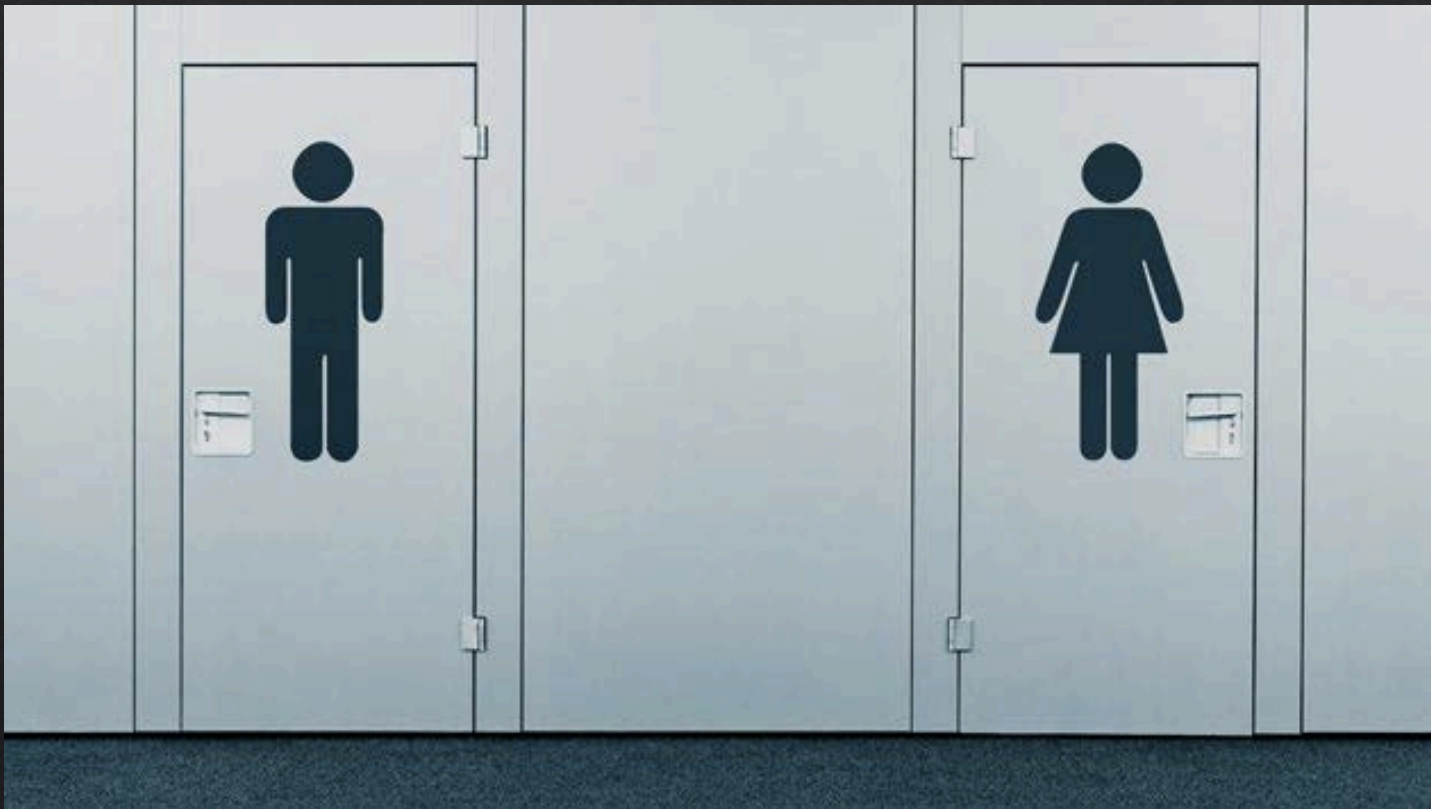


Iowa Law Threatens Churches, Through Definition as “Public Accommodation” And Speech Restrictions



WAGENMAKER & OBERLY

The Nonsense about Bathrooms



Dubbing Everything a “Bathroom Bill”



PAFamily.org

Home of the PA Family Council
& PA Family Institute

A theme from those testifying in support of Governor Wolf's Bathroom Bills was that religious organizations should be forced to hire people who disagree with church teaching on marriage and human sexuality, and that existing religious protections for ministerial employees is more than enough protection.

Kim Davis
Elected County Clerk (sometimes jailbird)
Rowan County, Kentucky



“To issue a marriage license which conflicts with God’s definition of marriage, with my name affixed to the certificate, would violate my conscience.”

— Kim Davis, Sept. 2, 2015

Choose
GOD or **Gays**
Compliments of
Amyx Hardware Washburn TN





As deeply fond as I am of Rob, my relationship with Jesus is everything to me. Without Christ, I can do nothing.” 🐦

Religious Liberty & LGBT Protections in Utah Compromise versus States Legislating Same-Sex Marriage (2015)

| Religious Liberty & LGBT Protections in Utah Compromise versus States Legislating Same-Sex Marriage (2015) | | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|---|---|--|--|--|---|---|---|--|--|---|--|--|--|---|---|---|
| Express Statutory Protections for Religious Liberty | | | | | | | | | | | Express Statutory Protections for LGBT People | | | | | | | | | |
| Adoption/foster agencies maintain existing placement policies | Religious buildings & wedding services protected | Protects religious/political speech on marriage and family | Professional/business license protected against nonprofessional expression | Designates only willing celebrants for same-sex marriages | Protects religiously affiliated housing | Protects religious marriage counseling | Protections for religious/political expression outside the workplace | Allows religious organizations to step aside from providing wedding services | Covers religious actors from private suits and government penalties | Protects clergy from officiating weddings | | Statutory protection against discrimination based on gender identity | Protections against housing discrimination | Protections against hiring and workplace discrimination | Protections for workplace expression about sexuality | Protections for expression about sexuality outside the workplace | Duty on employers to afford accommodations for transgender individuals | Reasonable dress and grooming standards for all employees | Equal access to marriage from clerks' offices | Certainty about qualifying as transgender |
| | | | | | | | | | | | CT | | | | Political Activities | Political Activities | | | Issue License | Medical Evidence |
| | | | | | | | | | | | DE | | | | | | Permissible | | Solemnize | |
| | | | | | | | | | | | DC | | | | | | | Personal Appearance | | |
| | | | | | | | | | | | HI | | | | | | | | | |
| | | | | | | | | | | | IL | | | | | | | | Issue License | |
| | | | | | | | | | | | MD | | | | | | | | | |
| | | | | | | | | | | | MN | | | | | | | | Issue License | |
| | | | | | | | | | | | NH | | | | | | | | Issue License | |
| | | | | | | | | | | | NY | | | | | Political Activities | | | Issue License | |
| | | | | | | | | | | | RI | | | | | | | | Issue License | |
| Ecclesiastical Purposes Only | | | | | | | | | | | UT | | | | | | | | Solemnize | |
| | | | | | | | | | | | VT | | | | | | | | Issue License | |
| | | | | | | | | | | | WA | | | | | | | | | |

Religious Freedom, LGBT Rights, and the Prospects for Common Ground

Edited by William N. Eskridge, Jr.
and Robin Fretwell Wilson



FAIRNESS FOR ALL

First, a question.

ARE YOU:

LIBERAL

SOMEWHERE IN BETWEEN

CONSERVATIVE

fairnessforallinitiative.com



TOLERANCE MEANS DIALOGUES

www.tolerancemeans.com



It Starts With You

We're beginning a dialogue. All around the country, students, thought leaders, and their communities are discussing constructive approaches to living together in a society of difference, where every voice is heard.

Especially when societal values like non-discrimination or child welfare interact with faith, many see friction and no solutions. Today's tense public discourse drives young people away from even exploring how best to live together.

We have a better way: talking to each other.

[LEARN MORE ABOUT THE DIALOGUES](#)

Questions?

wils@Illinois.edu



GET IN AND OUT QUICK
with Self-Service

SELF-SERVICE

U.S. SHIPPING

INTERNATIONAL SHIPPING

EXTRA SERVICES

STAMP
with new Forever

2

3

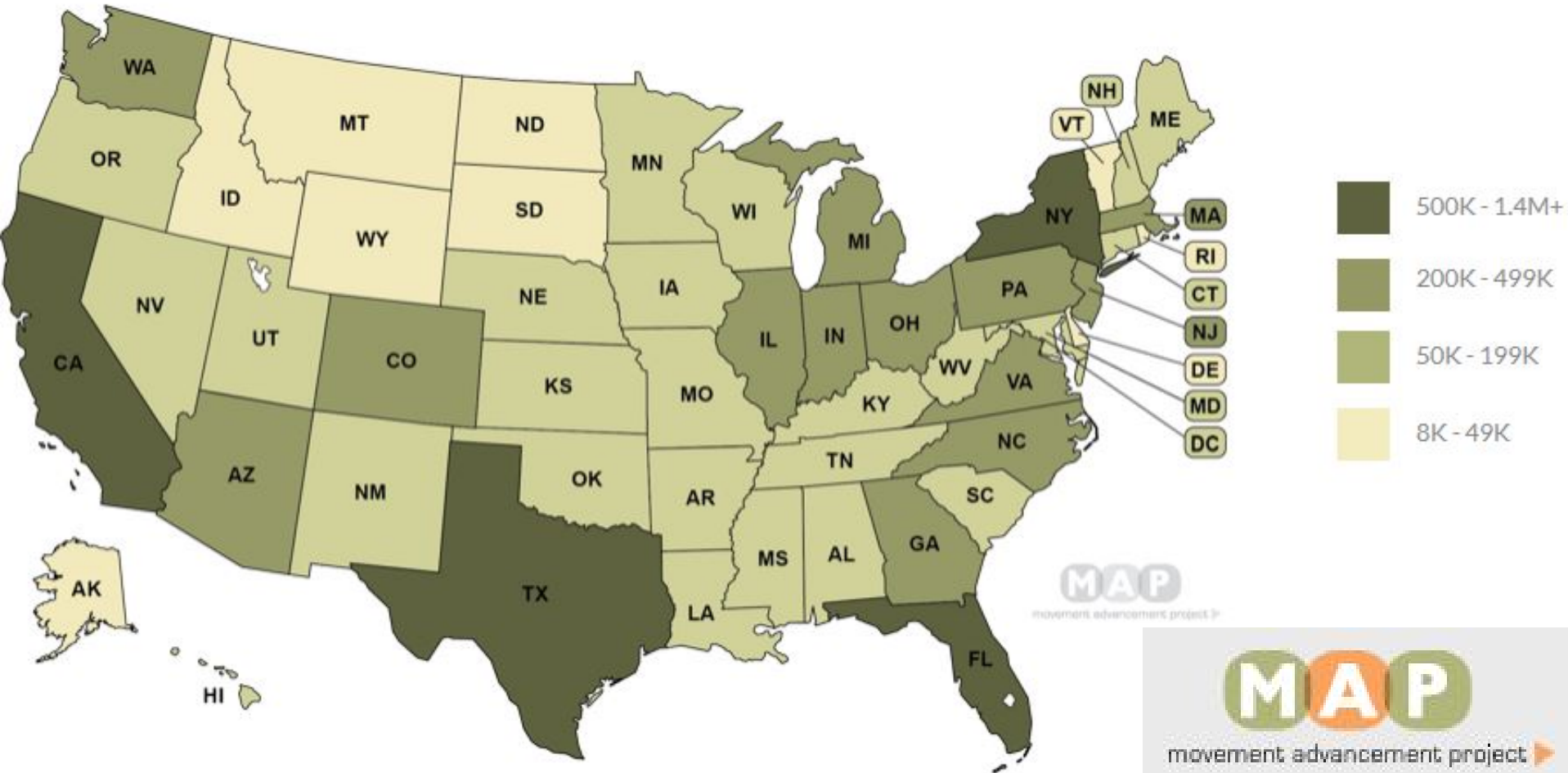
ALL SERVICE WINDOW

ALL SERVICE WINDOW

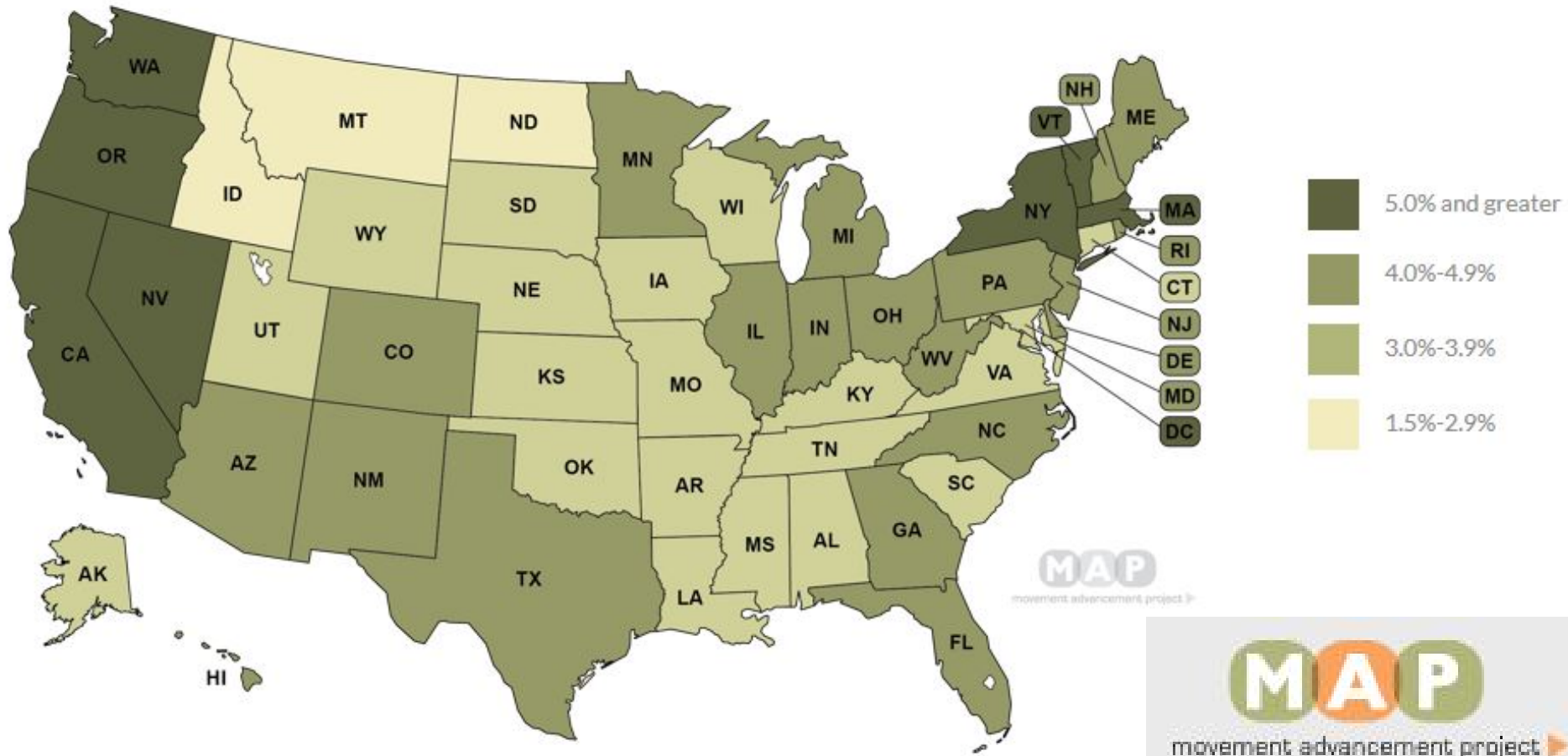
PLEASE OPEN SLOWLY

PLEASE OPEN SLOWLY

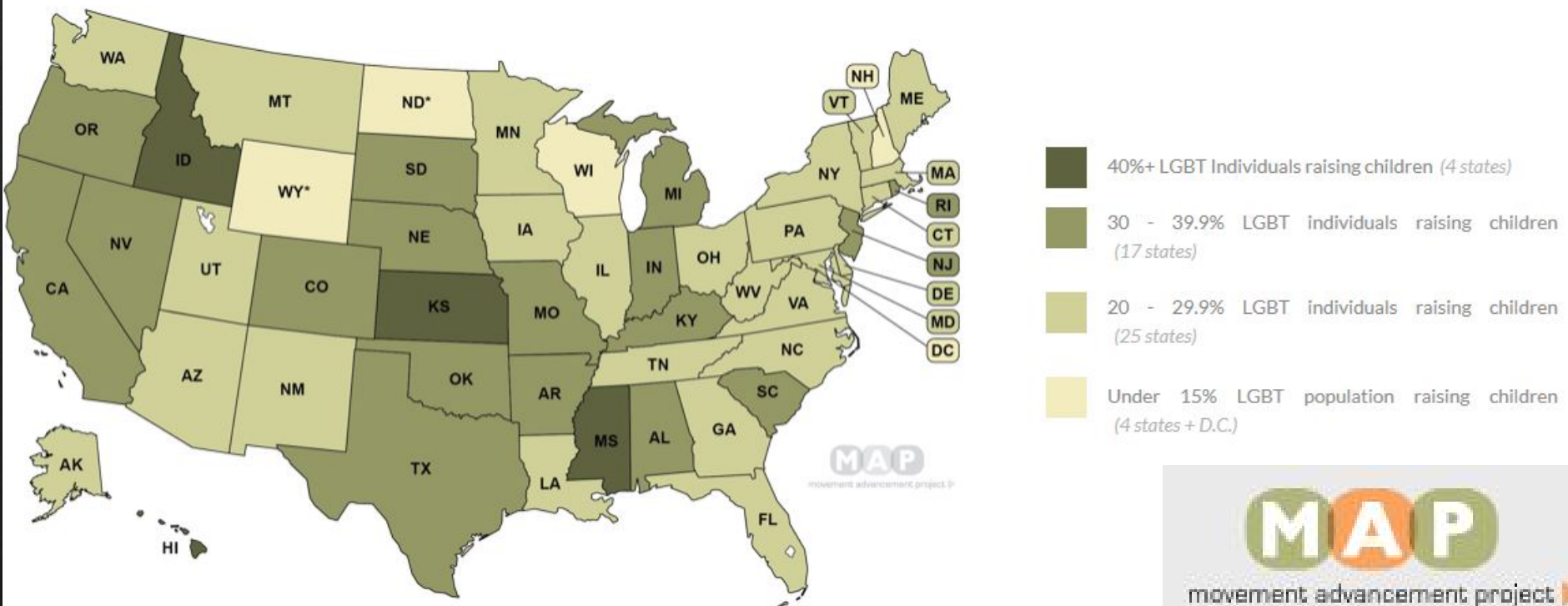
LGBT Population



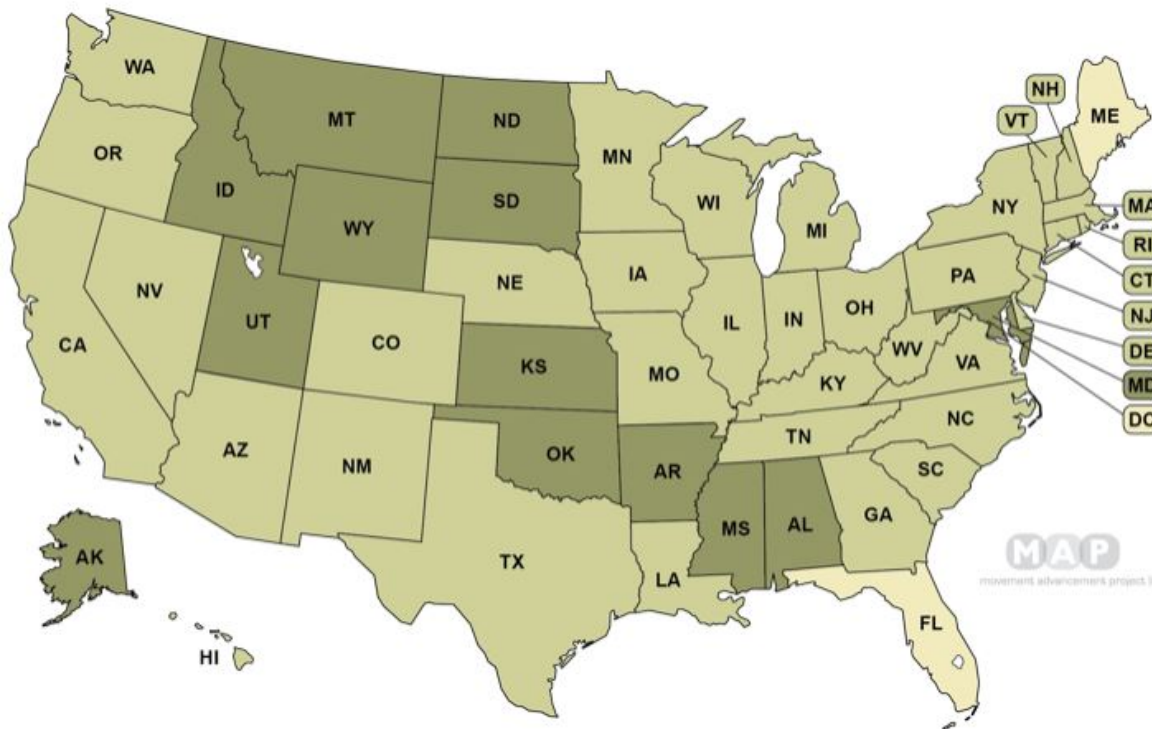
LGBT Population Density



LGBT People Raising Children



Same-Sex Couples Raising Children



- 20%+ population same-sex couples raising children (13 states)
- 15% - 19.9% population same-sex couples raising children (35 states)
- Under 15% population same-sex couples raising children (2 states + D.C.)



Religious Freedom, LGBT Rights, and the Prospects for Common Ground

Faith Scholars

Leith Anderson, William E. Simon Senior Research Fellow, National Association of Evangelicals

Brad Crofford, Shirley V. Hoogstra, Shapri D. LoMaglio, Council for Christian Colleges & Universities

Sister Jeannine Gramick, Cofounder, New Ways Ministry

Dennis P. Hollinger, President and Colman M. Mockler Distinguished Professor of Christian Ethics, Gordon-Conwell Theological Seminary

Holly Hollman, General Counsel and Associate Executive Director, Baptist Joint Committee for Religious Liberty

Elder Von G. Keetch, General Authority Seventy, The Church of Jesus Christ of the Latter-day Saints

Archbishop William E. Lori, Archbishop of Baltimore, past Chairman, Ad Hoc Committee for Religious Liberty

Jason R. Moyer, Associate Professor of Communication Arts, Malone University

LGBT Scholars

Louise Melling, Deputy Legal Director and Director of the Center for Liberty

Jennifer C. Pizer, Senior Counsel and Director of Law and Policy, Lambda Legal

Sarah Warbelow, Legal Director, Human Rights Campaign

Shannon Minter, Legal Director, National Center for Lesbian Rights

Policy Makers

- ◆ Senator J. Stuart Adams, Majority Whip, Utah State Senate
- ◆ Governor Michael O. Leavitt, Former Governor, Utah
- ◆ Rabbi David N. Saperstein, Adjunct Professor of Church-State Law, Georgetown University

Ohio



is the
17th

most religious state overall
(about this score)



Religious profile of Ohio



56% (17th)
say religion is very important in their lives



38% (16th)
say they attend worship services at least weekly



57% (16th)
say they pray daily

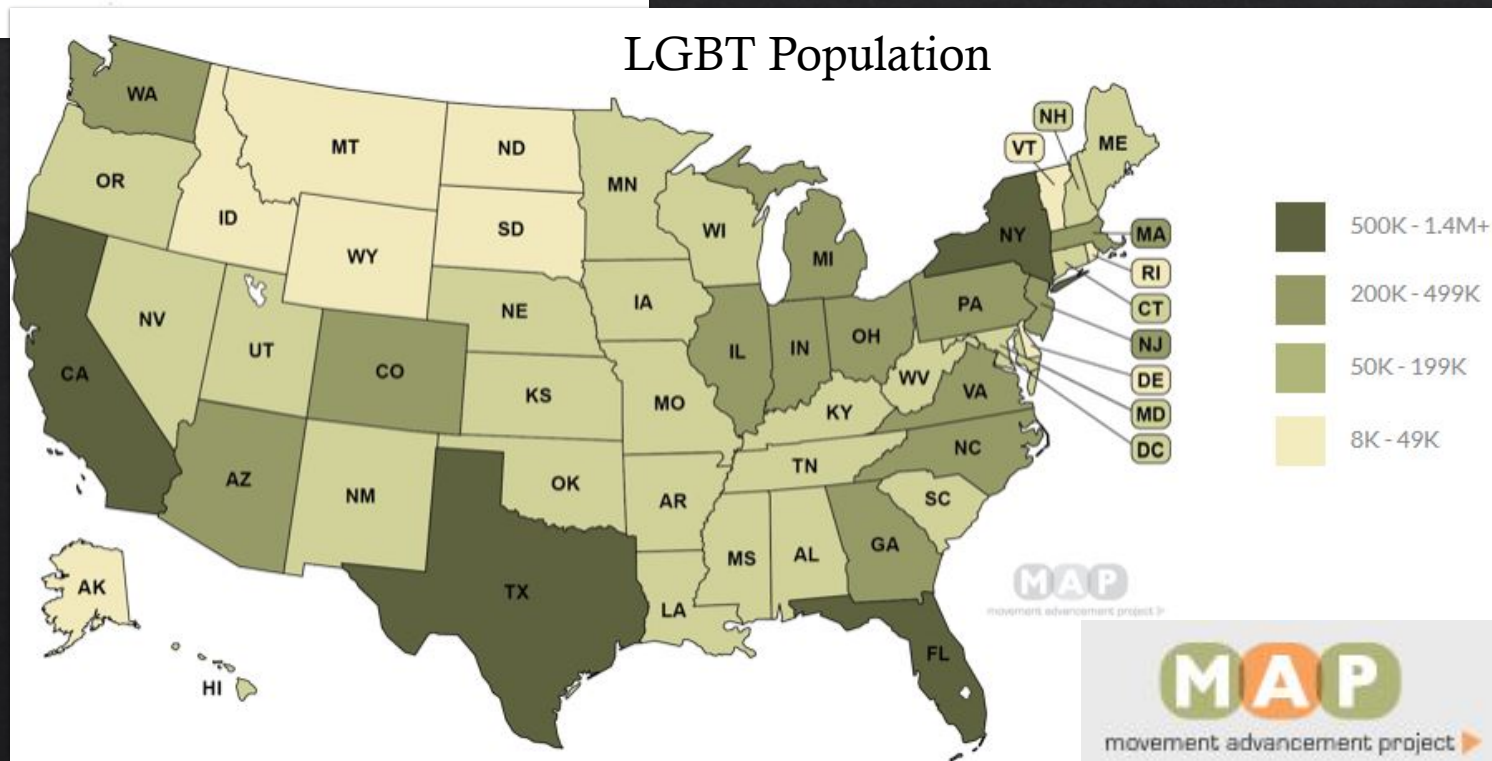


67% (15th)
say they believe in God with absolute certainty

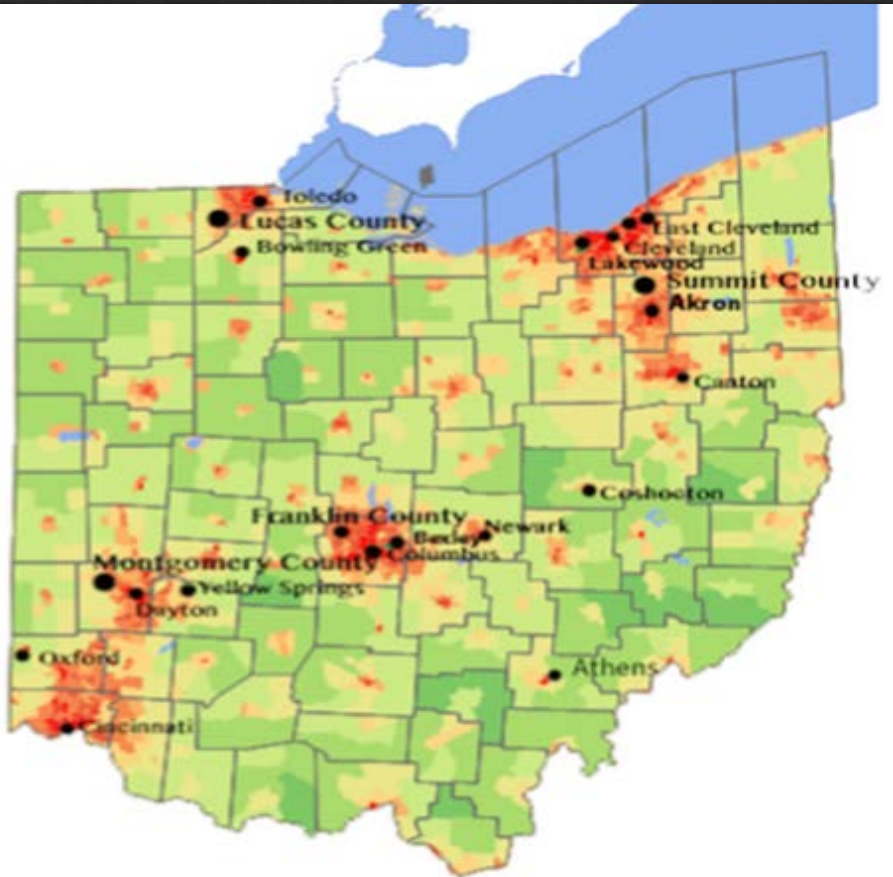


Pew Research Center

LGBT Population



Municipal SOGIs



24% of the Ohio population lived under a municipal SOGI

| | |
|-------------------------|-----------|
| Akron | 197,846 |
| Athens | 25,214 |
| Bexley | 13,786 |
| Bowling Green | 31,820 |
| Canton* | |
| Cincinnati | 301,301 |
| Cleveland | 385,525 |
| Cleveland Heights | 44,562 |
| Columbus | 879,170 |
| Coshoccon | 11,044 |
| Cuyahoga County | 1,248,514 |
| Dayton | 140,371 |
| East Cleveland | 17,187 |
| Kent | 29,915 |
| Lakewood | 50,249 |
| Newark | 49,423 |
| North Olmsted (only SO) | 31,374 |
| Olmsted Falls | 8,912 |
| Oxford | 22,859 |
| South Euclid | 21,598 |
| Toledo | 276,491 |
| Yellow Springs | 3,793 |
| Youngstown | 64,604 |

Municipal SOGIs



| | |
|---|----|
| Total | 22 |
| Mission-driven employment allowed | 7 |
| Preference for members unless based on protected statuses | 4 |
| General exemption if connected to mission | 4 |
| Religion as Bona Fide Occupational Qualification | 2 |
| Excludes "any religious corporation" | 2 |
| Preference for members in housing | 1 |
| Preference for members unless based on a protected status, cannot have a commercial purpose | 1 |
| Employment exemption for "non-secular positions" connected to mission | 1 |
| Allows "bona fide religious preference" if necessary and "no less discriminatory means" | 1 |
| Allows "bona fide religious preference" if necessary | 1 |
| SOGI does not apply "to religious schools, churches engaged in religious activities" | 1 |
| No conflict with other rights | 1 |
| Consistent with RFRA | 1 |
| Religious corporation not public accommodation | 1 |
| Preference for members if membership is not based on race or national origin | 1 |
| Exempts religious organizations that serve only members | 1 |



443,080 in Ohio