

CHURCH, STATE AND **YOUR** FREEDOM

ATTORNEY GENERAL

THE RELIGIOUS RIGHT'S WAR ON **LGBT** AMERICANS



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A central tenet of the American way of life is individual freedom. All of us should be able to make our own decisions about our private affairs without interference from far-right religious organizations that seek to impose a narrow interpretation of the Bible on everyone.

Religious Right pressure groups do not support personal choice. Instead, they oppose church-state separation and seek political power to mandate their doctrines. Lesbian, gay, bisexual and transgendered people would be especially hard hit if the Religious Right succeeds. Here's why.

The Religious Right's mean-spirited and frequently vicious attacks on LGBT Americans are well known and well documented. TV preacher and Christian Coalition founder Pat Robertson once asserted that being gay is "a sickness, and it needs to be treated." He also asserted, "Many of those people involved with Adolf Hitler were Satanists, many of them were homosexuals. The two things seem to go together."

The Rev. Louis P. Sheldon of the notoriously anti-gay Traditional Values Coalition has stated, "As Christians, we view homosexuality not only as an unhealthy lifestyle, but the Bible views homosexuality as a sinful behavior." He once even suggested that people with AIDS be quarantined like lepers.

Bombastic televangelist Jerry Falwell even blamed the 9/11 terrorist attacks in New York and Washington on gays and lesbians and others who have tried to "secularize" America, saying, "I point the finger in their face and say, 'you helped this happen.'"

Religious Right groups back up this shrill rhetoric with an extreme political agenda. Focus on the Family, the Family Research Council, the Traditional Values Coalition, the Christian Coalition and their politician allies want to impose their fundamentalist viewpoint on all Americans. Americans United for Separation of Church and State is fighting to make sure they don't succeed.

Here are some church-state issues that LGBT Americans should be aware of and active in opposing:

FEDERAL MARRIAGE AMENDMENT: Religious Right groups have spearheaded drives to adopt state constitutional amendments barring same-sex marriage, and they are now seeking to add to the U.S. Constitution a similar

proposal, the so-called "Marriage Protection Amendment" (MPA).

Some religious denominations recognize same-sex unions, while others do not. The MPA would take the doctrines of the groups that do not and enshrine them in our nation's foundational governing document. For the first time in American history, our Constitution would be amended to restrict, not expand, the rights of the people.

If fundamentalist groups succeed here, LGBT Americans will be relegated to permanent second-class citizenship. Americans United is taking a leading role in the broad coalition of groups opposing the MPA.

FAITH-BASED INITIATIVES: Religious Right groups enthusiastically support President George W. Bush's "faith-based" initiative, which seeks to direct billions of tax funds into the coffers of religious groups. Pat Robertson's Operation Blessing has already been awarded \$1.5 million.

Bush and his Religious Right allies want religious groups to be able to take your tax dollars yet retain the right to discriminate in hiring. Thus, a fundamentalist church or charity could take public funds to run a social service program and then refuse to hire qualified applicants for being the "wrong" religion or for having a lifestyle deemed "sinful."

This is not just a theoretical concern. In Kentucky, a lesbian who had excellent performance reviews was fired from a Baptist-run but publicly funded home for troubled youngsters after she took part in an AIDS walk. A Georgia lesbian was denied a promotion and then fired from her position at a children's home after her sexual

orientation came to light.

Religious groups have the right to hire whomever they want with privately raised funds. They should not have the right to accept tax funding to operate government programs and then hang out a sign reading, “Staff Sought for Taxpayer-funded Job. No Gays Need Apply.” As U.S. Rep. Barney Frank noted in arguing against the faith-based initiative in Congress, the proposal could easily lead to government-sponsored racism as well as discrimination on the grounds of sexual orientation.

The faith-based initiative poses other problems as well. Some religious groups accept government funding yet refuse to offer services to certain classes of people. In Anoka County, Minn., clergy at a publicly funded social service program run by a Missouri-Synod Lutheran church refused to help a transgendered person, saying her lifestyle conflicted with church doctrine.

In 2004, a congressional subcommittee studying the faith-based initiative even entertained testimony from a representative of an “ex-gay” ministry. It’s fair to ask if such groups will qualify for faith-based funding.

President Bush has advanced his controversial faith-based agenda through executive order, but it remains stalled in Congress. Americans United has led the fight against the initiative. Those of us who support fairness for all must see that it does not expand further into federal law.

COURT STRIPPING: The federal courts are often Americans’ last line of defense against reckless laws and other government actions that curtail our rights. The responsibility of the courts is to protect core constitutional freedoms from the whim of majority rule. Right-wing congressional leaders, prodded by the Religious Right, want to undercut this judicial role by denying the federal courts the ability to hear certain types of cases. This approach is called “court stripping” because the laws would strip courts of their right to hear these disputes.

Several court-stripping bills are currently pending in Congress. For example, the “We the People Act” (H.R. 4379), would deny all the federal courts, up to and including the Supreme Court, the ability to hear *any* cases dealing with sexual privacy, the right to marry and issues related to reproductive rights.

If passed, this legislation could give states a green light to enact laws denying gay people a whole host of rights – and federal courts would be powerless to overturn them. It might, for example, nullify the Supreme Court’s rulings striking down Colorado’s anti-gay constitutional amendment and the 2003 *Lawrence v. Texas* ruling, which struck down state laws banning consensual sex between LGBT adults. If H.R. 4379 became federal law, states would be free to re-enact these statutes, and no appeal to the federal courts would be possible.

Other court-stripping proposals in Congress would bar federal court jurisdiction over school prayer, the Pledge of Allegiance, religious displays at public buildings and an array of controversies dealing with government promotion of religion.

Court-stripping legislation strikes at the very heart of our constitutional system. Americans United is helping lead the fight against these unwise measures. We must maintain our federal judiciary as a bulwark of freedom.

GOVERNMENT AID TO RELIGIOUS SCHOOLS: The Religious Right opposes public education and enthusiastically supports vouchers, tuition tax credits and other forms of taxpayer funding of religious and other private schools.

According to the U.S. Department of Education, 76 percent of private schools are religious in character. Many are affiliated with churches and denominations that are aggressively hostile to LGBT rights. Religious schools are free to expel LGBT youth, and they can deny employment to LGBT teachers and other staff.

In addition, many fundamentalist Christian academies use textbooks that defame LGBT Americans. One prominent line of books is published by Bob Jones University in South Carolina. One Bob Jones textbook bluntly states, “These [gay] people have no more claim to special rights than child molesters or rapists.” A second publisher of fundamentalist texts, A Beka, promotes similar views.

Some Catholic schools also have policies that are problematic for LGBT people. While many American Catholics hold progressive views on social issues, the hierarchy remains steadfastly opposed to gay rights. (U.S. bishops recently reaffirmed their support for a federal marriage amendment.)

The official church catechism, which traditionalists urge

all Catholic schools to stress, states, “[T]radition has always declared that ‘homosexual acts are intrinsically disordered.’ They are contrary to the natural law.... Under no circumstances can they be approved.”

Religious schools have the right to determine their own curriculum and dogma. But they should have no right to make all of us pay for the propagation of those beliefs with tax dollars. Americans United for decades has led the fight against tax aid to religious schools, and this remains a top priority for us today. Public funds should be spent for public purposes, not private religious instruction.

CHURCH-BASED PARTISAN POLITICKING: Houses of worship and other non-profit groups have the right to address social and political issues. But federal tax law forbids tax-exempt entities to endorse or oppose candidates for public office. Such actions are clearly prohibited by the Internal Revenue Code.

Prodded by the Religious Right, U.S. Rep. Walter Jones (R-N.C.) and other members of Congress are trying to overturn the ban on church electioneering. Under their scheme, houses of worship would be permitted to promote or oppose candidates yet still remain tax exempt.

Lifting the ban on church electioneering would give Religious Right groups free rein to politick in pulpits and steer resources toward far-right candidates who oppose diversity. In a worst-case scenario, they would be free to construct a church-based political machine that dominates

the democratic process and imposes their religion by law.

Americans United has helped organize the opposition to church-electioneering legislation in Congress, and we have disseminated educational literature to churches nationwide on the provisions of federal tax law. Houses of worship must not become cogs in a partisan political machine.

CENSORSHIP CAMPAIGNS: Religious Right groups have spearheaded censorship campaigns against any work they deem “offensive.” These crusades often target books about human sexuality or works of fiction that raise LGBT themes.

A national organization called “Family Friendly Libraries” lobbies to have books about LGBT topics, the “occult” and other issues placed on restricted access or removed from public libraries altogether. Even children’s books have been targeted. The gay-friendly tomes *Heather Has Two Mommies*, *Daddy’s Roommate* and *King and King* are frequent censorship targets. In addition, books that discuss LGBT issues in a factual and academic manner are often attacked.

This denial of information – especially to teens who may be struggling with their sexual orientation – is more than wrong, it’s dangerous. Young people at this stage need access to objective material, and it is a public library’s duty to provide that information. If the Religious Right has its way, these books will be cordoned off in a special room, making them effectively off limits to the audience that most needs them.

Americans United supports public schools and libraries that offer instruction and information based on sound academic standards, not religious bias.



The Religious Right’s agenda is frightening. These aggressive fundamentalist groups have a wide-ranging plan for America that includes as many restrictions on individual rights as possible. Those of us who believe in the American commitment to personal freedom must defend the separation of church and state.

Join Americans United today! For more information, visit Americans United at www.au.org.

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