Government & Politics APRIL 19, 2015

Heated gay rights debate continues in Missouri and many other states



File photo

BY JASON HANCOCK jhancock@kcstar.com

JEFFERSON CITY — Ron Calzone came to the Missouri Capitol on Wednesday to stand up for his "God-given freedom" to discriminate.

"Everyone's afraid to say this, so I'm going to say it," Calzone, a rancher from Maries County in south-central Missouri and director of conservative think tank Missouri First, told a House committee.

"In America, you have a right to discriminate as a private citizen. In America, if you don't like the color of someone's eyes or their hair or the way they talk, you have the right to not associate with them."

Lawmakers were discussing a bill making it illegal in Missouri to discriminate against someone based on sexual orientation or gender identity just weeks after voters in Springfield narrowly voted to repeal a local nondiscrimination ordinance.

Calzone, a regular fixture in the halls of the Missouri Statehouse, complained that such laws are simply government overreach.

"I have the God-given freedom," he said, "to discriminate as a private individual against anyone for any reason I want to."

Calzone may believe God granted Americans the right to discriminate, but at least when it comes to traits such as race, gender or ethnicity, decades of civil rights law begs to differ. Now, in the Missouri General Assembly and state capitols across the country, a debate is broiling over whether sexual orientation should receive that same level of legal protection.

"Discrimination is wrong," said Rep. Stephen Webber, a Columbia Democrat. "When we find it, we should stop it. When the state allows that, we should fix it."

Over the last decade, the landscape on gay rights has shifted rapidly across the nation. What was once considered unthinkable is becoming increasingly commonplace, from gay men and women being allowed to serve openly in the military to the potential for the U.S. Supreme Court to legalize same-sex marriage this year in all 50 states.

Despite that change, 29 states — including Missouri and Kansas — have no statewide law barring discrimination on the basis of sexual orientation or gender identity. That means a person can be fired from a job, evicted from an apartment or kicked out of a restaurant for being gay or being perceived to be gay.

Proponents have found that enacting those protections remains an uphill struggle.

Opponents worry such legislation will force religious businesses and individuals to violate their faith, a debate that played out on the national stage recently in Indiana. Corporate America has largely embraced gay rights, but some business groups continue to raise concerns that creating more protected classes could lead to a deluge of litigation for employers.

And while the U.S. Supreme Court might legalize same-sex marriage this year, its 2014 ruling that a corporation cannot be forced to violate the religious beliefs of its owner created new legal avenues for those seeking to stem the tide of gay rights momentum.

Resistance at the Statehouse has forced Missouri gay rights advocates to turn to local government. More than a dozen cities and counties in Missouri, including Kansas City and Jackson County, have passed ordinances prohibiting discrimination based on sexual orientation and gender identity.

Springfield, Missouri's third-largest city, joined their ranks in October, passing a nondiscrimination law after more than two years of debate.

Supporters didn't have long to celebrate.

Located in the state's conservative southwestern Bible Belt, Springfield is home to the headquarters of the Assemblies of God church. So it came as little surprise that evangelical groups worked quickly to garner signatures to place a repeal of the ordinance on the April ballot.

Calvin Morrow, the executive director of Christians Uniting for Political Action, a group that participated in the repeal effort, told The New York Times that such laws "target Christians."

"The target," he said, "was painted on the church."

In addition to trumpeting the idea that the Springfield ordinance infringed on religious freedom, proponents of repeal stoked fears that the law would ultimately result in cross-dressing sexual predators lurking in the women's restroom. "Vote for the repeal, because it allows biological males to use women's restrooms, showers and locker rooms," Charles Flowers, a Texas-based pastor, said in a video produced by the pro-repeal organization.



The repeal campaign focused on "manipulation and scare tactics," said Stephanie Perkins, deputy director of the lesbian, gay, bisexual and transgender advocacy group PROMO.

"This is not an attack on religious freedom," she said. "It has nothing to do with bathroom privacy."

After six months of campaigning, the ordinance was repealed by a razor thin margin of only 850 votes out of nearly 30,000 ballots.

Krista Moncado has lived in Springfield for 15 years and is a former director of the Gay and Lesbian Community Center of the Ozarks. She said the repeal of the ordinance was, "of course, disappointing." But she said "progress happens in fits and starts. It's always two steps forward, one step back."

In 2004, more than 70 percent of voters in the community supported an amendment to the state's constitution banning same-sex marriage.

"To go from that" Moncado said, "to almost 50 percent voting against discrimination, that's actually pretty huge."

Attention will now focus on the General Assembly, she said, and efforts to pass a statewide nondiscrimination ordinance in Missouri. But with less than a month to go before the legislature adjourns for the year, the measure faces long odds.

In Kansas, opponents of gay rights legislation have the momentum. Republican Gov. Sam Brownback gained national attention earlier this year when he issued an executive order to remove discrimination protections for gay, lesbian and transgender state employees.

Kansas legislators are on the verge of enacting new legal protections for faith-based groups on state college campuses who deny membership to students who don't comply with a group's religious beliefs and standards of conduct and don't commit to furthering its religious mission. Critics worry it will allow campus groups to discriminate against LGBT students.

A similar bill has cleared the Missouri House and a Senate committee.

The debate has divided many in the business community.

The vast majority of Fortune 500 companies have in recent years adopted rules against discrimination of gay workers and offer benefits to the same-sex partners of their employees. Overland

Park-based Sprint Corp., for example, has offered health insurance and other employee benefits to same-sex couples since 2005.

At the Missouri House hearing Wednesday, the St. Louis Regional Chamber of Commerce, Express Scripts and Monsanto Co. all testified in support of the Missouri nondiscrimination ordinance.

Two influential business groups — Associated Industries of Missouri and the Missouri Chamber of Commerce and Industry — led the opposition.

Jay Atkins, a lobbyist for the Missouri Chamber, noted that his organization has an internal nondiscrimination policy in place, so "to suggest we are here to advocate for discrimination is unfair and untrue."

But until Missouri legislators change state law to make it more difficult to prove discrimination cases against employers — a bill repeatedly vetoed by Gov. Jay Nixon — Atkins said the Chamber won't support creating new protected classes of any kind.

Moncado, who helped lead the unsuccessful campaign to keep Springfield's nondiscrimination ordinance in place, said that despite losing, she's happy the debate took place.

"We had a lot of conversations with folks over the last few months," she said. "These conversations have allowed people to get past that hurt and fear and come out of the closet and say, 'I want to fight for the city and community that I love."

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Following SCOTUS Ruling, Michigan Continues Debate on Discriminatory Religious Freedom Bill

July 1, 2015 by <u>Hayley Miller, Senior Digital Media Associate</u> (/blog/author/hayley-miller)

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Following the <u>Supreme Court's historic marriage equality</u> (<u>hrc.org/scotus</u>) decision last week, the Michigan Senate will likely bring a discriminatory Religious Freedom Restoration Act (RFRA) to the floor.

This law would allow individuals to use religion as an excuse to discriminate against LGBT people and other minorities. Other states, including Indiana and Arkansas (http://www.hrc.org/blog/c/religious-freedom-restoration-acts), faced immense backlash after signing similar bills into law.

According to <u>Mlive.com (http://www.mlive.com/lansing-news/index.ssf/2015/06/michigan_senate_may_act_on_rel.html)</u>. Snyder has learned from the mistakes of politicians in Indiana and Arkansas. The paper wrote, "Michigan Gov. Rick Snyder has said he would veto a standalone RFRA bill unless it was paired with expansion of the state's anti-discrimination law to include workplace, housing and public accommodation protections for LGBT residents."

Currently, Michigan's non-discrimination law does not include protections for sexual orientation or gender identity.

If passed by the Senate and House, this wouldn't be the first time an anti-LGBT bill came to the governor's desk. Last month, <u>HRC</u> <u>condemned Gov. Snyder (http://www.hrc.org/blog/entr//hrccondemns-michigan-governor-for-signing-extreme-anti-lgbtadoption-legis)</u> for signing a package of extreme anti-LGBT adoption bills into law.

A recent <u>survey (http://www.hrc.org/blog/entry/majority-of-americans-oppose-lgbt-discrimination</u>) found that a majority of Americans oppose discrimination against LGBT people. Nearly 7-in-10 Americans favor laws that would protect LGBT individuals against discrimination in jobs, public accommodations, and housing.

Click here (hrc.org/rfra) to learn more about RFRA laws.



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Gay marriage debate continues in Florida

By Zac Anderson , Herald-Tribune / Friday, March 13, 2015 Follow

TALLAHASSEE — Gay marriage may now be legal in Florida but that has hardly quieted the debate over gay rights in the state Legislature this year.

While gay couples now enjoy the same benefits — from tax breaks to shared health insurance — that married straight couples have long received, employers can still legally fire someone based on their sexual orientation in Florida, and gay individuals can be barred from housing and face other forms of legal discrimination.

That has prompted a bi-partisan group of lawmakers to renew their push to add sexual orientation and gender identity to state civil rights law, with 10 Republicans — including Sarasota Rep. Ray Pilon — and 15 Democrats co-sponsoring a House bill on the issue.



Ray Pilon wins the state House District 72 race in 2012 and spoke during the Sarasota GOP party at the Hyatt in Sarasota. (Herald-Tribune archive / 2012 / Thomas Bender)

conservatives in the Capitol.

It's not the only gay rights debate in Tallahassee this year. Legislation cleared the House last week to remove language in state law prohibiting gay couples from adopting children.

The measure is largely symbolic because courts struck down the state's gay adoption ban five years ago, but gay rights activists say it is significant to have the prohibition officially removed from state statutes.

Yet even as some push to expand protections and opportunities for gay individuals, there is significant resistance to these proposals among many

A number of lawmakers expressed angst about the gay adoption issue, while the effort to ban discrimination against gays in the workplace faces a steep climb. It has not been heard in any committees yet.

And gay rights supporters point to a bill — which has already passed one House committee — that would prevent transgender people from using the bathroom of the sex they identify with as a potential setback for equal rights.

"This is a moment where the leadership of Florida can choose a path of respect or they can take a path of moving Florida backwards," said Nadine Smith, the CEO of Equality Florida, the state's largest gay rights group.

Bipartisan push

Key Largo Republican Rep. Holly Raschein displays a large poster board on a stand outside her office listing more than 200 businesses that have endorsed her bill aimed at outlawing employment, housing and other forms of discrimination against gay and transgender individuals.

The list includes such big name Florida companies as Walt Disney World, Darden Restaurants, which owns the Olive Garden and LongHorn Steakhouse chains, Florida Power & Light parent company NextEra Energy, Office Depot, CSX railroad and Carnival cruise lines.

The outpouring of support from the business community seems to undercut one of the main criticisms of the bill: That it will lead to frivolous lawsuits that businesses would have to spend time and money defending.



Florida House Speaker Steve Crisafulli, R-Merritt Island, speaks to the media during a pre-legislative news conference, Wednesday, Jan. 28, 2015, in Tallahassee, Fla. (AP Photo/Steve Cannon)

House Speaker Steve Crisafulli — who has enormous influence over whether the measure advances — said he is concerned about the potential increase in litigation and wants Raschein to convince him it is unlikely to happen.

"My biggest concern is creating a protective class that all of a sudden now causes court battles," Crisafulli said. "I've asked those on that side of the issue to kind of bring us some information from other states to see if it has increased lawsuits."

Raschein said studies indicate lawsuits have actually decreased in states with more protections for individuals based on sexual orientation and gender identity. Businesses have clearer rules to follow and "everybody knows what the deal is," she said.

More importantly "it's just the right thing to do," she said.

That seems to be a growing sentiment in the GOP. Gay rights activists have been pushing for a statewide antidiscrimination law for years but this is the first time the legislation is being sponsored by a Republican, Smith said. And the bill has attracted Republican co-sponsors from around the state.

"We should not judge people in the workplace by their sexual orientation," Pilon said. "And unfortunately they've been discriminated against in many, many cases."

The bill has a long road ahead, though.

Raschein has been lobbying members of the first House committee where the legislation has been referenced, the Civil Justice Subcommittee. She said if the bill came up for a vote today it would be "very close." She wants to lock down a winning vote count before pushing for a hearing on the measure.

Wellington Democrat Joseph Abruzzo is sponsoring the bill in the Senate. He is confident the legislation can clear its first committee in his chamber.

"I feel that the votes are there," Abruzzo said.

Smith believes the legislation would pass by comfortable margins if leaders in both chambers allowed it to advance. The idea of not discriminating against people based on their sexual orientation has become so fundamental that most people think it's already law, she said.

"We believe the votes are there," she said. "It's just a matter of getting it to the floor."

Meanwhile LGBT advocates are on the defensive elsewhere.

Bathroom brawl

One of the most controversial pieces of legislation introduced this session is a bill sponsored by Rep. Frank Artiles, R-Miami, that would make it illegal for a state resident to use a single-sex restroom that does not match the gender listed on an individual's driver's license or passport.

The measure has been slammed by LGBT activists as an effort to discriminate against transgender people who want to use the restroom of the gender they choose to identify with.



Cindy Sullivan, 45, St. Petersburg, right, a transgendered person, responds to Rep. Frank Artiles, R- Miami, far left, sponsor of HB 583 during a House Civil Justice Subcommittee meeting, Wednesday, March 4, 2015, at the Capitol in Tallahassee. Transgender women would have to use men's public bathrooms and transgender men would have to use women's rooms unless they have a license or passport that proves they've completed their transition to their new sex under a bill that passed its first committee Wednesday. (AP Photo/Tampa Bay Times/Scott Keeler)

Artiles said he is trying to protect women from being assaulted by men posing as women, noting he is the father of two girls.

"I am not a homophobe, I am not a transphobe, I am a father," Artiles said in defending his bathroom legislation and explaining his vote in favor of removing the gay adoption language from state law.

The bathroom bill passed its first House committee by a 9-4 vote. Raschein described the legislation as "completely the opposite" of her bill and said it is disappointing to see it advancing while her proposal struggles to gain traction.

The gay adoption measure also divided GOP House members. Many ultimately voted for the bill, but some conservatives blasted the gay adoption section and said they only backed the legislation because of other provisions that promoted adoption in general.

Republican lawmakers continue to feel pressure on the right from activist groups such as the socially conservative Florida Family Policy Council.

John Stemberger, the organization's president, posted a photo on Twitter of the vote count shortly after the gay adoption measure passed this week, implying his group is closely tracking such issues and watching how lawmakers vote. He did not return messages left by the Herald-Tribune.

"Funny whenever gays are involved the centuries old best interest of children legal standard is completely ignored," Stemberger wrote of the adoption issue on Twitter.

Still, LGBT activists believe they are slowly winning the fight.

"We're getting closer but we're not there yet," said Ken Shelin, a former Sarasota city commissioner who serves on the Equality Florida board.

With the Legislature slow to respond, Shelin and others have worked to enact local anti-discrimination ordinances.

There is discrimination

Englewood real estate agent Julia Nowak was thrilled when gay marriage became legal in Florida, but also a little apprehensive.

Nowak worries that more public exposure for gay couples could lead to more instances of discrimination. A lesbian, Nowak is particularly sensitive to the issue because of what happened at a condo complex in Venice where she owns a unit.



Julia Nowak stands outside the condominium unit she owns in the Casa Di Amici Condominium Complex in Venice. Nowak is angry with the condominium association after they passed a rule only allowing married couples or single individuals to rent or buy property in the community. Nowak, who is a lesbian,

The condo board amended its bylaws to prevent unmarried couples from buying or renting units. Gay couples could not marry at the time and Nowak believes the change was clearly intended to bar them from the property.

"It exists out there. I experienced it; there is discrimination," she said.

Condo officials said they never meant to target gay people with the policy, which they eventually rescinded. But the episode prompted Nowak to get more politically involved. She has been lobbying the Sarasota County Commission to said the new rule discriminates against gay couples, who can't marry in Florida, and couples who chose not to marry. (Herald-Tribune archive / 2013 / Shelby Webb)

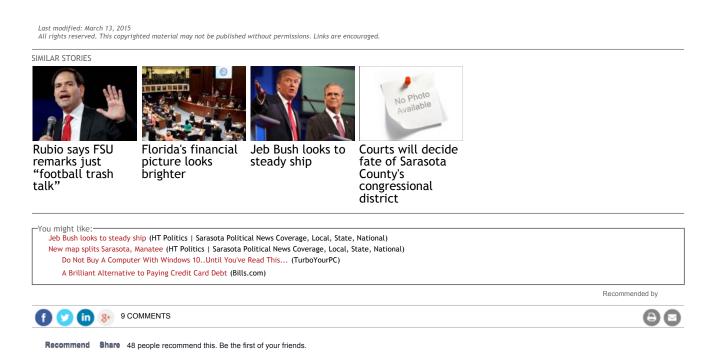
adopt an ordinance prohibiting employment, housing and other forms of discrimination against people based on their sexual orientation or gender identity.

Shelin helped pass similar ordinances in the cities of Sarasota and Venice. The city of North Port is holding workshops on the issue. But Sarasota County leaders have been reluctant to take action.

Some county commissioners have said the issue should be handled by state lawmakers, not local officials. But it could take time to pass state legislation. Abruzzo noted it took seven years to pass a seatbelt law in Florida.

Meanwhile, activists plan to keep pressuring local officials to take action.

"At the state level we haven't been able to make significant progress so it's going to be very important to keep working at the local level," Shelin said.





Jeff Eisnaugle Sr. · Sarasota, Florida

So sex, race, religion, national origin are not pretective classes? This guy has his head up his wazuu! As far as litigation,, if you don't discriminate, you won't be sured! Another bull sh*t excuse!. If you are a business open to the public, then you must serve the public regardless of "religious belief"! Your religion does not apply to public business. What if someone owned a business and refused service to anyone who has a bald head, wore a crucifix, had a tattoo, or drove a chevy? Those people too are a protective class! The bottom line is,,,, these elected officials putting up road bloce concerns are not doing their job,,, they are putting their personal and party ideaology in front of equality to maintain an idea of hetero superiority.

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Rollie Thomas Lawson · Venice, Florida

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Jeffrey Matinez

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