[April 13, 2015]

By now you have heard of the "anti-gay" owners of the pizzeria in Walkerton, Indiana who were forced to shut down and go into hiding because they were silly enough to tell a reporter they would have to refuse to cater a hypothetical gay wedding due to their faith. Fortunately, a GoFundMe campaign raised $842,592 for them. And a GoFundMe campaign for a Washington florist who was sued for refusing to service a friend's gay wedding has raised over $143,000. GoFundMe shut down the campaign on April 27th because the florist had been found guilty of "violating" that state's anti-discrimination law; it also shut down a campaign for two Oregon bakers who were forced to close, for the same "reason".

Indiana is run by a gutless twit named Mike Pence. Arkansas is run by another gutless twit named Asa Hutchinson. Each sold himself as pro-constitutional conservative and traditional values. Each proposed a version of the federal Religious Freedom Restoration Act (RFRA), signed by Clinton in 1993, and supported by LGBTQ groups. Each vowed to sign the bill his legislature sent him. Each was clobbered by the usual suspects for being "anti-gay". Each caved (in Hutchinson's case, to his son!) And each can now kiss his presidential aspirations goodbye. Serves the cowards right!

The outrage was outrageous. Angie's List said it would halt expansion of its Indianapolis headquarters. Hobby game convention Gen Com threatened to leave Indianapolis when its contract with the city expires in 2020. Apple's openly-gay CEO Tim Cook compared the laws to Jim Crow. Salesforce CEO Marc Benioff canceled "all programs that require our customers or employees... to face discrimination". Apple, Salesforce, and the others opposed to the RFRA - Dow, Walmart, Levi, Marriott, Nike, Cummins, Eli Lilly, Roche, and The Gap - do business in countries in which homosexual conduct is punishable by death. The NCAA, headquartered in Indianapolis, joined NASCAR, the NBA, and the NFL in denouncing the RFRA, and had the head coaches of the teams in the Final Four sign a statement (forget that NCAA, NBA, NFL, and NASCAR events take place in RFRA states). More-insane, the governors of New York, Washington, and Connecticut, and the mayors of New York City, Denver, Seattle, and San Francisco have barred government-funded travel to Indiana.

But the real travesty is what happened to the owners of the pizzeria. The pizzeria's Yelp page was bombarded with vile photos and "reviews" (you guessed it, Yelp is Hooray for Gay!). A high school golf coach tweeted for the pizzeria to be burnt down (she has since been fired). They received threatening phone calls. Even the state senator who represents Walkerton bashed them. Activist Theodore Shoebat posted a video on YouTube of him calling LGBTQ-owned bakeries to order a cake with "Gay Marriage is Wrong" on it. All of them refused; most not politely. The hypocrisy would be funny were it not so obscene.

So how did *The New York Times*, *USA Today*, NPR, and NBC News cover it? They didn't. ABC's @GioBenitez distorted the story, which was worse than not covering it. When the pizzeria closed, @dailykos blogger Faith Gardner gloated: "The hand of justice... has never been swifter". And Forward Progressives went where not even their fellow dim bulbs dared to go: "... the real victims are the over 1,700 people who've donated more than $500,000... the bigoted owners of Memories Pizza will be laughing all the way to the bank". The lone voice of reason was, incredibly, the über-gay *Advocate*: "The LGBTQ community should not be about hate and intolerance... What the public saw at Walkerton was gays gone wild".

But this isn't about Christians. Can Adam and Steve force an atheist who is anti-"marriage equality" (yes, they do exist) to service their "wedding"? Can Adam and Steve bar Eve from their gays-only bar? Can Eve bar Adam and Steve from her lesbians-only bar? Those pushing for LGBTQ "rights" claim florists, bakers, and eateries are a "public accommodation". The "public accommodation" claim is based on *Heart of Atlanta Motel v. United States* (1964), in which the Supreme Court held the provisions of the Civil Rights Act is a valid exercise of Congress's Commerce Clause power. However, there is a BIG difference between a person afraid he will be denied a room because of the color of his skin, and a baker refusing to make a "wedding" cake for a same-sex couple due to his religious beliefs -- especially when there are other bakers who have no problem with "marriage equality".

As the media was too busy screaming "anti-gay" to pretend to be objective, I had to scour the internet to learn why they were throwing a hissy fit. Below are the meat-and-potatoes of the original bills, and the meat-and-potatoes of revised laws:

Indiana SB 101

SECTION 5. As used in this chapter, "exercise of religion" includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.

SECTION 7. As used in this chapter, "person" includes the following:
(1) An individual.
(2) An organization, a religious society, a church, a body of communicants, or a group organized and operated primarily for religious purposes.
(3) A partnership, a limited liability company, a corporation, a company, a firm, a society, a joint-stock company, an unincorporated association, or another entity that:
(A) may sue and be sued; and
(B) practices that are compelled or limited by a system of religious belief held by:
(i) an individual; or
(ii) the individuals; who have control and substantial ownership of the entity, regardless of whether the entity is organized and operated for profit or nonprofit purposes.

SECTION 8. (a) Except as provided in subsection (b), a governmental entity may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability.
(b) A governmental entity may substantially burden a person's exercise of religion only if the governmental entity demonstrates that application of the burden to the person:
(1) is in furtherance of a compelling governmental interest; and
(2) is the least restrictive means of furthering that compelling governmental interest.

SECTION 9. A person whose exercise of religion has been substantially burdened, or is likely to be substantially burdened, by a violation of this chapter may assert the violation or impending violation as a claim or defense in a judicial or administrative proceeding, regardless of whether the state or any other governmental entity is a party to the proceeding. If the relevant governmental entity is not a party to the proceeding, the governmental entity has an unconditional right to intervene in order to respond to the person's invocation of this chapter.

Revised SB 101

SECTION 0.7. This chapter does not:
(I) authorize a provider to refuse to offer or provide services, facilities, use of public accommodations, goods, employment, or housing to any member or members of the general public on the basis of race, color, religion, ancestry, age, national origin, disability, sex, sexual orientation, gender identity, or United States military service;
(2) establish a defense to a civil action or criminal prosecution for refusal by a provider to offer or provide services, goods, employment, or housing to any member or members of the general public on the basis of race, color, religion, ancestry, age, national origin, disability, sex, sexual orientation, gender identity, or United States military service; or
(3) negate any rights available under the Constitution of the United States.

SECTION 7.5. As used in this chapter, "provider" means one or more individuals, partnerships, associations, organizations, limited liability companies, corporations, and other organized groups of persons. The term does not include:
(1) A church or other nonprofit religious organization or society, including an affiliated school, that is exempt from federal income taxation under 26 U.S.C. 501(a), as amended (excluding any activity that generates unrelated business taxable income (as defined in 26 U.S.C. 512, as amended.
(2) A rabbi, priest, preacher, minister, pastor, or designee of a church or other nonprofit religious organization or society when the individual is engaged in a religious or affiliated educational function of the church or other nonprofit religious organization or society.

Arkansas bill HB 1228

SUB-CHAPTER 4 -- Religious Freedom Restoration Act
It is the intent of the General Assembly to:
(1) Ensure that in all cases in which state action substantially burdens the exercise of religion strict scrutiny is applied;
(2) Provide a claim or defense to a person whose exercise of religion is substantially burdened by state action; and
(3) Implement Article 2, § 24, of the Arkansas Constitution, which states that "[N]o human authority can, in any case or manner whatsoever, control or interfere with the right of conscience".

The General Assembly finds that:
(1) The Arkansas Constitution recognizes the free exercise of religion;
(2) Laws neutral toward religion have the same potential to burden religious exercise as laws purposely intended to interfere with religious exercise;
(3) Governments should not substantially burden the free 20 exercise of religion without compelling justification;
(4) In *Employment Division v. Smith* (1990), the United States Supreme Court virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion;
(5) In response, Congress passed the Religious Freedom Restoration Act of 1993 to restore the compelling interest test set forth in the federal cases of *Wisconsin v. Yoder* (1972) and *Sherbert v. Verner (1963)*;
(6) The compelling interest test is a workable test for striking sensible balances between religious liberty and competing government interests;
(7) In *City of Boerne v. Flores* (1997), the United States Supreme Court held that the protections of religious exercise afforded by the Religious Freedom Restoration Act of 1993 only applied to religious exercise burdened by federal law or agencies and provided no protection from burdens on religious exercise from state or local law or governments;
(8) To provide the same level of protection from burdens on religious exercise from state or local governments, a state must enact an equivalent to the Religious Freedom Restoration Act of 1993 that was passed by Congress; and
(9) Since the 1997 Supreme Court decision in *Boerne*, many states have enacted statutes similar to the Religious Freedom 8 Restoration Act of 1993.

As used in this sub-chapter:
(1) "Compelling governmental interest" means a governmental interest of the highest magnitude that cannot otherwise be achieved without burdening the exercise of religion;
(2) "Exercise of religion" means the practice or observance of religion including without limitation the ability to act or refuse to act in a manner substantially motivated by a person's

sincerely held religious beliefs, whether or not the exercise is compulsory or central to a larger system of religious belief;
(4) "Person" means an individual, association, partnership, corporation, church, religious institution, estate, trust, foundation, or other legal entity;
(5) "Prevails" means to obtain prevailing party status as defined by courts construing the federal Civil Rights Attorney's Fees Awards Act of 1976;
(7)(A) "Substantial burden" means to prevent, inhibit, or curtail religiously-motivated practice consistent with a sincerely held religious belief.

Religious freedom preserved.
A state action shall not substantially burden a person's right to exercise of religion, even if the substantial burden results from a rule of general applicability, unless it is demonstrated that applying the substantial burden to the person's exercise of religion in this particular instance:
(1) Is essential to further a compelling governmental interest; and
(2) Is the least restrictive means of furthering that compelling governmental interest.

Construction and applicability.
This sub-chapter does not:
(1) Authorize a government entity to substantially burden a religious belief;
(2) Affect, interpret, or in any way address those portions of this sub-chapter, Article 2, §§ 24-26, of the Arkansas Constitution, or the First Amendment to the United States Constitution that prohibit laws respecting the establishment of religion;
(3) Prohibit a grant of government funds, benefits, or exemptions to the extent permissible under those portions of this sub-chapter, Article 2, §§ 24-26, of the Arkansas Constitution, or the First Amendment to the United States Constitution that prohibit laws respecting the establishment of religion; or
(4) Create a right or cause of action with respect to an employee against an employer if the employer is not a government entity.
(a) Regardless of whether the state or one of its political subdivisions is a party to the proceeding, a person whose exercise of religion has been substantially burdened, or is likely to be substantially burdened, in violation of § 16-123-405, may assert the violation or impending violation as a claim or defense in a judicial or administrative proceeding.
(b)(1) A person asserting a claim or defense under this sub-chapter may obtain appropriate relief, including relief against the state or a political 13 subdivision of the state when the state or the political subdivision of the state is a party to the proceedings.

Revised SB 975

SUB-CHAPTER 4 -- Religious Freedom Restoration Act

It is the intent of the General Assembly:
(1) To restore the compelling interest test as set forth in *Sherbert v. Verner* (1963), and *Wisconsin v. Yoder* (1972) and to guarantee its application in all cases in which free exercise of religion is substantially burdened;
(2) That this act be interpreted consistent with the Religious Freedom Restoration Act of 1993, federal case law, and federal jurisprudence; and
(3) To provide a claim or defense to persons whose religious exercise is substantially burdened by government.

Definitions.
As used in this sub-chapter:
(1) “Demonstrates” means meets the burdens of going forward with the evidence and of persuasion;
(2) “Exercise of religion” means religious exercise;
(3) “Government” includes a branch, department, agency, instrumentality, political subdivision, official, or other person acting under color of state law; and
(4) "State law" includes without limitation a law of a political subdivision.

Free exercise of religion protected.
(a) A government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability, except that a government may substantially burden a person’s exercise of religion only if it demonstrates that application of the burden to the person is:
(1) In furtherance of a compelling governmental interest; and
(2) The least restrictive means of furthering that compelling governmental interest.
(b)(1) A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government.
(2) Standing to assert a claim or defense under this section is governed by the general rules of standing under statute, the Arkansas Rules of Criminal Procedure, the Arkansas Rules of Civil Procedure, or any court holding from the state's appellate courts.

Construction and applicability.
(c) This sub-chapter does not authorize any part of a government to burden a religious belief.

Interpretation.
(a) This sub-chapter does not affect, interpret, or in any way address that portion of the First Amendment of the United States Constitution prohibiting laws respecting the establishment of religion or of Article 2, § 25 of the Arkansas Constitution concerning protection of religion.
(b) Granting government funding, benefits, or exemptions, to the extent permissible under the First Amendment of the United States Constitution prohibiting laws respecting the establishment of religion or of Article 2, § 25 of the Arkansas Constitution, shall not constitute a violation of this sub-chapter.

Indiana's original law was different from the federal as people could have legal protection whether or not the governmental is a party; the scenario has played out in other states. Even after "sexual orientation" and "gender identity", and fines were added to the law, gutting it like a fish, the Gaystapo is still not happy. They never are:

* "For People Fired For Being Gay, Old Court Case Becomes a New Tool" (NPR)

* "Gay Couples Welcomed at the Altar but Not at the Office" (aljazeera)

* "Extreme 'Religious Liberty' Bill Could Make Louisiana The Next Indiana" (ThinkProgress)

* "Honey Maid Final Four Commercial: Amid Memories Pizza Controversy, Gay Couple Spot Vows 'We Serve Everyone'" (International Business Times)

* "Bigotry, the Bible, and the Lessons of Indiana" (New York Times)

* "Right-Wing Christianity Teaches Bigotry: The Ugly Roots of Indiana's New Anti-Gay Law" (Salon)

* "The Anguish of North Carolina's First Openly Trans Prom King" (TakePart)

* "Pizza With a Side of Hate" (Washington Post)

As the pizzeria incident proves, religious freedom and LGBTQ "rights" CANNOT co-exist. But guess what, Gaystapo? Muslims don't play nice, either. When Sharia comes, the "haters" won't be there to stop you from being thrown off the roof.