

LEGAL CHALLENGES AND CHANGES *WHAT YOU NEED TO KNOW*

OUR CULTURE TODAY: CHAOS AND CRISIS

We live in a culture of "political correctness" that emphasizes individual rights—and many of these rights clash with the freedom to serve God faithfully:

- "Right" to abortion
- "Right" to live in sexual sin
- Entitlement mentality – free contraception, abortion
- ***Right to worship and live according to God's law (First Amendment)***

COMPARE: Right to free speech (First Amendment) v. biblical speech

- First Amendment protects a broad range of speech—even profanity.
- The Bible has much to say about speech – higher standards than the culture.
- ***BUT. . . God's truth spoken in love may be branded "hate speech."***

Things to think about with fellow believers:

- When do we assert our "rights" – and when do we lay them down?
- When must we "discriminate" – and when can we evangelize?
- How do we "let our light shine before men" in a culture of chaos?

WHY do we care about legal issues and *WHEN* should we become involved?

- To be "salt and light" in a fallen world (Matt. 5:13-16)
- To address sin in a fallen world (abortion, sexuality)
- To protect our children and the country they will live in (marriage/family)
- To defend against litigation that results from refusing to sin
 - To support other believers who are faced with such litigation
- To speak for those who cannot speak for themselves (unborn children)
- To set legal precedent to maintain freedom for the spread of the Gospel

WHAT legal challenges could your counselees face in the public square?

- Legal mandates requiring him to act against *conscience*
 - Anti-discrimination statutes applied to Christian business owners
- Attacks on the right to life (unborn – disabled – elderly)
- Hostility to their faith in schools, universities, and workplace
- Termination of employment or loss of professional license
- Lawsuits (plaintiff or defendant)
- Crippling government fines and penalties
- Physical and verbal threats (1 Peter 4:14)

HOW can you help?

- Mobilize prayer support (1 Thess. 5:17)
- Mobilize other ministry for counselee and family (Galatians 6:10)
- Refer to Christian legal defense organizations for free assistance
- Encourage counselee to remain faithful and trust the Lord (Job 13:15)
- Give wise counsel to help your counselee respond righteously
 - Help him know when to "obey God rather than men" (Acts 5:29)
 - Help him love his enemies in this situation (Rom. 12:19-21)
 - Help him to be "ready to give an answer" (1 Peter 3:15-16)
 - Help him avoid anger, anxiety, bitterness, despair (Psalms 37, 73)

CHALLENGES - MARRIAGE, FAMILY and SEXUALITY

Supreme Errors in the Supreme Court - *Obergefell v. Hodges* (June 26, 2015)

- A – Autonomy – the essence of sin (Genesis 3, Judges 21:25)
- R – Redefinition – marriage, family, "equality," "liberty," *reality*
- M – Meaninglessness – what *is* marriage, male, female?
- O – Oppression – opposing views silenced
- R – Reversal – wrongs are now "rights," morally and legally

Obergefell v. Hodges – strategic, structural attack on America:

- Constitution
 - Separation of powers (the court is not a legislature!)
 - States' rights (marriage is not a federal issue)
 - Democracy (will of the people)
- Freedom of religion and speech

Obergefell's Statement on Religious Liberty:

"[R]eligions, and those who adhere to religious doctrines, *may continue to **advocate** with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned. The First Amendment ensures that religious organizations and persons are given proper protection as they seek to **teach** the principles that are so fulfilling and so central to their lives and faiths, and to their own deep aspirations to continue the family structure they have long revered.*"

Warnings from three of the four dissenting Justices:

- Justice Roberts: "The First Amendment guarantees...the freedom to *exercise* religion. Ominously, that is not a word the majority uses."
- Justice Thomas warned of "potentially ruinous consequences for religious liberty."
- Justice Alito: "I assume that those who cling to old beliefs will be able to whisper their thoughts in the recesses of their homes, *but if they repeat those views in public, they will risk being labeled as bigots and treated as such by governments, employers, and schools.*"

Obergefell v. Hodges – specific implications for Christians:

- Conscience conflicts
 - Court clerks and other public employees
 - Nondiscrimination laws – employment, "public accommodations"
 - Bakers, photographers, florists, bed & breakfast owners, churches?
- Impacts how the culture defines and thinks about marriage
 - Biblical marriage supporters branded as "hateful" - "bigots"
 - Impacts what your children are taught
 - Legal bans on "reparative therapy" (CA, NJ)
- Professional ethics codes for lawyers/judges (American Bar Association)

From the Bedroom to the Bathroom . . . to the Courtroom:

- "Bathroom" bills requiring access according to "gender identity"
- South Carolina transgender student's suit against school
- North Carolina and the failed Charlotte ordinance (HB2 and federal lawsuits)
- Illinois federal lawsuit (Students and Parents for Privacy)

CHALLENGES - SANCTITY OF LIFE

Obamacare mandate to include abortion pill in insurance plans (*Hobby Lobby* and *Little Sisters of the Poor* and many more have sued the government).

- Financial penalties could easily put a company or ministry out of business!
- Your counselee may own or work for a business of this size.
- For-profit employers (*Hobby Lobby*) - victory
- Nonprofit employers (*Little Sisters of the Poor*) – victory (sort of!)

Health care providers forced to participate in abortion as condition of employment

Pregnancy resource centers face disclosure laws and compelled speech challenges in **California** – ongoing litigation!

CHALLENGES - PAGANISM IN THE PUBLIC SCHOOLS

- Yoga case in San Diego, CA (Hinduism in physical education classes)
- Homosexuality and transgenderism (sex ed, bathroom policies)
- Abortion-related issues
 - Sex ed (abstinence v. "comprehensive")
 - Access to condoms, birth control, abortions
- "Common Core"

PROTECTING YOUR COUNSELING MINISTRY

- Legal protections
 - Structure (church = great protection than separate corporation)
 - Church autonomy affirmed by Supreme Court (*Hosanna-Tabor Lutheran*)
 - Governing documents
 - Written policies (leaders, employees, volunteers, use of facilities)
 - Informed consent for counselees
- Who can you call for legal assistance?
 - Alliance Defending Freedom (national)
 - Advocates for Faith and Freedom (Southern California)
 - Pacific Justice Institute (Southern California)
 - The National Center for Law & Policy (Escondido, CA)
- What resources are available to inform and educate you—and your church?
 - www.truthxchange.com (2-day event Oct 7-9, 2016, Escondido, CA)
 - E-mail alerts, such as
 - Family Research Council (www.frc.org)
 - American Values – Gary Bauer (www.amvalues.org)
 - Local (example = www.returnamerica.org in North Carolina)
 - Publications: Church Law & Tax Report (www.ChurchLawAndTax.com)
 - Books: Rosaria Butterfield (former lesbian professor – now pastor's wife)
 - Social Media (Facebook pages for religious liberty organizations)
 - Alliance Defending Freedom (ADF)
 - American Center for Law and Justice (ACLJ)
 - Liberty Counsel

SUPREME COURT: TRIUMPHS AND TRIBULATIONS

- ☺ 2012 *Hosanna-Tabor Lutheran* – church autonomy
- ☺ 2014 *Hobby Lobby* – freedom to do business according to faith
- ☺ 2014 *McCullen v. Coakley* – free speech around abortion clinics
- ☺ 2014 *Galloway v. Town of Greece* - public invocations
- ☹ 2013 *Windsor* - Defense of Marriage Act
- ☹ 2015 *Obergefell* - marriage redefinition
- ☹ 2016 Post-Scalia Court! – abortion clinic regs, abortion pill mandate