

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