



Biblical Citizenship Briefing

June 2019

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In California

Teacher Training Bill Raises Concerns – Existing California law rightly calls for schools to adopt anti-bullying policies. It also already requires the California Department of Education (CDE) to monitor whether public school sites have provided certificated staff serving grades 7-12 with information and resources regarding “lesbian, gay, bisexual, transgender, queer and questioning” (LGBTQ) students. [AB 493](#) (Sen. Todd Gloria, D-San Diego) goes well beyond this and would not only require all California public schools, including charter schools, to provide specific bi-annual online LGBTQ training to all certificated staff, but also track the staff’s attendance. The bill states, “The training program is interactive, requiring the sustained input and participation of the trainee.” If state funds are authorized (which is likely) and grants provided, the training will be on-site. Training resources will be developed by the CDE.

Concerns have arisen about whether this new law is necessary since many schools, including local districts, are already providing LGBTQ training during teacher in-service days from K-12. Also, how will it affect teachers with traditional values? In some cases, districts are using materials like [these](#) linked on the San Diego Unified School District’s website and teachers have reported feeling uncomfortable during the sessions and having their traditional viewpoints about sexuality and gender maligned by presenters.

AB 493 passed the State Assembly on May 28 and is awaiting a hearing in the Senate Education Comm. during July. It’s likely to pass this policy committee and move to the full State Senate later this summer. ***If this bill concerns you, please contact your state senator with your views.*** Find your state senator [here](#).

Inmates to Choose Gender, Housing – Concerned about violence against transgendered prisoners, Anthony Wiener (D-San Francisco) introduced [SB 132](#), which would require the California Department of Corrections and Rehabilitation to segregate prisoners based not on their biological sex, but according to their gender identity. That identity may differ from their sex “assigned” at birth “with or without a diagnosis of gender dysphoria or any other physical or mental health diagnosis, and regardless of anatomy.” While potential violence is an important concern, some are worried that the policy as written may present dangers to female inmates.

The prisoner would also determine whether “he,” “she” or “they” would be housed in the general population or in protective custody, and in a single or double cell, or dorm. Should the vulnerable population of women in prison be forced to share facilities with a biological male who perceives himself to be a woman—and without diagnosis or surgery? The State Senate passed SB 132 on May 23. The bill will be heard in the [Assembly Public Safety Comm.](#) on June 25 and may reach the Assembly floor later this summer. To share your views on SB 132 with your assembly member, find him or her [here](#).

Two Charter School Threats Averted – In April, we alerted you to several bills threatening to limit the number of charter schools in the state ([AB 1506](#)), placing a three-year prohibition on new charter schools [SB 756](#), giving local districts more control over charters ([AB 1505](#)), and placing restrictions on where charter schools can be located ([AB 1507](#)). The first two bills did not pass their house of origin by the May 31 deadline and will not proceed this year. AB 1505 and AB 1507 both passed the Assembly and await and hearings in the Senate Education Comm. Read more [here](#).

In the Courts

Cross Memorial Not an Establishment of Religion – On June 20, the U.S. Supreme Court issued its [decision](#) in *American Legion v. American Humanist Assn.* regarding the fate of a World War I memorial to the fallen that had stood since 1925. The American Humanist Assn. claimed that the Bladensburg Cross in Prince George’s County, Maryland, which is maintained with public funds, represents a First Amendment establishment of religion. The high court disagreed and reversed the Fourth Circuit ruling. The opinion, written by Justice Samuel Alito, states, “Few would say that California is attempting to convey a religious message by retaining the many city names, like Los Angeles and San Diego, given by the original Spanish settlers. But it would be something else entirely if the State

undertook to change those names. Much the same is true about monuments to soldiers who sacrificed their lives for this country more than a century ago.” Read more [here](#).

Court Calls for Dignified Treatment of Aborted Remains – In a [decision](#) at the end of May regarding *Box v. Planned Parenthood of Indiana and Kentucky*, the U.S. Supreme Court reversed one part of an April 2018 [ruling](#) by the Seventh Circuit Court of Appeals. It upheld the provision of an Indiana law calling for the proper disposal of fetal remains following an abortion. Planned Parenthood had sued to stop the law and was successful in gaining an injunction until this recent reversal. The appellate court had held that the state did not have a legitimate interest in making a determination regarding fetal remains, but the high court disagreed, saying the Seventh Circuit had “clearly erred” and the portion of the law calling for unborn infants to be treated with dignity by burial or cremation, rather than being disposed of as medical waste, will stand.

At the same time, the court did not hear a second provision in the enjoined law that bans selective abortions based on sex, race or disability (unless the disability would result in death within three months of birth). Pro-life advocates hope that once another appellate court has weighed in on a similar law, the Supreme Court will revisit the issue. While there was no ruling on the ban, in his concurring opinion, Justice Clarence Thomas shared his concerns, stating in part, “The foundations for legalizing abortion in America were laid during the early 20th-century birth-control movement. That movement developed alongside the American eugenics movement. And significantly, Planned Parenthood founder Margaret Sanger recognized the eugenic potential of her cause ... Technological advances have only heightened the eugenic potential for abortion, as abortion can now be used to eliminate children with unwanted characteristics, such as a particular sex or disability.” Read more [here](#) and [here](#).

Washington Florist Back in Court – Barronelle Stutzman could lose everything. She had gladly served a gay-identified client for years, but politely declined to design florals for his same-sex wedding ceremony. The couple sued. When her appeal finally reached the U.S. Supreme Court, the justices sent her case back to the Washington Supreme Court for reconsideration based on their 2018 [Masterpiece Cakeshop](#) decision. The high court has now also sent the Oregon case of bakers [Aaron and Melissa Klein](#) back to the appellate court for a review based on *Masterpiece*.

In Stutzman’s case, rather than find that the state had acted with hostility toward 74-year-old Stutzman’s faith, the Washington court issued essentially the same ruling under review as it had before, deciding the case very narrowly and still requiring her to pay penalties and attorney’s fees. Stutzman remarked, “I’m obviously disappointed and upset about today’s ruling. I loved and served Rob for nearly 10 years, and I would serve him for another 10 years. It never mattered to me that he was gay. He enjoyed my custom floral designs, and I loved creating them for him. The attorney general has always ignored that part of my case, choosing to vilify me and my faith instead of respecting my religious beliefs about marriage. Now I could lose my business and life savings simply because I declined to celebrate and participate in a sacred event that violates my faith. No artist or creative professional should be forced by the government to create custom work that conflicts with their deeply held beliefs. That’s why I will appeal my case to the U.S. Supreme Court.” Read more [here](#).

In the News

HHS Cancels Fetal Tissue Research – Earlier this month, the Department of Health and Human Services (HHS) announced it would not renew a contract with the University of California, San Francisco for research using fetal tissue from elective abortions. The agency had already terminated a contract last September between Advanced Bioscience Resources, Inc. and the Food and Drug Administration using aborted fetal remains for testing protocols. That action led to a further review and, ultimately, the UCSF contract termination.

HHS stated in its announcement “Promoting the dignity of human life from conception to natural death is one of the very top priorities of President Trump’s administration. The audit and review helped inform the policy process that led to the administration’s decision to let the contract with UCSF expire and to discontinue intramural research ... HHS is continuing to review whether adequate alternatives exist to the use of human fetal tissue from elective abortions in HHS-funded research and will ensure that efforts to develop such alternatives are funded and accelerated. In December 2018, NIH [announced](#) a \$20 million funding opportunity for research to develop, demonstrate, and validate experimental models that do not rely on human fetal tissue from elective abortions.” Read more [here](#). Read the entire statement [here](#).

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