



Biblical Citizenship Briefing

October 2023

This briefing is strictly for your information. It is a summary of some current public policy issues, including pending legislation, that involve moral and biblical principles. While suggested action may be included from time to time, no specific position by EFCC is implied. Find contact and subscription information at the end of this document.

In California

Governor Delivers Mixed Bag of Bill Actions – Gov. Gavin Newsom had until October 14 to sign or veto bills sent to him during this first year of the 2023-24 legislative session. Parental rights continue to be a key topic throughout the state, and the governor delivered “wins” to both sides relating to the transgender debate as the session ended. He angered parental rights advocates by signing [AB 665](#), which allows children 12 and over to be admitted to residential shelters without parental permission if a “professional person” determines they are “mature enough” to make that decision. Children in such facilities are particularly vulnerable to exploitation and trafficking. Sen. Shannon Grove (R-Bakersfield) declared, “This is a parent’s worst nightmare.”

The governor also signed several measures we have been tracking that were part of Equality California’s (EQCA) [package of bills](#), including [AB 5](#) requiring LGBT teacher training, [SB 345](#), ensuring a “safe haven” for people coming to California for abortions and “gender-affirming care” from states where those procedures are restricted, and [SB 407](#) requiring foster parents to demonstrate a willingness to affirm gender-confused children (the requirement that they sign a document attesting to this was removed prior to final passage).

In a major victory, Sen. Shannon Grove celebrated the end of her year-long anti-trafficking efforts when the governor signed [SB 14](#) on September 25. This was a hard-fought battle, which she initially lost when the Assembly Public Safety Committee killed her bill. But, in a rare move, the committee was pressured to re-hear and ultimately pass SB 14 to the Assembly floor and a unanimous victory. Now, with the governor’s signature, the consequence for selling a minor for sex is finally equal to other serious felonies, such as kidnapping and murder, and eligible for enhanced penalties under the Three Strikes Law.

In a surprising move, the governor vetoed [AB 957](#). The bill was a key component of EQCA’s package. It would have put the state’s proverbial thumb on the scale of justice when determining custody and visitation by asking judges to consider the parent who affirms a minor’s chosen “gender” as acting in the best interest of the child. Newsom [wrote](#) in his veto message, “I urge caution when the Executive and Legislative branches of state government attempt to dictate – in prescriptive terms that single out one characteristic – legal standards for the Judicial branch to apply. Other-minded elected officials, in California and other states, could very well use this strategy to diminish the civil rights of vulnerable communities.”

The reasons cited for several other vetoes centered on a bill either being unnecessary or too costly, since the state budget, until it was down-sized, was headed to a \$30 billion deficit. One “unnecessary” measure was [SB 596](#), which was very vague and could have stifled the free speech of parents at school board meetings and other venues if school employees or representatives felt “harassed.” Cost was the [reason](#) for vetoing [SB 541](#), to require free unsupervised condom distribution in high schools and availability at student health centers and health fairs at middle schools. It would have also forced retailers to sell contraceptives to youth regardless of age. (Read more [here](#).) Pro-family advocates celebrated several vetoes (particularly AB 957), but with some caution. With a more than two-thirds majority in both the Assembly and State Senate, the Legislature potentially has the votes to override vetoes in January when lawmakers return for the second year of the session. No veto has been overridden, however, for more than 40 years. Read more [here](#).

To find out more about many bills relating to life, faith and family issues, visit judeochristiancaucus.com/bills-and-resolutions. (Referral for informational purposes only, does not imply an endorsement by EFCC of the opinions, positions, or contents of the site.) You may also look up any California legislation or search by keyword at leginfo.legislature.ca.gov.

In the Courts

FCA Prevails in First Amendment Case, Returns to Campus – Campuses across the state and nation have long included [Fellowship of Christian Athletes](#) (FCA) “huddles” among their student-led clubs. But in 2019, a teacher at San Jose’s Pioneer High School complained that the club’s statement of faith, which only leaders must sign, required a belief that “God’s design for sexual intimacy is to be expressed only within the context of marriage, that God created man and woman to complement and complete each other.” He posted the statement on the whiteboard in his classroom and continued to complain about the club – even encouraging other student to harass members. The district finally stripped FCA of its recognition on campus after the club declined to sign a nondiscrimination form allowing anyone to serve in club leadership, regardless of their beliefs. In April 2020, the Becket Fund, Christian Legal Society and Christopher Schweickert of Seto Wood & Schweickert LLP represented FCA in [Fellowship of Christian Athletes v. San Jose Unified School District](#), filed in federal court.

A federal judge [ruled](#) against FCA in June 2022, leaving the club off the campus pending an appeal to the U.S. Court of Appeals for the Ninth Circuit. Last month, an en banc [decision](#) (all judges hearing the case) reversed the lower court, holding that San Jose Unified School District had violated “FCA’s First Amendment free exercise of religion and free speech,” directing the district to reinstate FCA as an Associated Student Body approved student club. The ruling reads, “While it cannot be overstated that anti-discrimination policies certainly serve worthy causes—particularly within the context of a school setting where

students are often finding themselves—those policies may not themselves be utilized in a manner that transgresses or supersedes the government’s constitutional commitment to be steadfastly neutral to religion. Under the First Amendment’s protection of free exercise of religion and free speech, the government may not ‘single out’ religious groups ‘for special disfavor’ compared to similar secular groups.” Daniel Blomberg, vice president and senior counsel at Becket stated, “This is a huge win for these brave kids, who persevered through adversity and never took their eye off the ball: equal access with integrity. Today’s ruling ensures religious students are again treated fairly in San Jose and throughout California.” Read more [here](#) and [here](#).

Colorado Supreme Court to Hear Appeal in Colorado Baker’s Case – Jack Phillips is back in court and once again being defended by Alliance Defending Freedom (ADF). The Colorado cake artist has now been sued three times by LGBT activists attempting to force him to create cakes with messages that conflict with his religious beliefs. In 2018, The U.S. Supreme Court [ruled](#) in Phillips’ favor in a case brought in 2012 by a same-sex couple seeking a celebratory wedding cake ([Masterpiece Cakeshop v. Colorado Civil Rights Commission](#)). The baker refused, not because he didn’t want to serve the two men, but because their request required him to create an artistic cake specifically for an event that was in opposition to his sincerely held religious beliefs. This directly violated his First Amendment right of freedom of religion.

In 2017, while the first case was still on appeal, an attorney requested a gender-transition cake that was pink on the inside and blue on the outside. Phillips refused because the message conflicted with his beliefs once again. [Masterpiece Cakeshop v. Elenis](#) ended when the Colorado Civil Rights Commission dismissed its own charges when ongoing hostility against Phillips was revealed. One commissioner had even referred to the baker as a “hater” on social media.

The third case against Phillips, [Masterpiece Cakeshop v. Scardina](#), was brought by the same attorney who filed the complaint in 2012, but this time for a gender transition cake. In January, the Colorado Court of Appeals [affirmed](#) a judgment against Phillips in this case. On October 3, the Colorado State Supreme Court agreed to hear the *Scardina* case. “Free speech is for everyone. As the U.S. Supreme Court held in [303 Creative](#) [a landmark free speech decision in June 2023], the government can’t force artists to express messages they don’t believe,” said ADF senior counsel Jake Warner. “Because the attorney asked Jack to create a custom cake that would celebrate and symbolize a transition from male to female, the requested cake is speech under the First Amendment. The Colorado Supreme Court should apply *303 Creative* to reverse the appeals court’s decision punishing Jack. You don’t need to agree with Jack’s views to agree that Americans shouldn’t be compelled to express what they don’t believe.” Read more [here](#).

Sixth Case Filed Against Doctors Performing Gender Transition Surgery – Last month, the [Center for American Liberty](#) (CAL) filed a [complaint](#) on behalf of [Luka Hein](#) against the University of Nebraska Medical Center (UNMC) and physicians who performed a radical double mastectomy on her when she was just 16. The clinic diagnosed Hein with gender dysphoria after just a 55-minute consultation in the summer of 2017. CAL states, “UNMC doctors deceived Luka and her parents with false promises claiming that if Luka did not undergo the removal of her breasts, she would take her own life, despite medical evidence to the contrary. UNMC also concealed scientific studies that do not support surgical ‘transitions’ for minors—including studies showing transgender surgeries actually *increase* suicidality and psychiatric morbidity.” The complaint reads, “Due to Defendants’ actions, Luka is now a medical orphan. Having been subjected to irreversible surgery and a four-year cascade of testosterone, doctors simply have no idea now how to help her. Having broken her, Defendants have no idea how to fix her.” Other active cases involving detransitioners include [Chloe Cole](#), [Kayla Lovdahl](#), and [Layla Jane](#) (all suing Kaiser Permanente), [Prisha Mosley](#), and [Soren Aldaco](#). These legal actions may force change in the transgender debate.



EFCC to Host Trafficking Awareness Seminar – Please join us for “Protecting Our Children” on **October 25 from 6:30-8:00 pm in the EFCC Chapel**. Sex trafficking happens in every neighborhood. Learn how to protect your kids, spot victims of sex trafficking, and what you can do to make a difference. Our primary speakers will be Flavio Nominati, Deputy District Attorney – Sex Crimes and Human Trafficking Division, and Susan Johnson, Co-founder and Director of Alabaster Jar Project. **So that we have sufficient space and materials, please register [here](#).**

In Prayer

We lift up our voices in prayer for Israel following the brutally violent and evil attacks by Hamas terrorists. Praying from the Psalms: *Pray for the peace of Jerusalem: “May those who love you be secure. May there be peace within your walls and security within your citadels.” ... May the Lord answer you when you are in distress; may the name of the God of Jacob protect you. May He send you help from the sanctuary and grant you support from Zion ... Now this I know: The Lord gives victory to His anointed. He answers him from His heavenly sanctuary with the victorious power of his right hand. Some trust in chariots and some in horses, but we trust in the name of the Lord our God.* ((Psalm 122:6-7; Psalm 20:1-2, 6-7)

This briefing was prepared by the EFCC Biblical Citizenship Committee. Referrals to websites are for informational purposes, and do not necessarily imply an endorsement by EFCC of the contents of those sites. To subscribe or unsubscribe, or if you have any questions, please e-mail Penny Harrington (penny.harrington@cox.net) ; 760.224.4744 ; www.efcc.org/biblical-citizens