



Biblical Citizenship Briefing

June 2020

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. If you do not wish to receive further briefings of this nature, please unsubscribe as shown at the bottom of this document.

In California

Legislature Sets Aside Most Pending 2020 Bills – As the California Legislature begins its summer recess, hundreds of bills introduced this year are now considered dead, having missed their policy committee deadlines. The suspension of business at the Capitol due to the COVID-19 lockdown meant that there was not time to schedule hearings for all measures introduced and the focus was narrowed to address those related, at least for the most part, to the pandemic and its effects on the state. Here are a few that have passed or are still alive:

Elections – [AB 860](#), which has now become law, requires all county elections officials to send a vote-by-mail ballot for the November 3, 2020 General Election (only) to every active registered voter. The bill also extends the deadline by which a mail ballot must be received by officials from three days after the election to 17 days after the election if the ballot itself is dated and signed on or before Election Day and it can be determined that the ballot was mailed by November 3 via postmark or other means. AB 860 does not prevent a voter from voting at a polling place, if available.

Transgender Prisoners – [SB 132](#) is one vote away from passing its second house. The bill will allow transgender persons to be housed in the facility of their choice. For example, a biological man who “identifies” as a woman could request a transfer to a women’s facility “with or without a diagnosis of gender dysphoria or any other physical or mental health diagnosis, and regardless of anatomy...” The author insists his bill is needed due to increased violence experienced by transgender women in men’s prisons who, according to a cited study, suffer more than 13 times more sexual abuse than non-transgender inmates. While this is certainly troubling, various organizations have also voiced concerns about women’s safety if biologically male prisoners are housed with incarcerated females. The bill does nothing to exclude males who have committed sexual crimes against women from transferring into the female population. Perhaps an answer can be found in compromise. Last year, Britain created a transgender prison wing.

For now, SB 132 has already passed the Senate and all Assembly committee hearings. It has been in the Assembly inactive file since September 2019, but a request was just made to activate the bill and allow an Assembly floor vote after the Legislature reconvenes in July. If passed it will have to return to the Senate floor for a concurrence vote. Read more [here](#). **If this bill concerns you**, you may wish to contact your assembly member and state senator with your views before July 13. Find your state representatives [here](#).

Transgender Service Funding – [AB 2218](#) will establish the Transgender Wellness and Equity Fund “for purposes of funding grants ... focused on coordinating trans-inclusive health care for individuals who identify as transgender, gender nonconforming, or intersex.” The moneys will be appropriated by the Legislature (taxpayer funds) and granted to “trans-led” organizations for various purposes, including providing “gender-affirming health care services, such as hormone therapy or gender reassignment surgery.”

In his opposition [letter](#), endocrinologist Quentin Van Meter, MD is particularly concerned about the medical treatment of gender dysphoria in children through puberty suppression. He warns, “To interrupt and re-direct this process is a dangerous experiment. The vast majority of gender incongruent persons who are allowed to go through the entirety of puberty realign their gender identity with their biologic sex.” The American College of Pediatricians has cited concerns about the negative health effects of cross-sex hormones and how puberty blockers “inhibit growth and fertility in a previously biologically healthy child.” Read more from the California Family Council [here](#). (Note that AB 2218 *originally* appropriated \$15 million from the budget but was amended to provide for unspecified future appropriations by the Legislature.)

AB 2218 has [passed](#) the Assembly and is awaiting committee assignment in the Senate. **If this bill concerns you**, you may wish to contact your state senator with your views. Find your state senator [here](#).

In the Courts

Legislating from the Bench? – On June 15, the U.S. Supreme Court ruled 6-3 in [Bostock v. Clayton County](#) (three cases were combined into one) that prohibiting discrimination based on “sex” under the 1964 Civil Rights Act also includes “sexual orientation” and “gender identity.” Chief Justice John Roberts and Justice Neil Gorsuch joined the four liberal members of the high court in redefining the biological understanding of sex. The decision held that “an

employer who fires an individual merely for being gay or transgender violates Title VII” (the portion of the Civil Rights Act dealing with employment). While this may be a reasonable employment protection generally, what might its ramifications be? And was it the Court’s place to change the definition? Even though Justice Gorsuch states in the majority opinion that “we do not purport to address bathrooms, locker rooms, or anything else of the kind” under Title VII, those questions loom large, as do considerations for women’s sports under Title IX already pending in the courts. Justice Gorsuch kicked that can down the road noting that “these are questions for future cases.” He also opined “how... doctrines protecting religious liberty interact with Title VII are questions for future cases too.”

A blistering dissent was penned by Justice Samuel Alito (joined by Justice Clarence Thomas). Alito stated, “There is only one word for what the Court has done today: legislation.” He wrote that *Bostock* “is virtually certain to have far-reaching consequences” and that “[t]he Court’s brusque refusal to consider the consequences of its reasoning is irresponsible.” Alito cautioned, “As the briefing in these cases has warned, the position that the Court now adopts will threaten freedom of religion, freedom of speech, and personal privacy and safety.”

Justice Brett Kavanaugh also dissented, writing about the constitutional overreach by the majority, “Under the Constitution’s separation of powers, the responsibility to amend Title VII belongs to Congress and the President in the legislative process, not to this Court ... Instead of a hard-earned victory won through the democratic process, today’s victory is brought about by judicial dictate—judges latching on to a novel form of living literalism to rewrite ordinary meaning and remake American law.”

Read more from Ryan T. Anderson [here](#) and MinistryWatch [here](#). Alliance Defending Freedom (ADF) represented Harris Funeral Homes in one of the related cases under the *Bostock* decision. See various articles about their case and their thoughts on ruling’s ramifications [here](#). A recent ADF webinar discussed how the elected representatives of the people might move forward. For example, Congress could clarify and protect the existing religious and ministerial exemptions under Title VII. It could also clearly define federal policy protections in other areas, such as personal privacy, speech, religious freedom, Title IX, etc.

Let’s pray for the road ahead. Ask the Lord to touch the hearts of policymakers and judges throughout the court system to seek His wisdom. Pray that churches and people of faith will be protected even as we remember that He is sovereign. ADF quotes Pastor Jack Robert whose church sought to use public buildings in New York City and whose case was denied by the Supreme Court twice:

Walking through this long and winding experience, I have realized that “victory” is not measured in a court’s decision, but in how well and how faithfully Jesus and His Truth (the Gospel) are represented. We are called to be faithful and true messengers – not necessarily “winners.”

Church Prevails in California Abortion Mandate Case – Last month, the 9th Circuit Court of Appeals [ruled](#) that Skyline church was in fact injured in 2014 when the State of California Department of Managed Health Care rescinded religious exemptions regarding health insurance, forcing churches to provide abortion coverage to employees. ADF Senior Counsel Jeremiah Galus stated, “Churches should be free to follow their beliefs without unlawful, unjust government mandates ... The 9th Circuit rightly recognized the harm that the state has inflicted on Skyline Church in subjecting it to this unprecedented mandate.” The Court vacated the prior ruling returned the case to the district court. Read more [here](#).

In the News

Praying for Persecuted Christians – While we have focused so much (and understandably so) on the global pandemic of COVID-19, the protests and discord in our own nation, across the globe many of our brothers and sisters are suffering. In Nigeria, Christians are being slaughtered by a faction of Boko Haram (ISWAP) and another brutal Nigerian group. On June 22, vice chair of the United States Commission on International Religious Freedom denounced the attacks stating, “Recent ISWAP attacks on innocent civilians are reprehensible. Hundreds have died in recent weeks as ISWAP continues to inflict terror and target civilians based on their beliefs. We condemn this deplorable violence.” ***Please pray that God would protect His people across the world from persecution and violence.*** (Read more [here](#).)

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