

Religious freedom bill coming to Indiana

Tony Cook and Marisa Kwiatkowski 7:39 p.m. EST December 26, 2014



(Photo: Sam Riche / The Star 2010 file photo)

A battle is shaping up in the Indiana legislature over a proposal that supporters say will protect people with strong religious beliefs, but that opponents say would legalize discrimination against gays and others.

The legislation has been widely expected (</story/news/politics/2014/06/25/opposing-sides-sound-ruling/11361833/>) ever since a federal judge struck down Indiana's same-sex marriage ban in June. That ruling, which the U.S. Supreme Court later let stand, caused angst among social conservatives who feared business owners who oppose gay marriage for religious reasons might be forced to provide services for same-sex weddings.

The bill's author, Sen. Scott Schneider, R-Indianapolis, said Friday that he intends to shore up gaps in Indiana's

"religious liberty framework."



State Sen. Scott Schneider, R-Indianapolis, is the author of a bill to be introduced in the 2015 session of the Indiana General Assembly that Schneider hopes will shore up the state's "religious liberty framework." (Photo: Frank Espich / The Star)

"The focus has been on same-sex marriage because that's the hot topic right now, but it goes far beyond that," he said. "It's important to have some religious freedom and protection."

The bill could have broad implications, according to Micah Clark, director of the American Family Association of Indiana, an organization lobbying for the measure.

It would allow small businesses — such as bakeries, caterers, florists, and wedding chapels — to refuse services to gay couples based on the owner's religious beliefs, he said. It would also allow adoption agencies to refuse to place children with same-sex couples, he said.

"The freedom of conscience bill is really about limiting government's ability to squelch freedom of religion, conscience or speech," Clark said.

But Chris Paulsen, president of Indiana Equality Action, said the bill would essentially legalize discrimination.



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<http://www.indystar.com/story/news/politics/2014/12/26/in-gay-marriage-indiana-republicans-find-issue--that-wont-go-away/20925663/?from=global&sessionKey=&autologin=>

"We feel any public business should treat everyone equally and should not discriminate against anyone," she said. "We would obviously vigorously oppose anything that allowed discrimination against the LGBT community."

Schneider said no one will be discriminated against by this bill.

"This is a bill to protect freedom and protect religious liberty," he said.

The specific wording of the bill still is being fine-tuned. But a version of the measure says the state's actions "shall not burden a person's right to exercise of religion," unless the government can demonstrate that the burden is "essential to further a compelling governmental interest and is the least restrictive means of furthering" that interest.

It also would allow a person exercising his or her religion to use the law as a defense in court, regardless of whether the state is a party to the proceeding.

The bill is modeled after the federal Religious Freedom Restoration Act, or RFRA, which was passed under President Bill Clinton to protect religious minorities. It played a key role in the U.S. Supreme Court's decision in the Hobby Lobby case in June. Justices ruled that the arts-and-craft chain store and other closely held corporations can hold religious objections that allowed them to opt out of an Affordable Care Act requirement that they cover contraceptives for women.

The federal law, however, does not apply to state and local governments.

Now, amid a spate of recent federal court decisions legalizing gay marriage, religious conservatives are lobbying for similar religious freedom legislation at statehouses across the country. At least 19 states have passed some form of the law, and proposals have recently been introduced in several additional states, including Michigan and Georgia.

State Rep. Ed DeLaney, D-Indianapolis, said the Indiana bill will create a problem where there isn't one and will just distract legislators from focusing on important topics, such as schools and wages.

"We are not being prevented from exercising our faith, nor are we being forced to do something we don't want to do," he said. "It's kind of sad, really."

Indiana lawmakers briefly entertained a proposal during the previous legislative session earlier this year that would have allowed religious schools and colleges that receive state contracts to make employment decisions based on religion. That measure was slipped into an unrelated bill, but later nixed amid public outcry.

Other controversies have flared up around the issue of what role religious convictions should be allowed to play in businesses decisions.

In 2013, an Indianapolis bakery drew heavy criticism on social media after the owner cited religious grounds for refusing to bake a cake for a gay couple.

And in 2010, a cookie shop at City Market faced possible sanctions after its owner refused to fulfill a gay student group's request for rainbow-iced cookies. The incident prompted hundreds to protest at the city-owned market and Just Cookies later reached an agreement with the city's equal opportunity office that required the bakery to post a "no special orders" policy.

Schneider's bill is likely to get serious consideration in the new General Assembly, which is more conservative than any in recent memory. Several moderate Republicans were knocked off by more conservative candidates in GOP primaries, and Republicans increased the size of their super-majorities in both chambers during the November general election.

The 2015 legislative session begins Jan. 6.



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Debate over religious freedom looms ahead

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