

A New Virginia Bill Would Let Schools, Hotels, Restaurants, and Hospitals Turn Gays Away

By Mark Joseph Stern



Will the Virginia House of Delegates show some heart?

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Nearly a year ago, Kansas legislators quietly attempted **to legalize anti-gay segregation**, abandoning the effort only after a **national wave of outrage** arose. Now a Republican delegate in Virginia is attempting to **replicate Kansas' effort**—with a bill so extreme, so radically and viciously anti-gay, that it makes Kansas' measure look moderate by comparison.





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The **Virginia bill**, introduced by Del. Bob Marshall, is actually quite ingenious in its complete degradation of gay citizens. Like every “religious liberty” measure introduced over the past year, its true intent is to legalize discrimination against gay people. But whereas most of those bills attempted to allow discrimination in the realm of gay *marriage*—permitting, for instance, a florist to refuse to provide flowers for a gay couple’s wedding—the Virginia bill has no such limitation.

Instead, Marshall’s measure would attach a “conscience clause” to any “license, Advertisement registration, or certificate” obtained from the commonwealth, whether by a private business or a government agency. This clause would allow all workers to refuse to “perform, assist, consent to, or participate in any action” that would “violate the religious or *moral conviction* of such person with respect to same-sex ‘marriage’ or *homosexual behavior*.” (Emphasis mine—though the scare quotes around “marriage” are in the bill.) In other words, workers in the state of Virginia need only declare that interacting with people who partake in “homosexual behavior” violates their “moral conviction”—and they will be free to turn them away.

Because the bill applies to both private and public enterprises, and because these enterprises almost always need *some* kind of “license, registration, or certificate” from the government, its reach is essentially endless. University professors could refuse to teach gay students; doctors in state-run hospitals could refuse to treat gay patients. Hotels, restaurants, movie theaters, and bars could simply put up a sign reading “No gays allowed.” Police officers and ambulance drivers could refuse to aid not just gay couples, but also gay *individuals*. County clerks and DMVs could turn away gays at the door. Public school teachers could kick out gay students. Daycares could refuse to look after the children of gay couples.

Marshall, one of the more extreme anti-gay legislators in America, has a long track record with these kinds of bills. In 2006, he sponsored **Virginia’s constitutional amendment** barring state recognition of *any* same-sex relationship; the ban easily passed but was **struck down** in 2014. Marshall also proposed **excluding gays** from the Virginia National Guard after Congress repealed Don’t Ask, Don’t Tell and **successfully blocked** the appointment of a state judge on

account of his homosexuality. (The judge has since been appointed.) The judiciary is, in fact, a favorite target of Marshall's; the delegate has also called **for the impeachment of judges** who overturn gay marriage bans.

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This bill is as much about religious liberty as mandatory abortion clinic upgrades are about a woman's health. [More...](#)

-Celery Salt

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Clearly, then, Marshall is a fanatic, and **it's unclear** if his new bill stands a chance of passing the heavily Republican House of Delegates. Still, Marshall's measure is a useful reminder of the profound anti-gay animus that underlies every attempt to curtail gay rights in the name of religious freedom. No matter the **rationalizations** from the far-right media, bills promoting "religious liberty" are almost always simply pretext, a ploy to permit the debasement of gay citizens under the guise of **principled "dissent."**

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The Marshall bill may be more extreme than most—but the same savage homophobia that underlies it can also be found between the lines of pretty much every “religious liberty” bill we’ve seen introduced over the past year. In one sense, then, we should be happy that Marshall is honest about his true intentions. Conservatives have spent decades attempting to disguise their hatred of gays in the camouflage of sincerely held religious beliefs. Marshall and his allies unintentionally blow their cover, revealing the rank animosity behind their ostensibly respectable views. I have long insisted that “religious liberty” is nothing but a euphemism for a special right to discriminate against gay people. Thanks to legislators like Marshall, that once-controversial proposition is becoming more undeniable with each passing day.

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