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# Indiana's RFRA law protects liberty across a vast array of moral beliefs: Kevin O'Brien

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(http://ads.cleveland.com/RealMedia/ads/click...lx.ads/www.cleveland.com/ohrien/2015 CLEVELAND, Ohio -- Indiana is under fire for its "new" copy of the federal holidade 227 Mark Naymik

Religious Freedom Restoration Act

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(http://www.cleveland.com/na



**Sharon Broussard** 

(http://connect.cleveland.com/:



**Thomas Suddes** 

(http://connect.cleveland.com/

(http://media.cleveland.com/obrien impact/photo/indianajpg-

40a221e5f03d8832.jpg)

Protesters register their outrage against a new Indiana new that preserves its residents' religious freedoms in what Kevin O'Brien considers the face of intimidation from the gay lobby.

Doug McSchooler, Associated Press

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# (https://iga.in.gov/legislative/2015/bills/senate/568#document-f6915f8f), but not from everyone.

People who would defend the natural right to practice one's religion freely, as codified in the Bill of Rights, are glad the law pledges that the state of Indiana won't tamper with those rights unless it sees some compelling interest in doing so.

The law is Indiana's restatement of a federal law passed by a Democratic Congress during the Clinton administration, with one refinement: It answers, for Indiana, a question that federal courts have not yet resolved about the federal RFRA -- whether it can be used as a defense in civil cases brought by private parties, not just in disputes involving government violations of religious freedom.

What the courts have decided about the federal RFRA is that it does not cover the actions of state governments, which is why many states have passed their own.

In today's climate, where some vendors of wedding services have been the <u>targets</u> (<a href="http://www.ncregister.com/daily-news/florist-faces-second-lawsuit-over-gay-wedding-refusal">http://www.ncregister.com/daily-news/florist-faces-second-lawsuit-over-gay-wedding-refusal</a>) of lawsuits <u>demanding</u>

(http://www.outsidethebeltway.com/court-holds-that-wedding-photographer-cannot-refuse-service-to-gay-couples/) that they violate the dictates of religion and conscience, Indiana's law makes the choice that protects the liberty of all by noting that its law can be used as a defense in a private suit.

So mom-and-pop businesses in Indiana can take some comfort that they face less risk of a lawsuit by some deep-pocketed pressure group if they choose to live their faith. The chilling effect is on malicious lawsuits, which is good, rather than on the free exercise of religion.

**Most Read** 

Which brings us -- and what could be more fitting on Good Friday? -- to the problem of sin.

There are people in this world who believe that <a href="http://www.scborromeo.org/ccc/para/2357.htm">http://www.scborromeo.org/ccc/para/2357.htm</a> -- an offense against God's design of the body and the purposes he ordained for sex.

You are free to doubt their theological premise. You are free to argue with them about it. You are free to criticize or even lampoon them. You are free to offer alternatives and attempt to persuade the public to see things your way rather than theirs.

You are not, however, free to compel them to act in ways that violate their consciences. The Indiana law spells that out. Like the federal RFRA, it puts statutory meat on the First Amendment bones.

Meanwhile, there are people in this world who believe that any person or institution that declines to celebrate homosexual conduct is a sinner -- not against God, necessarily, but against the righteous political agenda. They see in Indiana's law permission for businesses to discriminate against homosexuals. And, yes, that could happen.

But it's unlikely to happen, and if it happened the free market would be quick and eager to remedy it.

What stigma remains attached to the practice of homosexuality is nothing like it used to be. None of it is government-sponsored, not even in newly RFRA-covered states, so put away the <u>Jim Crow references</u>

(http://www.britannica.com/EBchecked/topic/303897/Jim-Crow-law). It would be hard to think of a less apt historical analogy.

Businesses are, in general, happy to serve gay people with money to spend. No one's going to starve, go unsheltered or get kicked off the roller coaster based on sexual orientation alone.

Certain kinds of conduct might compel a business owner to declare a gay person unwelcome, but the same can be said of any patron of any sexual orientation who behaves in ways that make business harder to do. It's the behavior that's the problem; the root cause doesn't matter.

In the vast majority of cases, a business owner or employee isn't going to know or care that a customer is gay. But let's say that information somehow comes to light and a business decision has to be made.

There is a huge difference between freely choosing to serve a customer based on one's own good will and being forced to serve unwillingly, based on the morally empty whim of the government or in the face of a pressure group's morally inflammatory demand that a business owner betray his conscience.

Reverse the roles: Should a gay baker be forced to make the cake for the big anniversary celebration over at the **Westboro Baptist Church** 

(http://www.godhatesfags.com/?COLLCC=1792277921&)? (They're the "God hates fags" people, in case you've forgotten.)

Of course not. The baker's conscience would be deeply and justly offended if he were made to participate in a celebration of what that church teaches.

Should a devout Muslim caterer have to make the tabouli for a gay wedding? (Heads all over the left are exploding as they envision such a collision of Groups That Must Never Be Offended.)

Should a Jewish videographer have to spend all night immortalizing events at the annual KKK ball?

No. All have a right not to cooperate with what they consider evil. All the Indiana law says is that the state government, absent some compelling interest, won't try to make them.

Some of the screaming and hollering about Indiana's law is bound up in ignorance of what little it actually does. A lot of it, though, is bound up in the LGBTetc. lobby's

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knowledge that many of its gains come through intimidation -- a tactic that laws like Indiana's renders less effective.

Indiana's new law protects the moral sensibilities of people who are swimming against the prevailing social and political currents -- something for which we Americans are renowned.

Good job, Indiana. Don't change a thing.

O'Brien is The Plain Dealer's deputy editorial page editor.

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url=http%3A%2F%2Fwww.cleveland.com%2Fobrien%2Findex.ssf%2F2015%2F04%2Findianas rfra law protects lib.html&text=(mailto:?

subject=Indiana%27s%20RFRA%20law%20protects%20liberty%20across%20a%20vast%20array%20of%20moral%20beliefs%3A

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John Kasich must
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freedom: Mike
Brickner (Opinion)



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(http://www.cleveland.com/nation/inde

386 comments

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J	ıu		111

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Carol Bannon (http://connect.cleveland.com/user/carol\_bannon/index.html) 34 minutes ago (http://congact.clayaja.com/user/carol\_bannon/index.html) ant get one...they keep sending him to the Kroger store.

It is on YouTube

And yes...I do believe these store owners have a right to follow their faith. They are respectful and helpful...just not accommodating

Like Reply



blacksquirrel (http://connect.cleveland.com/user/blacksquirrel1/index.html)
(http://cp.gr.ear.cleveland-com/user/blacksquirrel1/index.html)
hetrosexual couple?

Like Reply



Carol Bannon (http://connect.cleveland.com/user/carol\_bannon/index.html)

(http://connect.cleveland.com/user/carol\_bannon/index.html)

32 minutes

asks...except to inquire about how much we want to spend

Like Reply



JustSayNoToReligiousKookiness

(https://dicomenscolelee/elschdoco/ouseséReigigios/Swoks/sca/Manstally////inidesektintihil) 8 hours a

If business owners demand the right to refuse goods or services relating to a same-sex couple's wedding ceremony or reception, they must demonstrate in court that they interview <u>ALL potential clients</u> using the a checklist to determine if their consciences would be upset by accepting any business from anyone and they must produce as evidence all checklists conducted during said interviews over the preceding 12 months:

Example:

Questionnaire to Determine Whether Couples Seeking to Contract for Services related to Wedding Ceremonies and Receptions Will Be Upsetting To Business Owner's Conscience:

Question 1) Is the man or woman divorced from a previous marriage? [if NO, proceed to Q2 / if YES, applicants violate my conscience, application DENIED]

Question 2) Are both man and woman pure (are they virgins)? [if YES,proceed to Q3 / if NO, applicants are immoral and full of SIN, they violate my conscience, application DENIED]

Question 3) Once married, do the man and woman plan to use artificial birth control to prevent conception? [if NO, proceed to Q4 / if YES, applicants violate my conscience, application DENIED]

Question 4) Once married, do the man and woman plan to engage in sex for (a) enjoyment only or (b) procreation only? [if (a), applicants violate my conscience, application DENIED] / if (b), application accepted

Because It's What Jesus Would Want To Know.....

Like Reply

WW (http://connect.cleveland.com/user/WeaselWatcher/index.html)

13 hours ago
(http://spgnect.sleveland.spg/user/WeaselWatcher/index.html)

Mohammad upon it?

3 (http://connect.cleveland.com/user/jonfwtoo/index.html) (http://connect.cleveland.com/user/dewiseman/index.html) at (http://connect.cleveland.com/user/carol\_bannon/index.html) Like Reply



PubliusX (http://connect.cleveland.com/user/PubliusY/index.html) 10 hours ago (http://connect.cleveland.com/user/PubliusWindex.html)

No, but whatever they do make must be available to all.

Like Reply



WW (http://connect.cleveland.com/user/WeaselWatcher/index.html)
(http://connect.cleveland.com/user/WeaselWatcher/index.html)
(http://connect.cleveland.com/user/PubliusY/index.html) @

(http://connect.cleveland.com/user/WeaselWatcher/index.ht ml)

I want a t-shirt with ink on it like everyone else. The offense comes from the shop keeper's religious beliefs. The cake baker refused to bake a wedding cake with 2 guys on it. The offense came from her religious beliefs. Both examples are illustrative of a service denied by shop owners due to their religious considerations. Both are protected in a just and free society.

Like Reply



#### HausWolf

(https://comment.cole.vevament.com/wssréHaus)Molé/findexektmh))

WW 9 hours ago

(http://connect.cleveland.com/user/WeaselWatcher /index.html) @PubliusX

(http://connect.cleveland.com/user/PubliusY/index .html)

Completely wrong, no Muslim shopkeeper ever would make a T shirt with any likeness of Mohammad because he does not offer it, ever.

Like Reply



#### OSULAW92

14 hours ago

⚠ Kevin you are very predictable. I feel much better about my point of view when you completely disagree with it. That is the litmus test I use to know I am on the right track.

As for your three examples:

I suppose the gay baker could have a policy that they do not serve haters of gays; 'haters of gays' not being a protected class. Also, I doubt the Westboro church would go to a gay baker.

The Muslim would have to make the tabouli for a gay wedding, unless his religion stated it was against his religion to serve a gay person.

Luckily the Jewish videographer would be able to deny the KKK as the KKK is not a protected class. You are allowed to discriminate, just not against a protected class. We discriminate on a daily basis, its when we discriminate on the basis of a protected class that there is an issue.

Like Reply

14 hours ago



pcitizen99 (http://connect.cleveland.com/user/pcitizen99/index.html) (http://connect.cleveland.com/user/pcitizen99/index.html)

Like Reply



Foggy. (http://connect.cleveland.com/user/tonsofsimple/index.html) 14 hours ago (http://connect.cleveland.com/user/tonsofsimple/index.html) index.html)

If it did, the states wouldn't feel compelled to do it for themselves

1 🚜

(http://connect.cleveland.com/user/carol\_bannon/index.html) Like Reply



jayjay (http://connect.cleveland.com/user/jayjay271828/index.html)

(http://connect.cleveland.com/user/jayjay271828/index.html)
http://connect.cleveland.com/user/jayjay271828/index.html)
hat's pathetic.....

14 hours ago

Like Reply



Livefreeor (http://connect.cleveland.com/user/Livefreeor/index.html)

15 hours ago

15 hours ago

(http://connect.cleveland.com/user/Livefreeo

Like Reply



jonfw (http://connect.cleveland.com/user/jonfwtoo/index.html) (http://connect.cleveland.com/user/jonfwtoo/index.html)

15 hours ago

Like Reply



Livefreeor (http://connect.cleveland.com/user/Livefreeor/index.html)
(http://connect.cleveland.com/user/Livefreeor/index.html)
14 hours ago
(http://connect.cleveland.com/user/jonfwtoo/index.html)
oops! thanks.

Like Reply



Carol Bannon (http://connect.cleveland.com/user/carol\_bannon/index.html)

(http://connect.cleveland.com/user/carol\_bannon/index.html)
28 minutes ago bakerv.

And I do disagree ... THERE is a huge difference between stop n shop refusing to make a cake and a family run bakery. This law protects the mom and pop businesses from the militant "I will sue you or else " crowd looking to make the news or further their agenda.

Like Reply



L (http://connect.cleveland.com/user/dewiseman/index.html)

16 hours ago

(http://connect-clevelland.com/user/dramenan/index.html)
They should be the happiest people in the world. But no, their idea of celebration is to force someone to violate their conscience and cater their party. Whether they are legally justified or not, this is to me very sick behavior.



jonfw (http://connect.cleveland.com/user/jonfwtoo/index.html)

16 hours ago

16 hours ago

17 http://connect.cleveland.com/user/jonfwtoo/index.html

18 hours ago

19 hours ago

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10 hours ago

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11 hours ago

12 hours ago

13 hours ago

14 hours ago

15 hours ago

16 hours ago

2 \* (http://connect.cleveland.com/user/carol\_bannon/index.html) (http://connect.cleveland.com/user/WeaselWatcher/index.html) Like Reply



Carol Bannon (http://connect.cleveland.com/user/carol\_bannon/index.html) 17 hours ago (http://connect.cleveland.com/user/carol\_bannon/index.html) why protections are needed for all and not just the loudest screamers in the I Am A Victim LGBT lobby...nicely done Mr O'Brien.

1 (http://connect.cleveland.com/user/WeaselWatcher/index.html) Like Reply



Can we agree that members of the LGBT community have truly been victims for years? For a good portion of the last century Great Britain made it a crime to be homosexual and people tried many methods and 'therapies' to change their true feelings. When I was a kid homosexuals were readily ridiculed, discriminated against and tormented because of their status. That is why many 'stayed in the closet'; they were not prepared to face the potential backlash. Thankfully things have changed over the last decade or two and by getting their voice the gay community has changed the public's perception and are fairly well accepted for who they are. Now you and Kevin want to deny them their voice? I would not have expected anything less. How does it feel to be consistently on the wrong side of history?

#### <sup>2</sup> <u>(http://connect.cleveland.com/user/HausWolf/index.html)</u>

() Like Reply



#### latestdrew

13 hours ago

Like Reply



jonfw (http://connect.cleveland.com/user/jonfwtoo/index.html)

18 hours ago
(http://connect.cleveland.com/user/jonfwtoo/index.html)
tween two Satanists, should he be
forced?

1 (http://connect.cleveland.com/user/carol\_bannon/index.html) Like Reply



thirdLeg51 (http://connect.cleveland.com/user/thirdLeg51/index.html) 18 hours ago (http://connect.cleveland.com/user/thirdLeg51/index.blinUex.html)

yes

1 (http://connect.cleveland.com/user/PubliusY/index.html) Like Reply



Foggy. (http://connect.cleveland.com/user/tonsofsimple/index.html)
(http://connect.cleveland.com/user/tonsofsimple/index.html) 18 hours ago
(http://connect.cleveland.com/user/thirdLeg51/index.html) @jonfw
(http://connect.cleveland.com/user/jonfwtoo/index.html)

" You are not, however, free to compel them to act in ways that violate their consciences."

1 👤

(http://connect.cleveland.com/user/jonfwtoo/index.html) Like Reply



#### Dr. Steve

#### (https://comment.colevelensh.com/user/B@Lowich/inidete.html)))

@Foggy.

16 hours ago

(http://connect.cleveland.com/user/tonsofsimple/index.html ) @thirdLeg51

(http://connect.cleveland.com/user/thirdLeg51/index.html) @jonfw

(http://connect.cleveland.com/user/jonfwtoo/index.html)

Hmmm. Where does the US Constitution provide protection for "violations of conscience"?

Hint: it doesn't.

That imagined protection exists solely in the mind of KOB in his OnEd

There's been much litigation on both sides of this issue, much of it pertaining "public accommodation" with respect to LBGT people.

I expect such litigation to continue....

Like Reply



# jonfw

(http://downerdatlelevelsch.dom/useséjajafufata/atideste.html)) |

Hmm...where does the Comstitution protect ones 16 hours ago right to freely practice his religion?

Hint: the First Amendment

HMMMM.

Like Reply



### OSULAW92

15 hours ago

 $\Omega$  So their religion says thou shall not sell bakery to satanists?

Like Reply



#### Dr. Steve

#### (http://gommegt.glevelangh.gom/wser/Belovich/initiate.html))

@OSULAW92 Yeah, that's the part where they cant <sup>15</sup> hours ago seem to connect-the-dots. In order to prove a First Amendment argument (w.r.t. religion) you have to show where the practice of your religion was harmed or otherwise impeded by someone else's actions.

That's the hard part.

I will be playing the violin tonight at a Lutheran Tennebrae service. The fact that my company sells medical informatics products and services to LBGT medical providers in no way hinders me from doing that

My First Amendment rights remain intact.

1 👤

(http://connect.cleveland.com/user/HausWolf/index.html) Like Reply



#### jonfw

#### (https://downerodotleteelehahdoro/nuseréjojafnyfloto/onidedelatinth)))

Steve, If you're forced to provide service and assistance to a ceremony that violates your beliefs, then the practice of your religion has been harmed.

Like Reply



#### Dr. Steve

#### (https://downeciatelelevieleahdow/nusereBesicolo/intidateleatmin))

@jonfv

14 hours ago

(http://connect.cleveland.com/user/jonfwtoo/inde x.html) There's some gray area there, I will agree. It's not as broad nor as simple as is frequently painted, though.

As Christ's passion and resurrection is presented tonight in many churches and through this entire weekend, it's always good to reflect on His simple message.

Love One Another.

Have a great Easter :o)

1 👤

 $\underline{(http://connect.cleveland.com/user/HausWolf/index.html)}\,Like \quad Reply$ 



#### jonfw

# (h<u>ithth/dboomedatlekelehahdooo/ukseréjojofutoto/otidedekimth</u>hl)

Their religion says they don't have to provide assistance to a ceremony that violates their beliefs.

14 hours ago





#### Dr. Steve

## (https://domneratalevelansh.dom/wses/Bislovich/fridesektmih))

@jonfw

15 hours ago

(http://connect.cleveland.com/user/jonfwtoo/inde x.html) Agreed - which is NOT the same as protecting "violations of conscience".

Just pointin' that out....

Like Reply



#### Foggy

# (http://downecictleledeled.down/nascédoracésisiple/inidatehtmihl)

@Dr. Steve

14 hours ago

(http://connect.cleveland.com/user/Belovich/inde x.html)

I disagree entirely. The Constitution exists not only to limit the power and reach of government, but to ensure that the individual is empowered to pursue happiness on his/her own terms without being compelled by the government to violate his/her own principles.

My morals and values are not set by you, nor are your set by me. And your right to be served cake by me ends where my right to live by my rules begins.

Especially if there are other bakers around. And assuming I'm crazy enough to turn down a paying customer.

1 🐧

(http://connect.cleveland.com/user/WeaselWatcher/index.html) Like Reply



Carol Bannon

(httpt://downerototlekelelahdoro/nukeséréralobaranoro/inidatelatintihl)

Wrong answer... 17 hours ago

Like Reply



PubliusX (http://connect.cleveland.com/user/PubliusY/index.html) (http://connect.cleveland.com/user/PubliusY/jpdfxx.html) dex.html)

17 hours ago

And no, that does not mean he has to make a cake covered in bacon (although that does sound delicious) or picturing Mohammed. It just means he has to make the normal cakes he makes everyone else.

Like Reply



jonfw (http://connect.cleveland.com/user/jonfwtoo/index.html) (http://connect.cleveland.com/user/jonfwtoo/index.html) 17

17 hours ago

Profoundly unamerican.

1 🚜

(http://connect.cleveland.com/user/carol\_bannon/index.html) Like Reply

**PubliusX** 

(http://commest.colevelansh.com/wser/Purblius)//midesektmih ()

@jonfw 17 hours ago

(http://connect.cleveland.com/user/jonfwtoo/inde x.html)

Segregation...profoundly unamerican

Like Reply



jonfw

(http://gopnect.glevelansh.gom/useréjonfwtop/inidete.htmh)))

It's not segregation.

16 hours ago

Like Reply



Park-it (http://connect.cleveland.com/user/itchycat/index.html)

(http://connect.cleveland.com/user/itchycat/index.html)

And the property of the property of

2 (http://connect.cleveland.com/user/PubliusY/index.html) (http://connect.cleveland.com/user/LuluJones/index.html) Like Reply

This comment has been deleted



| Marilyn French (http://connect.cleveland.com/user/LuluJones/index.html) | (http://connect.cleveland.com/user/LuluJones/index.html) | 18 hours ago (http://connect.cleveland.com/user/teddadiun/index.html)

Good business strategy - the ChiKFEElaa crowd-sourcing funding.

PP does it better.

Like Reply



elb1999 (http://connect.cleveland.com/user/elb1999/index.html)

18 hours ago
(http://connect.cleveland.com/user/elb1999/index.html)
They're
laughing all the way to the bank

Like Reply



Marilyn French

(http://downard.cle.leviehahd.com/ruserect.llull.chera/sribate.ktmtihil) 18 hours ago

(http://connect.cleveland.com/user/elb1999/index.html) @Badger937 (http://connect.cleveland.com/user/teddadiun/index.html)

As they should be-because discrimination is so funny and scamming the blind faithers is so easy.....

Like Reply



#### Arthur Fonzarelli

(http://downerdatlekelehahdoro/puses/alafofoxizidatekitnihi)

@Marilvn French

18 hours ago

(http://connect.cleveland.com/user/LuluJones/ind ex.html) @elb1999

(http://connect.cleveland.com/user/elb1999/index. html) @Badger937

(http://connect.cleveland.com/user/teddadiun/ind ex.html) You seem to be slurring those with sincere religious beliefs that are unlike yours. Yes, bigotry comes in many forms.

3 \_\_(http://connect./user/WRHenley/index.html) #

(http://connect.cleveland.com/user/carol\_bannon/index.html)

(http://connect.cleveland.com/user/jonfwtoo/index.html) Like Reply

Daffy\_Duck (http://connect.cleveland.com/user/Fartbrains3/index.html)

(http://connect.cleveland.com/user/Fartbrains3/index.html)

19 hours ago

well, I don't know what a 'natural right' is, but it certainly is a Guaranteed Right under the

3 (http://connect.cleveland.com/user/carol\_bannon/index.html)

(http://connect.cleveland.com/user/jonfwtoo/index.html)

(http://connect.cleveland.com/user/KenTankerus/index.html) Like Reply



SSite4SinkingCivility

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Does the Constitution legalize bigotry?

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Is bigotry illegal?

1

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WRH Bill (http://connect./user/WRHenley/index.html)

14 hours ago

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the right to hold and express opinions despite the fact that YOU consider them bigotry. (You have the same right even though I consider some of YOUR opinions to be bigoted. See how that works?)

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Cody\_Thomas\_929 (http://connect.cleveland.com/user/cody\_thomas/index.html)

(http://conpect.cleyeland.com/user/cody.thomas/index.html)

20 hours ago

homosexuals. And, yes, that could happen.

But it's unlikely to happen, and if it happened the free market would be quick and eager to remedy it."

The free market was quick and eager to remedy it. That's why it happened. Social conservatives want to blame the far left and the media. Instead they should talk to their free-market conservative peers and realize the almighty dollar was the ultimate force in this situation.

1 (http://connect.cleveland.com/user/HausWolf/index.html) Like Reply



Marilyn French (http://connect.cleveland.com/user/LuluJones/index.html)
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And they also blame US for making THEM look that fools and bigots.

They reaped what they intentionally sowed in IN.

Like Reply



Arthur Fonzarelli

(https://commenscalevelanah.com/uses/ahsforozi/inidex/abstmili)))

18 hours ag

@Marilyn French

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