Crimping Consciences: Texas City Railroads Pro-Gay Ordinance

Byron Barlowe blogs about the his city's Anti-Discrimination ordinance intended to give full recognition to the LGBT community at the expense of those who disagree.

New Anti-Discrimination Policy Approved

According to the *Dallas Morning News Plano Blog*, "In a split vote Monday, the Plano City Council passed the controversial Equal Rights Policy [ERP] over the objections of many residents in the standing-room-only crowd.

The amendment to the city's 1989 anti-discrimination policy extends protections from housing, employment and public accommodation discrimination to include sexual orientation, gender identity and other categories" like veterans. While no one objected to the inclusion of veterans, an overwhelming number of surprised and very lately aware (as in, the day of) citizens voiced strong opposition. These objections, while noted, seemed to make little to no difference to the city council and certainly to Mayor Harry LaRosiliere, who was so eager to vote for the statute that he went out of order during proceedings.

As a Plano resident who publicly urged the council to vote "No" on the measure, I offer some reflections on the issue—both local and larger—from a biblically informed worldview.

Good Intentions: Trying to Legislate

Values *Directly*

Rather than seeking to legislate merely out of a set of values—an unavoidable reality—the Plano City Council clearly tried to impose a set of values directly onto the public by adopting this more expansive anti-discrimination ordinance. Such legislative overreach has become part and parcel of an increasingly politically correct polity known as the United States of America. Plano is now more PC. While this kind of ordinance is not only inadvisable because it cannot hope to work well, it also steps beyond the scope of a proper role of government.

IT CANNOT WORK BECAUSE . . .
We often hear the phrase "You can't legislate morality." Well, yes and no. While the very nature of human law at its root is a delineation of and codification of right vis a vis wrong—that is, strictures or incentives administered by the state as a morally informed code of conduct—it is also true that government cannot successfully impose morality, per se, onto the consciences of their citizens.

Yet, that is precisely what such ordinances as Plano's ERP seeks to do. Plano's "out" regarding the problem of conscientious objection? City Attorney Paige Mims assures us that if anyone outside of the many exempted statuses has a moral or religious objection, they can go through a waiver process. This is, on its face, an undue imposition on businesspeople who don't fall under exempted categories like education, non-profit or religious. Recent legal precedent (see Hobby Lobby case) makes clear that religious businesses do not somehow lay down their rights of conscience when they go into business.

ROLE OF GOVERNMENT. . .
When government entities try to arbitrate motives, for example hate crimes laws that purport to regulate actions based on the attitudinal intent of the actor, it steps into a sphere where

it does not, indeed it cannot, belong. In other words, it takes on a godlike sovereignty to righteously discern between this and that intention. Can't be done. Not righteously. Not fairly.

People—including city legal departments and judges—are fallible humans who lack the innate ability to administer justice based primarily or solely on someone's internal motivation. "The purposes of a person's heart are deep waters, but one who has insight draws them out" (Proverbs 20:5). Drawing out the "purposes" of a man's or woman's heart is certainly not a governmental role. But this is what it takes to know motives, a role only God claims full access to, and a role traditionally reserved for clergy, other spiritual advisers and psychologists.

Here is a pithy bunch of biblical worldview teaching on the role of government.

Biblically, the proper role of government is founded in limits primarily written in Romans 13. As I understand it, a biblical worldview on government's role is limited to: fighting wars, passing and enforcing laws concerning public human interactions and that's about it. Anything else falls under the jurisdiction of religious and social institutions. Government: stay out!

I'm not arguing for such a state of affairs as an absolute in the real world, but as a plumb line to measure when government has stepped over its proper boundaries. In the case of Plano's ERP government has overstepped.

Progressivism on Parade

The subtext of public deliberations on Plano's ERP was plainly a progressive agenda. Why else would a city seek to get "ahead of the curve" on a social issue such as gender bias or sexual identity discrimination or whatever the euphemism is today?

(Refer above to the value of limited role of government, which was expressed repeatedly to the council by citizens of Plano.) The council, challenged that there are no known cases of such discrimination, seemed to shrug dismissively and invoke the need to "get ahead of" the issue.

"The issue of equality is a basic human rights issue and the choice for some to focus on a person's sexuality is conflating the issue," said the Mayor. Conflating what with what? Either the mayor misunderstands the term "conflating" (making things the same) or he's basically accusing objectors of the very thing that has been foisted upon them—namely, making one's sexual choices (not their true sexuality) the determiner of human rights. This is like watching someone start a fight over a piece of land and then accusing the one attacked of starting that same fight over that very piece of land!

Questioning the need for the statute was otherwise met with a not-so-veiled sense of accusation, an implication of inherent bias on the part of the objectors, despite an overall congenial atmosphere. So, if I question the veracity of the claim to need such a policy or ask for reasonable cause, I am automatically anti-gay? That's patently false and unfair. Yet that was the sense of things in a politically correct undercurrent that is the zeitgeist of our day.

Worldview War

This is the serious game begun back in the 1970s by Marshall Kirk and Hunter Madsen who spelled out the propaganda project of the gay lobby in a book titled *After the Ball: How America Will Conquer Its Fear & Hatred of Gays in the 90s*. Now that their jamming (name-calling, guilt by association and other tactics) have worked so well, only an implicit inference need be made at such meetings as Monday night's. It has a chilling—no—a virtual shutdown effect.

Yet, many citizens displayed aplomb when speaking on the

Constitution and related matters. Businesspeople appealed to the unfairness of having to seek redress through a voucher system. One person well said in response: “The Constitution is my waiver.” First Amendment (or any other) rights do not require special permission. It’s government’s role merely to ensure them, which Plano may think it’s doing by elevating ever more special interests to protected status. That is an upside-down approach that’s illegitimate no matter how much case law exists or how many other cities and companies enact similar policies.

The “We’re Just Following” Fallacy

An admittedly very arguable point I’d like to add: Mayor LaRosiliere and City Attorney Mims claimed that other major cities in Texas have such statutes on the books. Hence we are not, as implicated, “out front” taking legal risks, but rather are following others’ lead. This seems disingenuous.

Are we “out in front” of the issue or are we, as strongly emphasized by the Mayor, simply one in a fairly long line of municipalities trying to codify fair treatment to people of all lifestyles and segments? One could make the case that Plano is in the vanguard overall but not first in implementation. However, that is unsatisfactory to many. You can’t ultimately have it both ways: either you’re progressive on social issues (which does not truly reflect Plano well) or you’re just falling in line with current legal trends.

The “Gay Gene” at the Bottom of the Debate

One thing is sure: *increased expansion of rights and privileges to previously unaddressed parties is the trend in our culture—and lots of it has to do with sexuality in a newly politicized way*. But we thought government was supposed to get out of our bedrooms?

Any claim to that distinction has been lost with the adoption of the near-universal belief in what amounts to a "gay gene"—that a person inherently possesses a sexual identity that may indeed be homosexual or of other varieties. This, over and against a mere proclivity or attraction to the same sex, which leaves room for choice, which is an ethical issue. Remove choice regarding homosexuality, you remove any basis of objection. Remove objection, you can run roughshod over any cultural restraints on the free and damaging expression of sexuality outside the bounds of its Inventor, God. Remove those restrictions, celebrate the lifestyle, then codify and impugn those who disagree, and the After the Ball agenda is a complete success.

Monday night's meeting was an incremental victory toward this end, whether or not players on the city council or either side of the issue realized it. Regarding objectors' motives, it's one thing to care for individuals whose sexual identity is in question or those who act out a gay lifestyle and it's another kind of thing entirely to exercise one's rights to oppose codification of these choices and lifestyles. I and many of my friends there that night were doing one while we practice the other in private situations, too.

There is no cognitive dissonance or hypocrisy here—one can do both public square advocacy of conservative values and also outreach to individuals who struggle in a certain area of sin—namely other-than-heterosexual-wed sex. True Christlike love does not affirm that which the Bible condemns, but shows grace nonetheless.

There is a Precedent for Unintended Consequences and Abuse

Plano's ERP sets up the same oppression of religious objectors that has been seen already across the U.S. with cake bakers, wedding venue owners and others who—for reasons of

conscience—refuse to do business with certain parties in select situations like gays getting married. Yes, exemptions were written into Plano's ordinance, but does anyone seriously believe these will stand up under judicial scrutiny in this day and age? The erosion of rights continues—and saying so, again, is not to be confused with intolerance.

This brand of identity politics is rooted in the cultural adoption of the doctrine of a gay gene ("God or nature made me this way!"), which is at a worldview level, where most objectors to the statute were coming from. We object to the underlying presupposition that homosexuality is not utterly tied up with choice, which is so fundamental to opposition to the gay rights issue. (I almost come off as a throwback rube for even bringing it up in today's enlightened culture—which furthers my point!)

The Condescension that Falsely Pits Feelings vs. Facts

Monday night's proceedings—at least from the point of view of the city council—were saturated with what has been called the Sacred / Secular Split. On this view, there are basically two levels of discourse: an area of public life informed largely by science but also by enlightened social values (invariably liberal / progressive / non-traditional ones) balanced unevenly by a lesser valued, private world of emotional / psychological / religious sentiments.

The former—where real knowledge resides—should supposedly be the domain of public policy. The latter—again, a private set of often closely held feelings and values that should have no sway in the public arena yet the existence of which are somewhat guarded by government and other institutions—are to be tolerated as inevitable but will hopefully catch up with social contracts like those being forged by the gay lobby and societal institutions across the waterfront. The notion is:

“You have a right to your private opinion. Just don’t bring it into the public square.”

This attitude, this taken-for-granted starting place was most evident in closing remarks made by several city council members—all of whom happened to vote for the policy. One council member waxed eloquent on his world travels, noting that the most advanced societies he’d run across made it a point never to discriminate. (I don’t know where he’s been, but perhaps his hotel’s staff might beg to differ—just guessing.)

More poignantly, he and another council member who said that her Christian faith informed her “yes” vote, was only one more who joined a chorus of comments like:

“There were lots of strong feelings on the topic of discussion tonight” and

“This is a very emotional issue for many. . . .”

The plain inference was that objections were raised out of the private, sacred area of life, laden with “emotion” and “feelings” while effective debate occurred on the level of law, fact and agreed-upon societal norms (at least the evolving kind that our “City of Excellence” wants to be known for).

Pronouncements by a clergy woman (Disciples of Christ) who serves as an officer of a Plano Gay-Lesbian-Bisexual-Transgender association, the mayor and at least one more gay advocate that the passage of the ERP was just “the right thing to do” obviously paints the vast majority of citizens as those who want to do the wrong thing. According to Mayor LaRosiliere, “Providing equal rights to everyone is the right thing to do.” Rights to what? Rights in displacement of whose rights? The task in a pluralistic society is to find that fairest middle ground—and that failed Monday night.

Apparently bigotry, at least ignorance, was the only thing standing in the way of Plano's ERP. Thank you for the condescension. Which leads to my final point: the race card was deftly played by none other than Mayor LaRosiliere where it has no place. And the Mayor did precisely what he accused others of of doing, that is . . .

. . .Conflating Race & Sexual Lifestyle

Plano's Mayor ended deliberations (or nearly did) with a speech on the equivalency of historical human rights movements to the current push for special privileges for sexual identities and lifestyles. His well-written story arc was centered on the question, "Why are we doing this now?" In a series of juxtaposed historical references, he posed the question he deemed was being needlessly asked about Plano's Equal Rights Protection ordinance: **Why pass this now if there is no case on record of any discrimination?** In the case of the infamous Dredd-Scott Supreme Court decision that ruled blacks were 3/5 of a person one might ask, he said, "Why are we doing this now?"

"If we spoke in 1919," LaRosiliere continued, "to allow women to vote, the question would be, 'Why are you oppressing me and making me subject to this now.'" He went on to paint discrimination against the Irish in early 19th Century New York and segregation in the South in the 20th Century as morally equivalent instances comparable to the current situation—ostensibly oppression of gay, lesbian and transgender citizens.

Very cleverly devised rhetorical device, that. But it **presupposes a moral equivalency that a black man sitting beside me rejected outright.** This gentlemen from Nigeria was so confused by the proceedings and the Mayor's speech capping them off that he was convinced the entire issue at hand was racism! When I asked him this question, he unequivocally answered "No!": "Do you think that homosexual identity is the

same kind of thing as you being black or being from Nigeria?”

“No!”

And rightly, **my new African friend—who is a Christian—was bothered by the conflation of the two and the use of such rhetoric to elevate a class of people based on their sinful behavior and identity to it as the basis to extend so-called human rights. *We all have the right to fair treatment as humans made in God’s image. We do not have a right to socially engineer law to force the compromise of conscience that is being carried out by Plano’s new ordinance.***

As I pleaded with the council not to allow, we will surely read about this case going to court, being found unconstitutional and otherwise unlawful and costing this taxpayer and all others unnecessarily.

Ideas, worldviews, do indeed have consequences.