



Written by [Joe Wolverton, II, J.D.](#) on March 12, 2016

## Missouri State Senate Overcomes 39-Hour Filibuster to Pass Religious Freedom Bill

By a margin of over three-to-one, members of the Missouri state Senate passed a bill that allows religious leaders and business owners to refuse service to homosexual partners requesting wedding services.

Despite the lopsided vote, the victory for religious freedom in the Show Me State was not easily won.

Democratic opponents of the measure filibustered, delaying the vote for 39 hours on March 7-8 — a record for a filibuster in the modern Missouri legislature.

At issue for the Democrats was the liberty afforded by the bill to clergy and business owners whose religious convictions compel them not to participate in or sanction in any way the “marriage” of same-sex couples.



Specifically, Senate Joint Resolution 39 seeks to give citizens of Missouri the chance to vote on the issue by adding the following provisions to the state constitution:

That the state shall not impose a penalty on a religious organization on the basis that the organization believes or acts in accordance with a sincere religious belief concerning marriage between two persons of the same sex;

That the state shall not impose a penalty on any clergy or other religious leader on the basis that such cleric or leader declines to perform, solemnize, or facilitate a marriage or ceremony because of a sincere religious belief concerning marriage between two persons of the same sex, nor shall the state refuse to authorize any clergy or religious leader to conduct marriages recognized by the state because of a sincere religious belief concerning such a marriage;

That the state shall not impose a penalty on any church, synagogue, mosque, temple, or other house of worship, denomination, or other religious organization on the basis that such organization declines to make its buildings or other facilities and property open or available to perform, solemnize, or facilitate a marriage or ceremony because of a sincere religious belief concerning marriage between two persons of the same sex;

That the state shall not impose a penalty on an individual who declines either to be a participant in a marriage or wedding ceremony or to provide goods or services of expressional or artistic creation for such a marriage or ceremony or an ensuing celebration thereof, because of sincere religious belief concerning marriage between two persons of the same sex.

Although to many constitutionalists, particularly those aware of the religious foundation upon which our republic was built, the need for such special protection might seem ridiculous and redundant.

The lawmakers who sponsored SJR 39, however, are aware of recent court rulings in other states wherein those with religious objections to the union of two people of the same sex were forced to accommodate such ceremonies by providing services to the same-sex couples.

In August 2015, for example, a Colorado state court of appeals held that the Christian owner of a bakery was required by law to bake a cake for a same-sex “wedding,” in defiance of the owner’s personal religious prohibitions against such actions.

Jack Phillips, the owner of Masterpiece Cakeshop, refused a homosexual couple’s demand for a “wedding” cake for their ceremony. Phillips informed the pair that he “believes that decorating cakes is a form of art, that he can honor God through his artistic talents, and that he would displease God by creating cakes for same-sex marriages.”

In other words, Mr. Phillips mistakenly assumed that just as that couple believed they had a “right” to require the state of Colorado to recognize their union, he had an equally compelling right to follow the dictates of his conscience.

Despite the fact that the state court’s ruling was in the words of one writer “[a carnival funhouse of bias](#),” Phillips was forced to comply with the court’s order.

As for his objection on the grounds that such an order violated his rights to freely exercise his religion as protected by the First Amendment, the court held that “designing and selling a wedding cake ... does not convey a celebratory message about same-sex weddings likely to be understood by those who view it.”

Is the court suggesting, then, that the limits of one’s right to exercise one’s religious faith is not how the person himself views his religious obligations, but how others view them?

In other words, in the state of Colorado, a person can’t practice his religion unless a panel of unelected, unaccountable oligarchs believes he can do so without offending anyone else.

Senators in Missouri weren’t about to let their state be the next to succumb to the power of the pink propagandists.



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Thus, the urgent need for Senate Joint Resolution 39.

Although strictly speaking, as was noted above, the provisions in this measure are redundant in light of the explicit protection of religious practice in the federal and state constitutions, the 23 state senators who voted in favor of the proposal preferred to err on the side of too much protection of religious liberty, rather than potentially subject their constituents to wrath of the so-called LGBT lobby.

Contrary to claims by the Democrats who spoke for hours on end in an effort to prevent voting on the measure, the bill is not "filled with hate" and the act of bigots hiding behind "a smokescreen of religion."

The bill's sponsor, senator Bob Onder, told CNN, "We spent a lot of time writing it to avoid the controversies we've seen in other states."

Onder is referring to similar measures that have come under significant fire in Kentucky and Indiana.

In fact, during a speech on the senate floor, Onder told his colleagues that the bill "protects churches, pastors, religious organizations in a very well-defined class of individuals from being penalized, targeted, persecuted on the basis of their religious beliefs."

Finally, after 39 hours of speeches and sidebars ranging from the relevant to the ridiculous, Republicans members of the body invoked parliamentary procedural rules to bring the filibuster to a halt.

Specifically, the president pro tem of the state senate, Ron Richard, ruled that the debate had ceased to be substantive and thus could be closed.

"We had 40 hours of long debate," Richard said. "I thought it was fair and open. We gave everyone a chance to speak their mind."

While the right to freely exercise one's religious beliefs won the battle, the war was not over and foes of the religious freedom bill tried again on March 10 to filibuster the final vote on the bill.

The second attempt to block the bill failed, and the Missouri state senate overwhelmingly approved SJR 39 by a vote of 23-7.

The bill will now go the state house of representatives for consideration. If that body approves the bill, it will then be put on the ballot in November, giving citizens of the state the final say on the future of religious freedom in Missouri.

*Photo: Missouri state capitol building*



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