



Arizona Governor Feels Heat; Ices Religious Freedom Bill

Backing away from the controversy fueled by widespread negative media coverage, on February 26 Arizona Governor Jan Brewer (shown) vetoed Senate Bill 1062, which would have amended Arizona's Religious Freedom Restoration Act so that business owners could avoid participating in activities contrary to their religious beliefs.



An article in the *Seattle Times* quoted state Senator Al Melvin, a Republican who is running for governor, who had voted for the bill. "I am sorry to hear that Governor Brewer has vetoed this bill. I'm sure it was a difficult choice for her, but it is a sad day when protecting liberty is considered controversial," said Melvin.

Another supporter of the bill, state Sen. Steve Yarbrough, said during debate last week: "This bill is not about allowing discrimination. This bill is about preventing discrimination against people who are clearly living out their faith."

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Among those approving of Brewer's veto was Arizona's prominent neoconservative Senator John McCain, who on January 25 was censured in a resolution passed by the Arizona State Republican Party for campaigning as a conservative and then lending his support to issues "associated with liberal Democrats." McCain's statement read:

I appreciate the decision made by Governor Brewer to veto this legislation. I hope that we can now move on from this controversy and assure the American people that everyone is welcome to live, work and enjoy our beautiful state of Arizona.

Between the time the legislature passed SB 1062 (and companion HB 2153) on February 21 and Brewer vetoed it on February 26, a media storm about the legislation blitzed the nation, with opponents of the bill predicting dire consequences for homosexuals in Arizona if the bill was enacted. As was noted in yesterday's article in *The New American*, state Senator Al Melvin, who voted for the bill, claimed in an interview with CNN that it was the "media frenzy" over the bill — not the legislators and others who supported it — that's responsible for whatever damage the controversy has done to Arizona's reputation.

The controversy did have its effect, particularly in the response it generated at the corporate level. The NFL, Major League Baseball, Apple, Delta Air Lines, American Airlines, and Marriott International all signaled that they were opposed to the bill and welcomed a veto.

Forbes published an article on February 27 headlined, "How The NFL Helped Kill Arizona's Anti-Gay Rights Bill," in which sportswriter Tommy Tomlinson stated:

Arizona has hosted two Super Bowls, and of course it loves the money and attention that comes



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with the biggest event in American sports. On Tuesday, before Brewer's veto, the NFL issued a statement about the Religious Freedom Restoration Act: "Our policies emphasize tolerance and inclusiveness, and prohibit discrimination based on age, gender, race, religion, sexual orientation or any other improper standard. We are following the issue in Arizona and will continue to do so should the bill be signed into law, but will decline further comment at this time."

Tomlinson's interpretation of that statement was: "In other words: *We'll take our ball and go home.*" (Emphasis in original.)

Many critics of the bill failed to explain what was "discriminatory" about it, possibly because they had little knowledge of it. In fact, Arizona has had a Religious Freedom Restoration Act (RFRA) on the books for 15 years. Arizona is one of 18 states to have such a law, all of which are based on the federal Religious Freedom Restoration Act passed by Congress in 1993 and signed by President Bill Clinton. (The federal law stated that religious freedom can be limited only by the "least restrictive means of furthering a compelling government interest.")

What SB 1062 would have done was to amend the current RFRA to strengthen some of its weaknesses. The Center for Arizona Policy (CAP) explains that the bill would have considered businesses as "persons," with business owners being afforded the same First Amendment protection as other individuals. Says CAP:

The Constitution doesn't only guarantee our "freedom to worship" but our freedom to practice and promote our faith. Americans don't have to leave their faith and convictions at their church door; we have the right to carry it with us in all aspects of our lives.

There is no reason to believe that, if Brewer had signed SB 1062, wholesale discrimination against homosexuals in Arizona would have resulted. Most business transactions are totally irrelevant to the orientation of the customers and it would be foolish for businesses to alienate customers for trivial reasons. The statement by the owner of a Tucson pizzeria expressed concerns about the bill to the *New York Times* — "I make dinner for a living — I'm not a social activist. But I do have a lot of gay customers and employees, and why are you trying to alienate these people?" — is a red herring.

It is a red herring because there is no conceivable reason why the owner of a restaurant would want to turn away good money from customers who may be gay. In the well-publicized cases that have gone to court in other locations, business owners declined to participate in services directly related to same-sex weddings, such as catering the receptions, providing cakes and flowers, etc. Unlike the morally neutral act of eating dinner (which all people, regardless of their orientation, must do), same-sex marriage offends the religious principles of many individuals. That being the case, these individuals do not want to be forced to participate in something they find morally offensive. A business owner who refuses to cater a gay wedding because it offends his religious principles is as justified in his decision as would be a Jewish or Muslim grocer who refused to sell products that were not kosher or halal.

SB 1062 was not drafted to prevent homosexuals (or anyone else) from engaging in everyday social and commercial activities, but to protect people from being forced to engage in actions that violate their religious beliefs.

As to why Governor Brewer, who has a reputation for being a conservative, decided to veto SB 1062, we can start with her own explanation. Among her stated reasons were that the bill was worded too broadly and could result in "unintended and negative consequences" for Arizona.

Brewer said SB 1062 does not address a "specific or pressing concern" and that it "has the potential to



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create more problems than it purports to solve.”

“My agenda is to sign into law legislation that advances Arizona,” Brewer also said at a news conference.

“I have not heard one example in Arizona where a business owner’s religious liberty has been violated,” Brewer said. “The bill is broadly worded and could result in unintended and negative consequences.”

Among those “negative consequences” that Brewer apparently feared were those threatened by big corporations, such as the NFL, who implied that if the bill passed, Arizona would lose their business.

When we asked Barbara Blewster, a former Arizona state representative who is a 48-year member of the constitutionalist John Birch Society, for her explanation of her governor’s decision, she told us: “Jan Brewer is a rider of waves. Like many other supposed Republicans, money is more important to her than morality.”

Photo of Arizona Governor Jan Brewer: AP Images

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