



Ingleside Notes

Religious Freedom under Fire:
A Call to Action for Citizens Who Follow Jesus
message #2 in the series:
The Supreme Court, Marriage, and Faithfully Following Christ
Sunday, July 5, 2015 • Tim McCoy, Senior Pastor

For freedom Christ has set us free;
stand firm therefore, and do not submit again to a yoke of slavery.

... ¹³ For you were called to freedom, brothers.

Only do not use your freedom as an opportunity for the flesh,
but through love serve one another.

(Galatians 5:1, 13, ESV)

1. The call to _____ Jesus is a call to be _____ . (v. 1a, v. 13a)
2. Freedom may be _____ or _____ if we do not _____ . (v. 1b)
3. We are not to use our freedom to _____ our _____ . (v. 13b)
4. We should use our freedom to _____ one another in _____ . (v. 13c)

³¹ So Jesus said to the Jews who had believed him,
"If you abide in my word, you are truly my disciples,
³² and you will know the truth, and the truth will set you free."

(John 8:31-32, ESV)

5. Real freedom is found only in being a _____ of Jesus Christ and in the _____ of his _____ .

So if the Son sets you free, you will be free indeed.

(John 8:36, ESV)

The Constitution of the United States (1788)

Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (1791)

Amendment X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. (1791)

Amendment XIV, Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (1868)

The Supreme Court Decision – Justice Anthony Kennedy delivered the opinion of the court (joined by Justices Ginsburg, Breyer, Sotomayor, and Kagan)

In *Obergefell v. Hodges*, a case argued before the Supreme Court on April 28, 2015 and decided on June 26, 2015, the Court held that “the right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived of that right and that liberty. The Court now holds that same-sex couples may exercise the fundamental right to marry.” (p. 22)

“Finally, it must be emphasized that religions, and those who adhere to religious doctrines, may continue to advocate with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned. The First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives and faiths, and to their own deep aspirations to continue the family structure they have long revered.” (*Obergefell v. Hodges*, p. 27)

The Threat to Religious Liberty

Chief Justice John Roberts (joined by Scalia and Thomas)

“Today’s decision, for example, creates serious questions about religious liberty. Many good and decent people oppose same-sex marriage as a tenet of faith, and their freedom to exercise religion is—unlike the right imagined by the majority—actually spelled out in the Constitution. Amdt.1.

Respect for sincere religious conviction has led voters and legislators in every State that has adopted same-sex marriage democratically to include accommodations for religious practice. The majority’s decision imposing same-sex marriage cannot, of course, create any such accommodations. The majority graciously suggests that religious believers may continue to ‘advocate’ and ‘teach’ their views of marriage. *Ante*, at 27. The First Amendment guarantees, however, the freedom to “exercise” religion. ***Ominously, that is not a word the majority uses.***

Hard questions arise when people of faith exercise religion in ways that may be seen to conflict with the new right to same-sex marriage—when, for example, a religious college provides married student housing only to opposite-sex married couples, or a religious adoption agency declines to place children with same-sex married couples. Indeed, the Solicitor General candidly acknowledged that the tax exemptions of some religious institutions would be in question if they opposed same-sex marriage. See Tr. Of Oral Arg. On Question 1, at 36-38. There is little doubt that these and similar questions will soon be before this Court. ***Unfortunately, people of faith can take no comfort in the treatment they receive from the majority today.***” (pp. 27-28, emphasis added)

Justice Clarence Thomas (joined by Scalia)

“Aside from undermining the political processes that protect our liberty, ***the majority’s decision threatens the religious liberty our Nation has long sought to protect.***” (p. 14, emph. added)

“In our society, marriage is not simply a governmental institution; it is a religious institution as well. *Id.*, at 7. Today’s decision might change the former, but it cannot change the latter. ***It appears all but inevitable that the two will come into conflict, particularly as individuals and churches are confronted with demands to participate in and endorse civil marriages between same-sex couples.***

The majority appears unmoved by that inevitability. It makes only a weak gesture toward religious liberty in a single paragraph, *ante*, at 27. And even that gesture indicates a misunderstanding of religious liberty in our Nation’s tradition. Religious liberty is about more than just the protections for ‘religious organizations and persons . . . as they seek to teach the principles that are so fulfilling and so central to their lives and faiths.’ *Ibid.* Religious liberty is about freedom of action in matters of

religion generally, and the scope of that liberty is directly correlated to the civil restraints placed upon religious practice.

Although our Constitution provides some protection against such governmental restrictions on religious practices, the People have long elected to afford broader protections than this Court's constitutional precedents mandate. Had the majority allowed the definition of marriage to be left to the political process—as the Constitution requires—the People could have considered the religious liberty implications of deviating from the traditional definition as part of their deliberative process. Instead, the majority's decision short-circuits that process, ***with potentially ruinous consequences for religious liberty.***" (pp. 15-16, *emph. added*)

Justice Samuel Alito (joined by Scalia and Thomas)

"Today's decision usurps the constitutional right of the people to decide whether to keep or alter the traditional understanding of marriage. The decision will also have other important consequences.

It will be used to vilify Americans who are unwilling to assent to the new orthodoxy. In the course of its opinion, the majority compares traditional marriage laws to laws that denied equal treatment for African-Americans and women. *E.g., ante*, at 11-13. ***The implications of this analogy will be exploited by those who are determined to stamp out every vestige of dissent.***

Perhaps recognizing how its reasoning may be used, the majority attempts, toward the end of its opinion, to reassure those who oppose same-sex marriage that their rights of conscience will be protected. *Ante*, at 26-27. We will soon see whether this proves to be true. ***I assume that those who cling to old beliefs will be able to whisper their thoughts in the recesses of their homes, but if they repeat those views in public, they will risk being labeled as bigots and treated as such by governments, employers, and schools.***" (pp. 6-7, *emph. added*)

18. Civil Government

We believe the Scriptures teach that civil government is of divine appointment, for the interest and good order of human society; and that magistrates are to be prayed for, conscientiously honored and obeyed; except only in things opposed to the will of our Lord Jesus Christ, who is the only Lord of the conscience, and the Prince of Kings of the earth. (Ingleside Articles of Faith)

But Peter and the apostles answered,
"We must obey God rather than men."
(Acts 5:29, ESV)