

# What's in Labrador's heart is not in his bill

**Marty Trillhaase/Lewiston Tribune**

Congressman Raul Labrador, R-Idaho, says his First Amendment Defense Act does not transform religion into a weapon to discriminate.

That's going to be a tough case to make.

Co-sponsored by about 140 House Republicans and one Democrat, Labrador's bill proposes that nothing in the recent U.S. Supreme Court decision recognizing the constitutional right of same-sex couples to marry compels a church to perform a wedding ceremony.

So the tax-exempt status of those religious organizations would remain intact.

Who would argue with that? It's bedrock constitutional law.

But as civil libertarians pored over his bill, they've found something else. The bill applies to not only to churches but tax exempt nonprofits as well as contractors that accept federal subsidies.

In other words, by citing a sincerely-held religious belief, an adoption agency could turn away a same-sex couple.

A homeless shelter could refuse to accept a transgender person.

And a drug treatment program could reject a gay person.

None, under this bill, need fear the loss of federal funds.

Not only does Labrador's bill involve a "religious belief or moral conviction that marriage is or should be recognized as the union of man and woman," but it also includes this phrase: "sexual relations are properly reserved to such a marriage."

In other words, an employer could fire a single parent for having a baby out of wedlock.

The bill "clearly encompasses discrimination against single mothers," the American Civil Liberties Union's Ian Thompson told the Huffington Post.

Don't believe the ACLU?

How about Sen. Mike Lee, R-Utah. He has introduced a similar bill in the Senate. And when National Public Radio asked him about it, Lee said: "There are colleges and universities that have a religious belief that sexual relations are to be reserved for marriage," the Huffington Post reported. And they "ought to be protected in their religious freedom."

Don't believe Lee?

How about the Congressional Research Service? When it summarized the bill, the CRS highlighted that section.

Don't trust CRS?

How about Rep. Charlie Dent, R-Pa.

Dent told the Washington Post's Al Kamen and Colby Itkowitz last week that Labrador's bill reminded him of Indiana Gov. Mike Pence's earlier folly.

Last year, Pence signed into law a religious freedom restoration bill that took aim at the rights of the LGBT community. Only after corporate America - including Indiana-based enterprises - threatened to boycott the Hoosier State did Pence and lawmakers come up with a replacement bill that prohibited discrimination on the basis of "race, color, religion, ancestry, age, national origin, disability, sex, sexual orientation, gender identity or United States military service."

Dent told Kamen and Itkowitz: "I understand the concerns. I think everybody agrees religious institutions should be protected to practice their faith as they see fit, but I'm concerned there are some who want to take the Supreme Court decision and open a new front. ... I don't think anybody on my side of the aisle wants to see the Indiana debacle turn into a national nightmare."

To that end, Dent plans to offer amendments that maintain some protection for religious nonprofits while spelling out that religious views would not trump safeguards against discrimination on the job or in housing.

Labrador's office maintains his bill has a much more narrow focus - and as a child who was raised by a single mother, the congressman has no intention of sanctioning discrimination against single parents.

He cited the Pulitzer Prize-winning fact-checking service PolitiFact, which argues critics have overstated their case against a bill that has merely been introduced. It also sides with Labrador's interpretation that the bill does not allow discrimination.

However, Labrador's skeptics are not backing off. They say PolitiFact either didn't look deeply enough or didn't ask the right questions. And they suggest Labrador has become another in a long line of lawmakers who got caught unawares about details in measures they've agreed to support.

Either way, this is simple enough for Labrador to fix. If his bill is as benign as the Idaho Republican claims, Dent is offering him a way out. - M.T.