

# **CALIFORNIA'S WAR ON CHRISTIAN COLLEGES, UNIVERSITIES AND OTHER RELIGIOUS INSTITUTIONS**

by

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I've been a California resident for most of my life with the exception of living eighteen months in Winona Lake, IN to complete my doctoral coursework and three years in Scottsdale, AZ when I served as Academic Dean of a Christian College in Phoenix. I was born in Los Angeles, and as the son of an evangelist, church planter and pastor, lived in Los Angeles County and North San Diego County. My own ministries have been in Los Angeles County, Orange County, Sutter County and Shasta County. My life as a California native has been exciting, challenging, rewarding and nothing short of Idyllic. I have enjoyed its temperate climate, coastal southern, central and northern beaches, it's off-shore islands, Coronado and Catalina; breathtaking mountains, lakes, rivers, creeks and streams, not to mention its family-oriented entertainment venues up and down the state like Disneyland, Sea World, Ocean World, Magic Mountain, Trees of Mystery and many others. I was privileged to earn four undergraduate and graduate degrees from California institutions, three from California Christian institutions and another from one founded as a Methodist university that has long since departed from its Biblical foundation. I have been privileged to be an ambassador for Christ in the "Golden State" for 48 years, serving as a Southern California youth pastor, Christian college faculty member and administrator, Senior Pastor and President of two faith-based, Bible-believing institutions of higher education. **Never were my alma maters' religious freedoms restricted nor has my belief in Biblical moral precepts and my freedom to preach and teach the uncompromised infallible truth of God's Word been challenged by governmental intrusion . . . until now!**

**Sadly, Assembly Bill 1888 and Senate Bill 1146 threatens to change all that.**

**AB 1888**, introduced early this year, seeks to cut off state and federal funding of Christian colleges by requiring all institutions participating in the Cal Grant program to certify they will not discriminate with regard to students or employees on the basis or sexual orientation, gender identity, or gender expression. It would also prohibit current Title IX waivers from the United States Department of Education if the college participates in the Cal Grant program." (Dean R. Broyles, Esq., Constitutional Attorney and President of the National Center for Law and Policy, 2016 in Public Policy) **Note:** As of this writing, AB 1888 is stalled in the Assembly.

**SB 1146**, following closely on the heels of AB 1888, was authored by LGBTQ activist, Senator Ricardo Lara (Bell Gardens), and "has the potential of effectively "finishing off" faithful Christian colleges and universities , even if they opt out of federal and state financial aid. This draconian legislation would radically narrow, if not destroy the existing Title IX exemption for religious institutions. If this passes, only schools controlled by religious institutions could claim religious exemption, but only narrowly, essentially protecting only their religious studies departments (minister or theological training programs)! When read in conjunction with existing legislation,

SB 1146 coerces religious colleges to choose between keeping their financial aid and abandoning their religiously rooted personnel and student policies. In other words, bow [to the state] or die!" (Broyles, 2016 in Public Policy)

John Jackson, President of William Jessup University in Rockland, CA describes the insanity of this legislation well: "There are religious institutions in California – Protestant, Catholic, Jewish, and Islamic, all accredited – every one of whom, in accord with all the major religions in the world, believe that gender matters, that maleness and femaleness is not arbitrary, that it's not interchangeable, that it's not inconsequential. There are California institutions that believe that 'marriage matters'. I think, quite frankly, for some in California, that's an embarrassment. And AB 1146 is an attempt to throttle, to silence, to disempower, to marginalize those who hold these views." (John Jackson, "*California's War on Christian Colleges*," The Daily Signal – multimedia news organization of The Heritage Foundation, July 25, 2016)

John Quincy Masteller, general counsel for Thomas Aquinas College in Santa Paula calls SB 1146 "A direct assault on our First Amendment rights of our free exercise of religion." (John Quincy Masteller, "*California's War on Christian Colleges*," The Daily Signal –multimedia news organization of The Heritage Foundation, July 25, 2016)

SB 1146 would also require faith-based colleges and universities to openly disclose their requested exemption, on religious grounds, from the federal government's requirement to implement Title IX. This is the law that bans discrimination on the basis of sex, but which has been twisted by the Obama administration to include discrimination on the basis of gender identity. While none of the Christian institutions I know of object to such disclosure, the Obama administration views the list of institutions exempt from Title IX as a "*List of Shame*." But in actuality, according to Thomas Berg writing in Christianity Today, ". . . requiring that colleges disclose their conduct policies weakens the case that the policies themselves must be forbidden. With clear disclosure, students who attend these colleges have made an informed choice." (Thomas Berg, "*Does This New Bill Threaten California Christian Colleges' Religious Freedom?*" Christianity Today, July, 2016.) [www.christianitytoday.com/ct/2016/July-web-only/california-sb-1146-religious-freedom.html](http://www.christianitytoday.com/ct/2016/July-web-only/california-sb-1146-religious-freedom.html)

In my letter to the Assembly Judiciary Committee dated June 23, 2016, I pointed out that SB 1146 narrows, if not completely deletes, the religious freedom guarantees found in the Equity in Higher Education Act that insulate that Act from irrelevance under the Free Exercise clause. Why? Because it seeks to implement secular control over religious practices in a manner which appears to exclusively target those institutions characterized by those religious practices. I shared that one of the bill's supporters even admitted that the religious practices SB 1146 attempts to prohibit are motivated by religious conscience, and declared before the Assembly Higher Education Committee on June 21, 2016 that SB 1146 does not prohibit policies based on religious belief, **only conduct based on religious belief**. I further argued how unrealistic it was for the state to differentiate acceptable religious belief from unacceptable religious conduct rooted in religious belief, adding that such an action was sure to unconstitutionally entangle the state in a quagmire of questions relating to the religious operations of faith-based institutions

because the significant burden on religious exercise (not to mention the significant burden on state resources that will be expended to resolve the constitutionality of SB 1146) is not justified by a compelling state interest. I also reminded the committee that students are free to choose institutions that coincide with their respective lifestyles, and students who choose institutions that reflect their strongly held religious convictions should be free to do so without being deprived of the financial aid for which they qualify because their chosen institution has been penalized for holding the religious tenets that attracted them to the institution in the first place. Why? Such a scenario violates the First Amendment rights of both the student and the institution.

Ironically, California, weird and wonderful state that it is, has always been known for its tolerance and open-mindedness. It has been quick to welcome change and innovation that has facilitated the legendary creativity of the movie industry and the Silicon Valley. While this has often been less than culturally beneficial by Biblical standards, it has facilitated opportunities for Christian believers and faith-based institutions to challenge and confront sinful behaviors, deleterious lifestyles and unconstitutional political ideologies, without fear of government retaliation. Unfortunately, however, the state that leads the nation in “tolerance,” as Biola’s Brett McCracken points out in his insightful blog, “is moving to impose a *‘one size fits all’* policy regarding sexual orientation and gender identity (SOGI). As state senator, John Moorlach (R-Costa Mesa) said in the California Senate debate about SB 1146 before it was passed, “Sometimes you can become what you hate, and you can become intolerant if you’ve been the victim of intolerance.”

As Brett McCracken observes: “SB 1146’s author, Senator Ricardo Lara, insists he is not becoming what he hates, but in reality he is. He insists that he values all forms of diversity with an asterisk. And the asterisk is: you are part of the diversity we champion unless you dare to believe and live according to your traditional religious convictions about sexuality and gender.”

McCracken goes on to expose this as “faux diversity.” It is discrimination. It is exactly what Lara and the anti-discrimination police are fighting against. Actually, they are becoming the enemy they formerly fought against. And I love his concluding comment: “Lawmakers in the Golden State have clearly forgotten the Golden Rule.”

Unfortunately, California seems to have experienced the proverbial “senior moment” when it comes to pluralism and tolerance and why they are important to democracy. Everyone doesn’t have to agree about everything. There is a value to society when the opposite is true . . . when varying perspectives coexist and strong institutions maintain mutual respect even when they hold mutually exclusive beliefs. At this turbulent time in our nation’s history, we seem to have forgotten this. California tends to forget too quickly the wisdom of time-honored traditions and values. Historically, from the time of our nation’s founding, religious institutions have played a vital role as a societal and cultural preservative. The Colonial colleges and subsequent “hilltop colleges,” where often Biblical precepts were inscribed in stone, stand as early testimony to the stream of Judeo-Christian influences that flowed into American culture along with those of Rome and Greece.

When our Christian colleges and other religious institutions are forced to abandon the tenets of faith and the practices that not only made them great but also made America great, who will be left to speak moral sanity, Biblical truth and God's Law into our lawless, ethically relativistic, deconstructed culture. It will be like it was in the days of the Judges described in Judges 17:6: *"In those days there was no king in Israel, but everyone did that which was right in their own eyes."* Proverbs 14:12 provides us with the consequences of such a spiritual condition: *"There is a way that seems right to a man, but its end is the way of death."*

In regard to marriage and sexuality, the Christian Colleges targeted by SB 1146 are committed to preserving not only Biblical teaching, but over 2,000 years of time-honored, proven cultural tradition. It isn't the church or the faith-based institutions of higher education that have changed; the culture has changed. It's astounding when we realize how rapidly Americans opinions on marriage have changed in recent years. In fact, it was just five years ago that both Barack Hussein Obama and Hillary Rodham Clinton publically proclaimed their preference for the traditional view on these issues. BUT, because both are protégées of Saul Alinski and his methods of changing culture incrementally by constant agitation, prevarication and social revolution, all detailed in Rules for Radicals; I suspect those proclamations were more in the interest of political expediency than personal conviction. The same goes for their attempts to identify with Christianity. No truly born again believer could in good conscience take the positions they have taken on marriage and sexuality. In many ways they resemble apostates of the stripe so clearly described in Jude's epistle. And, with the recent support for Hillary Clinton by the Communist Party of America, things do not bode well for faith-based institutions if Clinton is elected and consequently positioned to appoint Supreme Court Justices (World Net Daily, *"Communist Party Unites Behind Hillary,"* 8/07/16 [www.wnd.com/2016/08](http://www.wnd.com/2016/08)).

Given that fact that "avant- garde" legislation, national trends, fashions and non-traditional lifestyles often originate in California and drift across state lines to the other forty-nine, the oft-repeated slogan, "as California goes, so goes the nation" is becoming increasingly true. It is almost axiomatic that other state and federal financial aid administrators will follow California's lead. And, as Ed Stetzer and Marty Duren observe: ". . . it would be intellectually dishonest not to point out that what is now happening in California is led by the Democratic Party, and, if this moves forward, it will soon be happening nationally, led by that same party" (*"California's Religious Liberty Moment—Coming to a State Near You,"* Christianity Today: The Exchange, Ed Stetzer Blog, 6/24/16).

**So, how far has SB 1146 progressed through the California legislature and what are the chances it will become law?**

1. SB 1146 has passed the California Senate, been approved by both the Education and Judiciary Committees of the Assembly and is due to come before the Appropriations Committee in August.
2. If passed by the Appropriations Committee, it will come before the full Assembly and if approved, will arrive on Governor Brown's desk for his signature or veto. If Governor Brown signs the bill, an appeal will be filed with the Ninth Circuit Court of Appeals.

3. Last month, following a serious of conference calls with Presidents, institutional representatives and legal advisors, nearly every Faith-based College in California agreed the time had come to retain the services of a professional lobbying firm. We agreed to contribute toward the cost of this effort on a sliding scale depending on the size of the participating institution. At this point, it appears the cost will range from \$500,000 to \$950,000. Because the LGBTQ community is well-funded and continually active in lobbying members of the legislature, it was concluded that since “. . . *the sons of this age are more astute than the sons of light in dealing with their own people*” (Luke 16:8 -ESV), that we had better enlist professional help and get pro-active fast! Subsequently, an Association of Faith-Based Institutions (AFBI) was officially formed.

4. If the appeal before the Ninth Circuit is lost by the Association of Faith-Based Institutions, it is almost certain that the case will eventually advance to the United States Supreme Court. This is why it is critical that the next appointees to the Supreme Court be conservative. And, unless God intervenes, that will only happen if Hillary Clinton is defeated.

5. As of now, the wisdom of seasoned conservative politicians I have consulted (including my good friend, Supervisor Michael D. Antonovich, who is currently on top in the race for the 25<sup>th</sup> District State Senate Seat) is that the case will probably end up in the courts and finally be decided on the basis of SB 1146’s constitutionality.

#### **What aspects of SB 1146 are of concern to California Christian Colleges and Universities?**

**Note:** *The following items come from a Pacific Justice Institute Legal Memorandum:*

1. Provides that the provisions of SB 1146 shall not prohibit a postsecondary educational institution controlled by a religious institution that receives financial assistance from the state or enroll students who receive state financial assistance from doing any of the following:
  - a. Providing housing or restroom accommodations reserved for either male or female students **if students are afforded housing or restroom accommodations consistent with their gender identity.**
  - b. Providing separate housing accommodations reserved primarily for married students or for students with dependent minors who reside with them **if “married” includes both married opposite sex and married same-sex couples.**
  - c. Enforcing rules of moral conduct and establishing housing policies in accordance with these rules of conduct **if the rules are uniformly applicable to all students, regardless of the student’s sexual orientation or gender identity.**
  - d. Enforcing religious practices **if these practices are uniformly applicable to all students regardless of the student’s sexual orientation or gender identity.**
  - e. Admitting only students of one sex if the institution traditionally and continually from its establishment had that policy.

2. It is important to note that currently, the provisions of this bill do not apply to a religiously-controlled postsecondary educational institution if the purpose of the institution is to prepare students to become ministers of the religion or to enter upon some other vocation of the religion and if the application of this section would not be consistent with the religious tenets of the organization.

The problem with this provision lies in the law's definition of a "religiously controlled postsecondary educational institution." The verdict is still out on whether independent faith-based institutions not under the control of a church denomination or religion would qualify for such an exemption. Institutions like BIOLA, Azusa Pacific University, The Master's College & Seminary, Shasta Bible College & Graduate School are independent 501(C) (3) religious non-profit corporations. Furthermore, certain provisions of the bill would restrict financial aid to only students in ministerial or church-related vocational departments of the institution. Such a provision would impose a grave financial hardship on a Christian Liberal Arts institution that could potentially threaten its continued existence.

3. SB 1146 specifies that the provisions of the bill do not prevent a religiously-controlled postsecondary educational institution from prohibiting the use of the institution's real property for any purpose that is inconsistent with the religious tenets of the organization. **Note:** This is one of the few positive aspects of the bill.

In conclusion I want to say that despite the challenges ahead of us and the problems created for us by those committed to advancing the LGBTQ agenda; we must always remember that the members of this community are souls for whom Jesus Christ died. They desperately need compassion, and most of all, they need to be regenerated by the power of the Holy Spirit in response to repentance and faith in Jesus Christ. Following his enumeration of sins, including fornication, adultery, homosexuality and other forms of sexual sin, the Apostle Paul, in addressing the Corinthian believers tells us in 1 Cor. 6:11: *"And such were some of you. But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God."*

May God enable us to understand that despite the unconstitutional attacks upon Christian higher education in California and elsewhere, He is able to bring glory to Himself by transforming the lives of those who are determined deprive us of our First Amendment freedoms (2 Cor. 5:17).