

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**RIMS BARBER; CAROL BURNETT; JOAN
BAILEY; KATHERINE ELIZABETH DAY;
ANTHONY LAINE BOYETTE; DON
FORTENBERRY; SUSAN GLISSON; DERRICK
JOHNSON; DOROTHY C. TRIPLETT;
RENICK TAYLOR; BRANDILYNE MANGUM-
DEAR; SUSAN MANGUM; JOSHUA
GENERATION METROPOLITAN
COMMUNITY CHURCH; CAMPAIGN FOR
SOUTHERN EQUALITY and THE REV. DR.
SUSAN HROSTOWSKI,**

Plaintiffs,

vs.

**PHIL BRYANT, in his official capacity as
Governor of the State of Mississippi; JIM HOOD,
in his official capacity as Mississippi Attorney
General; JOHN DAVIS, in his official capacity as
Executive Director of the Mississippi Department
of Human Services; and JUDY MOULDER, in her
official capacity as Mississippi State Registrar of
Vital Records,**

Defendants.

**CIVIL ACTION NO. 3:16-cv-
417-CWR-LRA**

consolidated with

**CIVIL ACTION NO. 3:16-cv-
442-CWR-LRA**

**DECLARATION OF ROBERTA A. KAPLAN IN OPPOSITION TO
DEFENDANTS BRYANT'S AND DAVIS'S
MOTION TO STAY PRELIMINARY INJUNCTION PENDING APPEAL**

ROBERTA A. KAPLAN declares under penalty of perjury, pursuant to 28 U.S.C.

§ 1746, as follows:

1. I am an attorney admitted to practice law in the State of New York and a partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, 1285 Avenue of the Americas, New York, New York, 10019-6064. As counsel for Plaintiffs Campaign

for Southern Equality and The Rev. Dr. Susan Hrostowski (the “CSE Plaintiffs”) in this consolidated action, I submit this affidavit in opposition to Defendants Bryant’s and Davis’s Motion to Stay the Preliminary Injunction Pending Appeal, dated July 21, 2016.

Procedural Background

2. On June 16, 2016, on behalf of the Campaign for Southern Equality, I submitted a request to Defendant Bryant under the Mississippi Public Records Act of 1983, Miss. Code Ann. §§ 25-61-1 et seq. seeking copies of public records relating to, among other things, correspondence or communications between the office of Mississippi Governor Phil Bryant and the Alliance Defending Freedom (“ADF”), the American Family Association (“AFA”), and any other individual, organization, or entity that assisted in the drafting of or advised on HB 1523. A copy of that letter is attached as Exhibit A.

3. On July 5, 2016, Whitney Lipscomb, Counsel to Defendant Bryant, responded to my public records request. Ms. Lipscomb stated that Defendant Bryant was unable to comply within seven working days and requested an additional seven working days to respond, pursuant to Miss. Code Ann. § 25-61-5. A copy of that letter is attached as Exhibit B.

4. On July 6, 2016, I responded to Ms. Lipscomb’s letter by agreeing to an extension of the deadline to respond to July 14, 2016. A copy of that letter is attached as Exhibit C.

5. On July 8, 2016, Ms. Lipscomb responded to my July 6 letter by asking that I narrow two of my initial requests. A copy of that letter is attached as Exhibit D.

6. On June 13, 2016, I responded to Ms. Lipscomb's letter, confirming that Request Nos. 1 and 2 of my public records request could be narrowed to the period beginning on January 1, 2014 through the present, and could be further narrowed to cover all correspondence between the Office of Governor Bryant and the ADF and/or AFA related to policies or legislation regarding the protection of religious liberty, including but not limited to any correspondence or communication regarding HB 1523. A copy of that letter is attached as Exhibit E.

7. On July 14, 2016 Defendant Bryant produced 62 pages of emails, correspondence, and other documents related to HB 1523 (the "Bryant Documents"). A true and correct copy of a letter from Whitney Lipscomb, Counsel to Defendant Bryant, to me, dated July 14, 2016, enclosing those materials is attached hereto as Exhibit F. The letter states that the enclosed documents consist of "correspondence or communications between the office of Governor Phil Bryant and the Alliance Defending Freedom . . . and [or] the American Family Association."

The Bryant Documents

8. In connection with the CSE Plaintiffs' motions for a preliminary injunction in these consolidated matters, Professor Douglas NeJaime of the UCLA School of Law and the Williams Institute testified as an expert in the history of religious accommodation statutes and the role of Christian right organizations in advocating for these laws, including HB 1523, before this Court on June 23, 2016. More specifically, Professor NeJaime testified that "there are prominent Christian right national organizations that have been advocating for religious exemptions in state legislatures and

most prominently including groups like the Family Research Council, the Alliance Defending Freedom, [and] the American Family Association.” Hr’g Tr. Vol. 1 53:20–54:2 (June 23, 2016).

9. During his testimony, this Court posed the follow question to Professor NeJaime: “Is there—the model legislation, is that a public record anywhere? Have you seen any model legislation based on either these RFRA statutes or the new type of statutes that have been enacted since Obergefell?” Hr’g Tr. Vol. 1 81:19-23 (June 23, 2016). Not only do the documents unequivocally answer Your Honor’s question, *see* ¶¶ 10-11 below, but they completely corroborate the substance of Professor NeJaime’s expert testimony that HB 1523 was drafted by the ADF, was promoted by the ADF and other conservative Christian groups, and that, as a result, HB1523 improperly and unconstitutionally reflects the sectarian Christian values of these organizations. Hr’g Tr. Vol. 1 62:16–63:18 (June 23, 2016).

10. Attached hereto as Exhibit G is a true and correct copy of an email from Austin Nimocks, senior counsel for ADF, to Drew Snyder and Jim Campbell of the Mississippi Governor’s Office, dated June 24, 2015 attaching a model executive order. The letter states, in relevant part, as follows: “We are working with organizations that have drafted the attached materials. The main document is a model executive order that would prevent state governments from discriminating against their citizens because of their views about or actions concerning marriage. It is a different approach to the very good Executive Order that Governor Jindal released a few weeks ago . . . If you think this is a worthy idea, feel free to share this with the Governor Bryant. It could provide an

appropriate response to the upcoming Supreme Court decision on marriage (whatever that decision may be).”

11. The model executive order that is attached as part of Exhibit G looks very similar to HB 1523. Like HB 1523, it identifies three religious beliefs for special protection: “(1) marriage is or should be recognized as the union of one man and one woman; (2) sexual relations are properly reserved to such a marriage; [and] (3) male (man) or female (woman) refer to an individual’s immutable biological sex as objectively determined by anatomy and genetics by time of birth.” The accompanying memorandum, in turn, provides that “Governors can take the lead by instructing all agencies of state government never to punish a citizen, charity, school, student, family business, adoption agency, religious organization, shelter, or any other institution of civil society because they believe and act on their beliefs about marriage being a union of husband and wife.”

12. To illustrate the similarities between the final text of HB 1523 and the Model Executive Order, a redline showing the text of HB 1523 compared with the Model Executive Order is attached hereto as exhibit H.

13. Attached hereto as Exhibit I is a true and correct copy of an letter from New Beginnings International Children’s and Family Services, Inc. to Lieutenant Governor of Mississippi Tate Reeves, dated March 3, 2016. This document forcefully illustrates the potential harms to gay and lesbian couples seeking to adopt as a result of HB 1523. The letter states, in pertinent part, that: “We believe the best outcome for every child results from being raised in a two-parent home with a male and female role model. In our experience, we have never had a birthmother request a same-sex couple to

adopt her child. However, we have had at least five birthmothers who identified themselves as lesbians seek our services because they wanted a two-parent, male and female home for their children. Allowing us to live out our deeply held beliefs will not prevent a same-sex couple from working with an agency that allows same-sex adoption. We have already referred couples identifying themselves as ‘same-sex’ to agencies *in other states who do not hold the same beliefs as we do.*” (emphasis added).

14. A true and correct copy of an email from Jameson Taylor, Vice President for Policy at the Mississippi Center for Public Policy¹ to Drew Snyder, Joey Songy, and Knox Graham of the Mississippi Governor’s Office, dated March 28, 2016, attaching letters of support for HB 1523, is attached hereto as Exhibit J. As we have argued to this Court in connection with Section 3(8) of HB1523, *see Campaign for S. Equal v. Bryant*, 3:14-cv-00818, Pls. Reply Br. at 4, the email states that Circuit Clerks actively lobbied for the right to deny marriage licenses to gay and lesbian couples: “[C]lerks and others have also asked for similar protections and met with the Speaker toward that end.”

15. Attached hereto as Exhibit K is a true and correct copy of an email from Kellie Fiedorek, legal counsel for ADF, dated March 31, 2016. In the email, Ms. Fiedorek asks to “chat” with Governor Bryant’s counsel “about how [ADF] can help [Governor Bryant’s] office from a PR/messaging/support perspective in the next few weeks as [HB 1523] heads your way.” The email states: “Obviously there will likely be significant opposition so we want to help come behind you all however we can with national support and cover as well as activating folks in the state.”

¹ The Mississippi Center For Public Policy is a conservative think tank in Jackson, MS. Its mission is to “promote and protect the concepts of free markets, limited government, and strong traditional families.” Mission Statement, Mississippi Center For Public Policy, available at <http://www.msppolicy.org/about/mission.php>.

16. Attached hereto as Exhibit L is a true and correct copy of an email from Jameson Taylor of the Mississippi Center for Public Policy to Drew Snyder, Joey Songy, and Knox Graham of the Mississippi Governor's Office, dated April 4, 2016. The email contains talking points to be used in support of HB 1523. The talking points state, in relevant part, that: "HB 1523 is very narrowly and carefully crafted in response to one thing: the Supreme Court same-sex marriage decision." The talking points go on to state that: "HB 1523 does not authorize discrimination in any way. Rather, it says that the force of government may not be used against someone who sincerely believes marriage is a union of one man/one woman. *An analogy may help put this bill into perspective. We would never think of forcing a Jewish baker to make a swastika-adorned cake for a neo-Nazi wedding.*" (emphasis added).

17. A true and correct copy of an email from Mike Armour, State Program Manager for the Appalachian Regional Commission, forwarded from Mississippi Center for Public Policy, to Clay Foster and Joe Rutherford, Publishers at Journal Inc., dated April 4, 2016, and a true and correct copy of an Email from John Boykin forwarding an email from Mississippi Center for Public Policy to Joey Songy, of the Mississippi Governor's Office, dated April 5, 2016, are attached hereto as Exhibit M. The email attaches an op-ed in support of HB 1523, which states as follows: "Our society, I hope, would never be alright *with the government forcing an African-American t-shirt shop to design and print shirts for a Klan parade, even if that parade is legally organized. We would never think of forcing a Jewish baker to make a swastika-adorned cake for a neo-Nazi wedding, which is also legal to hold.*" (emphasis added).

18. A true and correct copy of an email from Jameson Taylor, of the Mississippi Center for Public Policy, to Drew Snyder, Knox Graham, and Joey Songy, of the Mississippi Governor's Office, dated April 5, 2016, is attached hereto as Exhibit N. The email ties HB 1523 to the religious right's broader nationwide fight against LGBT equality, stating "I will add that, frankly, if [HB 1523] fails it will severely cripple the entire fight for religious liberty nationwide."

19. A true and correct copy of an email from Whitney Lipscomb, of the Mississippi Governor's Office, to Kellie Fiedorek of ADF, dated March 31, 2016, attaching a draft signing statement for HB 1523 and a signing statement from March 18, 2013, and a true and correct copy of an Email from Kellie Fiedorek to Whitney Lipscomb, dated April 1, 2016, attaching draft Signing Statements, are attached hereto as Exhibit O. These emails indicate that ADF drafted Governor Bryant's Signing Statement for HB 1523.

20. Attached hereto as Exhibit P is a true and correct copy of a letter from National Hispanic Christian Leadership Conference to Governor Bryant urging him to sign HB 1523. This letter actually has the audacity to quote Reverend Martin Luther King Jr., in support of HB1523, as follows: "As Reverend Martin Luther King, Jr, reminds us, 'There comes a time when one must take a position that is neither safe, nor politic, nor popular, but he must take it because conscience tells him it is right.'"

21. A true and correct copy of remaining documents and correspondence produced to us by Defendant Bryant on July 14, 2016 are attached hereto as Exhibit Q.

Executed on July 20, 2016.

Roberta A. Kaplan

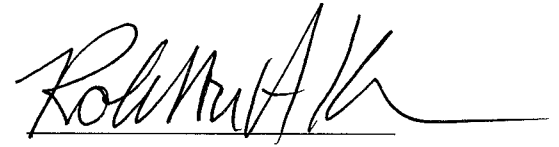
A handwritten signature in black ink, appearing to read "Roberta A. Kaplan", written over a horizontal line.

Exhibit A

PAUL . WEISS, RIFKIND, WHARTON & GARRISON LLP

1285 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019-6064

TELEPHONE (212) 373-3000

LLOYD K GARRISON 1946-1991
RANDOLPH E PAUL 1946-1936
SIMON H RIFKIND 1950-1993
LOUIS S WEISS 1927-1950
JOHN F WHARTON 1927-1977UNIT 3601, OFFICE TOWER A BEIJING FORTUNE PLAZA
NO 7 DONGSANHUAN ZHONGLU
CHAOYANG DISTRICT
BEIJING 100020
PEOPLE'S REPUBLIC OF CHINA
TELEPHONE (86-10) 5928-630012TH FLOOR HONG KONG CLUB BUILDING
3A CHATER ROAD CENTRAL
HONG KONG
TELEPHONE (852) 2846-0300

WRITER'S DIRECT DIAL NUMBER

(212) 373-3086

WRITER'S DIRECT FACSIMILE

(212) 492-0086

WRITER'S DIRECT E-MAIL ADDRESS

rkaplan@paulweiss.com

ALDER CASTLE
10 NOBLE STREET
LONDON EC2V 7JU U K
TELEPHONE (44 20) 7367 1600FUKOKU SEIMEI BUILDING
2-2 UCHISAIWAICHO 2-CHOME
CHIYODA-KU TOKYO 100-0011 JAPAN
TELEPHONE (81-3) 3597-8101TORONTO-DOMINION CENTRE
77 KING STREET WEST, SUITE 3100
PO BOX 226
TORONTO, ONTARIO M5K 1J3
TELEPHONE (416) 504-05202001 K STREET NW
WASHINGTON DC 20006-1047
TELEPHONE (202) 223-7300500 DELAWARE AVENUE SUITE 200
POST OFFICE BOX 32
WILMINGTON DE 19899-0032
TELEPHONE (302) 655-4410MATTHEW W ABBOTT
EDWARD T ACKERMAN
JACOB A ADLERSTEIN
ALLAN J ARFFA
ROBERT A ATKINS
DAVID J BALL
SCOTT A BARSHAY
JOHN F BAUGHMAN
LYNN B BAYARD
DANIEL J BELLER
CRAIG A BENSON
MITCHELL L BERG
MARK S BERGMAN
DAVID M BERNICK
BRUCE BIRENBOIM
H CHRISTOPHER BOEHNING
ANGELO BONVINO
JAMES L BROCHIN
RICHARD J BRONSTEIN
DAVID W BROWN
SUSANNA M BUERGEL
PATRICK S CAMPBELL
JESSICA S CAREY
JEANETTE K CHAN
GEOFFREY R CHEPIGA
ELLEN N CHING
WILLIAM A CLAREMAN
LEWIS R CLAYTON
JAY COHEN
KELLEY D CORNISH
CHRISTOPHER J CUMMINGS
CHARLES E DAVIDOW
THOMAS V DE LA BASTIDE III
ARIEL J DECKELBAUM
ALICE BELISLE EATON
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LESLIE GORDON FAGEN
MARC FALCONE
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ANDREW C FINCH
BRAD J FINKELSTEIN
BRIAN F FINNEGAN
ROBERTO FINZI
PETER E FISCH
ROBERT C FLIEDER
MARTIN FLUMENBAUM
ANDREW J FOLEY
HARRIS B FREIDUS
MANUEL S FRY
ANDREW L GAINES
KENNETH A GALLO
MICHAEL F GERTZMAN
ADAM M GIVERTZ
SALVATORE GOGLIORIMELLA
ROBERT C GOLDBAUM
NEIL GOLDMAN
ROBERTO J GONZALEZ
CATHERINE L GOODALL
ERIC GOODISON
CHARLES H GOODE JR
ANDREW S GORDON
UDI GROFMAN
NICHOLAS GROOMBRIDGE
BRUCE A GUTENPLAN
GAINES GWATHMEY, III
ALAN S HALPERIN
JUSTIN G HAMILL
CLAUDIA HAMMERMAN
BRIAN S HERMANN
MICHELE HIRSHMAN
MICHAEL S HONG
DAVID S HUNTINGTON
AMRAN HUSSEIN
LORETTA A IPOLINO
BRIAN M JANSONJAREN JANGHORRANI
MEREDITH J KANE
ROBERTA A KAPLAN
BRAD S KARP
PATRICK N KARSNITZ
JOHN C KENNEDY
BRIAN KIM
ALAN W KORNBERG
DANIEL J KRAMER
DAVID K LAKHDHIR
STEPHEN P LAMB
JOHN E LANGE
GREGORY F LAUFER
DANIEL J LEFFELL
XIACHU GRES LIU
JEFFREY D MARELL
MARCO V MASOTTI
EDWIN S MAYNARD
DAVID W MAYO
ELIZABETH R MCCOLM
MARK F MENDELSON
CLAUDINE MEREDITH-GOUJON
WILLIAM B MICHAEL
TOBY S MYERSON
JUDIE NG SHORTELL
CATHERINE NYARADY
JANE B O'BRIEN
ALEX YOUNG K OH
BRAD R OKUN
KELLEY D PARKER
MARCE PERLMUTTER
VALERIE E RADWANEP
CARL L REISNER
LORIN L REISNER
WALTER R RICCIARDI
WALTER RIEMAN
RICHARD A ROSEN
ANDREW N ROSENBERG
JACQUELINE P RUBIN
RAPHAEL M RUSSO
ELIZABETH M SACKSTEDER
JEFFREY D SAFERSTEIN
JEFFREY B SAMUELS
DALE M SARRO
TERRY E SCHIMEK
KENNETH M SCHNEIDER
ROBERT B SCHUIER
JOHN M SCOTT
STEPHEN J SHIMSHAK
DAVID R SICULAR
MOSES SILVERMAN
STEVEN SIMKIN
JOSEPH J SIMONS
ALDRA J SOLOWAY
SCOTT M SONTAG
TARUN M STEWART
ERIC ALAN STONE
AIDAN SYNNOTT
ROBYN F TARNOSKY
MONICA K THURMOND
DANIEL J TOAL
LIZ M VELLAQUEZ
LAWRENCE G WEE
THEODORE V WELLS JR
STEVEN J WILLIAMS
LAWRENCE I WITDORCHIC
MARK B WLAZLO
JULIA MASON WOOD
JENNIFER H WU
BETTY YAP
JORDAN E YARETT
KAYE N YOSHINO
TONG YU
TRACEY A ZACCONE
LAURIE M ZEITZER
T ROBERT ZOCHOWSKI, JR

*NOT ADMITTED TO THE NEW YORK BAR

June 16, 2016

By FedExCustodian of Records
The Honorable Phil Bryant
Governor of Mississippi
Office of the Governor
P.O. Box 139
Jackson, MS 39205*Mississippi Public Records Act Request*

To Whom It May Concern:

On behalf of our client the Campaign for Southern Equality, we write under the Mississippi Public Records Act of 1983, Miss. Code Ann. §§ 25-61-1 et seq., to request an opportunity to inspect or obtain copies of public records (as defined in § 25-61-3(b)) related to the following:

1. Correspondence or communications between the office of Governor Phil Bryant and the Alliance Defending Freedom ("ADF") or any of its employees, agents, or affiliates.
2. Correspondence or communications between the office of Governor Phil Bryant and the American Family Association ("AFA") or any of its employees, agents, or affiliates.

3. Correspondence or communications between the office of Governor Phil Bryant and any other individual, organization, or entity that assisted in the drafting of, advised on, or lobbied on behalf of HB 1523, the “Protection Freedom of Conscience from Government Discrimination Act.” H.B. 1523, 2016 Reg. Sess. (Miss. 2016).
4. Correspondence or communications between the office of Governor Phil Bryant and any department, agency or division within the executive branch of government related to HB 1523, the “Protection Freedom of Conscience from Government Discrimination Act.” H.B. 1523, 2016 Reg. Sess. (Miss. 2016).
5. Correspondence or communications between the office of Governor Phil Bryant and any department, agency or division within the executive branch of government related to HB 1523, the “Protection Freedom of Conscience from Government Discrimination Act.” H.B. 1523, 2016 Reg. Sess. (Miss. 2016).
6. Correspondence or communications between the office of Governor Phil Bryant and any member of the Mississippi legislature or their staffs related to HB 1523, the “Protection Freedom of Conscience from Government Discrimination Act.” H.B. 1523, 2016 Reg. Sess. (Miss. 2016).

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public’s understanding of passage HB 1523. This information is not being sought for commercial purposes.

The law requires that you respond to and fulfill this request no later than seven working days from the receipt of this request for the production of the record. § 25-61-5(1)(a). If you are unable to do so, the law requires that you provide me with a written explanation, stating that the requested record will be produced and specifying with particularity why the records cannot be produced with the seven day period. § 25-61-5(1)(b).

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roberta A. Kaplan', with a long horizontal flourish extending to the right.

Roberta A. Kaplan

Exhibit B



PHIL BRYANT
GOVERNOR

July 5, 2016

Ms. Roberta A. Kaplan
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York City, New York 10019-6064
rkaplan@paulweiss.com

Dear Ms. Kaplan:

On June 23, 2016, our office received your public records request for records of "correspondence or communications between the office of Governor Phil Bryant and the Alliance Defending Freedom ... and the American Family Association," as well as certain other records of correspondence or communications of the office of Governor Phil Bryant related to H.B. 1523.

Due to the broad scope of your request and the Extraordinary Legislative Session called last week, we are unable to comply with this request within seven (7) working days. Pursuant to Miss. Code Ann. Section 25-61-5, we are requesting an additional seven (7) working days to respond to your public records request.

Sincerely,

A handwritten signature in blue ink that reads "Whitney Lipscomb".

Whitney Lipscomb
Counsel

cc: Joey Songy, Chief of Staff
Bobby Waites, Chief Counsel
Drew Snyder, Policy Director and Counsel
Clay Chandler, Public Records Compliance Officer

Exhibit C

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

1285 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019-6064

TELEPHONE (212) 373-3000

LLOYD K. GARRISON (1946-1991)
RANDOLPH E. PAUL (1946-1956)
SIMON H. RIFKIND (1950-1995)
LOUIS S. WEISS (1927-1950)
JOHN F. WHARTON (1927-1977)

UNIT 3601, OFFICE TOWER A, BEIJING FORTUNE PLAZA
NO. 7 DONGSANHUAN ZHONGLU
CHAOYANG DISTRICT
BEIJING 100020
PEOPLE'S REPUBLIC OF CHINA
TELEPHONE (86-10) 5828-6300

12TH FLOOR, HONG KONG CLUB BUILDING
3A CHATER ROAD, CENTRAL
HONG KONG
TELEPHONE (852) 2846-0300

WRITER'S DIRECT DIAL NUMBER

(212) 373-3086

WRITER'S DIRECT FACSIMILE

(212) 492-0086

WRITER'S DIRECT E-MAIL ADDRESS

rkaplan@paulweiss.com

FUKOKU SEIMEI BUILDING
2-2 UCHISAIWAICHO 2-CHOME
CHIYODA-KU, TOKYO 100-0011, JAPAN
TELEPHONE (81-3) 3597-8101

TORONTO-DOMINION CENTRE
77 KING STREET WEST, SUITE 3100
P.O. BOX 226
TORONTO, ONTARIO M5K 1J3
TELEPHONE (416) 504-0520

2001 K STREET, NW
WASHINGTON, DC 20005-1047
TELEPHONE (202) 223-7300

500 DELAWARE AVENUE, SUITE 200
POST OFFICE BOX 32
WILMINGTON, DE 19899-0032
TELEPHONE (302) 655-4410

MATTHEW W. ABBOTT
EDWARD T. ACKERMAN
JACOB A. ADLERSTEIN
ALLAN J. ARPEL
ROBERT A. ATKINS
DAVID J. BALL
SCOTT A. BARSHAY
JOHN F. BAUGHMAN
LYNN B. BAYARD
DANIEL J. BELLER
CRAIG A. BENSON
MITCHELL L. BERG
MARK S. BERGMAN
DAVID M. BERNICK
BRUCE BIRNBOIM
H. CHRISTOPHER BOEHNING
ANGELO BONVINO
JAMES L. BROCHIN
RICHARD J. BRONSTEIN
DAVID W. BROWN
SUSANNA M. BUERGEL
PATRICK S. CAMPBELL
JESSICA S. CAREY
JEANETTE K. CHAN
GEOFFREY R. CHEPIGA
ELLEN N. CHING
WILLIAM A. CLAREMAN
LEWIS R. CLAYTON
JAY COHEN
KELLEY A. CORNISH
CHRISTOPHER J. CUMMINGS
CHARLES E. DAVIDOW
THOMAS V. DE LA BASTIDE III
ARIEL J. DECKELBAUM
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ANDREW J. EHRLICH
GREGORY A. EZRING
LESLIE GORDON FAGEN
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BRAD J. FINKELSTEIN
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ROBERTO FINZI
PETER E. FISCH
ROBERT C. FLEDER
MARTIN FLUMENBAUM
ANDREW J. FOLEY
HARRIS B. FREIDUS
MANUEL S. FREY
ANDREW L. GAINES
KENNETH A. GALLO
MICHAEL E. GERTZMAN
ADAM M. GIVERTZ
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ROBERT D. GOLDBAUM
NEIL GOLDMAN
ROBERTO J. GONZALEZ
CATHERINE L. GOODALL
ERIC GOODISON
CHARLES H. GOOGE, JR.
ANDREW G. GORDON
UDI GROFMAN
NICHOLAS GROOMBRIDGE
BRUCE A. GUTENPLAN
GAINES GWATHMEY, III
ALAN S. HALPERIN
JUSTIN G. HAMILL
CLAUDIA HAMMERMAN
BRIAN S. HERMANN
MICHAEL E. HIRSHMAN
MICHAEL S. HONG
DAVID S. HUNTINGTON
AMRAN HUSSEIN
LORETTA A. PPOLITO
BRIAN M. JANSON

JAREN JANGHORBANI
MEREDITH J. KANE
ROBERTA A. KAPLAN
BRAD S. KARP
PATRICK N. KARSNITZ
JOHN C. KENNEDY
BRIAN KIM
ALAN W. KORNBURG
DANIEL J. KRAMER
DAVID K. LAKHDHIR
STEPHEN P. LAMB
JOHN E. LANGE
GREGORY F. LAUFER
DANIEL J. LEFFELL
XIAOYU GREG LIU
JEFFREY D. MARELL
MARCO V. MASOTTI
EDWIN S. MAYNARD
DAVID W. MAYO
ELIZABETH R. MCCOLM
MARK F. MENDELSON
CLAUDINE MEREDITH-GOUJON
WILLIAM B. MICHAEL
TOBY S. MYERSON
JUDIE NG SHORTELL
CATHERINE NYARADY
JANE B. O'BRIEN
ALEX YOUNG K. OH
BRAD R. OKUN
KELLEY D. PARKER
MARCE E. PERLMUTTER
VALERIE E. RADWANER
CARL L. REISNER
LORIN L. REISNER
WALTER G. RICCIARDI
WALTER RIEMAN
RICHARD A. ROSEN
ANDREW N. ROSENBERG
JACQUELINE P. RUBIN
RAPHAEL M. RUSSO
ELIZABETH M. SACKSTEDER
JEFFREY D. SAFERSTEIN
JEFFREY B. SAMUELS
DALE M. SARRO
TERRY E. SCHIMEK
KENNETH H. SCHNEIDER
ROBERT B. SCHUMER
JOHN M. SCOTT
STEPHEN J. SHIMSHAK
DAVID R. SICULAR
MOSES SILVERMAN
STEVEN SIMKIN
JOSEPH J. SIMONS
AUDRA J. SOLOWAY
SCOTT M. SONTAG
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ERIC ALAN STONE
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ROBYN F. TARNOWSKY
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DANIEL J. TOAL
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LAWRENCE G. WEE
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STEVEN J. WILLIAMS
LAWRENCE I. WITDORCHIC
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JULIA MASON WOOD
JENNIFER H. WU
BETTY YAP
JORDAN E. YARETT
KAYE N. YOSHINO
TONG YU
TRACEY A. ZACCONE
AURIE M. ZEITZER
T. ROBERT ZOCHOWSKI, JR.

*NOT ADMITTED TO THE NEW YORK BAR

July 6, 2016

By Email

Whitney Lipscomb
State of Mississippi
Office of the Governor
Post Office Box 139
Jackson, Mississippi 39205

Re: Public Records Request

Dear Ms. Lipscomb:

On July 5, 2016, I received a letter responding to my public records request pertaining to records of correspondence or communications of the office of Governor Phil Bryant related to H.B. 1523. The letter I received on July 5, 2016, acknowledged that the office of Governor Bryant had received my original request on June 23, 2016.

As I read your letter, the Governor's office does not claim that any requested document is exempt from public inspection, but instead merely requests additional time to collect the requested documents since they may be voluminous. Accordingly, if you do not intend to make the requested documents available electronically, please advise a time and place where we may retrieve a hard copy of the documents before close of

Whitney Lipscomb

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business on Thursday, July 14, 2016 pursuant to Miss. Code Ann. § 25-61-5.

Very truly yours,


Roberta Kaplan

cc: Joey Songy, Chief of Staff
Bobby Waites, Chief Counsel
Drew Snyder, Policy Director and Counsel
Clay Chander, Public Records Compliance Officer
Alysson Mills, Esq.
Joshua Kaye, Esq.

Exhibit D



PHIL BRYANT
GOVERNOR

July 8, 2016

Ms. Roberta A. Kaplan
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York City, New York 10019-6064
rkaplan@paulweiss.com

Dear Ms. Kaplan:

We received your letter dated July 6, 2016. In this letter you stated that your public records request pertained "to records of correspondence or communications of the office of Governor Phil Bryant related to H.B. 1523." Furthermore, your original request dated June 16, 2016, stated that "the requested information . . . will contribute significantly to the public's understanding of" H.B. 1523's passage.

However, in your original request only Request Nos. 3-6 specifically mentioned documents related to H.B. 1523. Request Nos. 1-2 were not specific as to the subject matter of documents requested, only to the parties who were involved in the communications (Governor Bryant, ADF and AFA). It appears that you intended for Request Nos. 1-2 to be a request for correspondence between Governor Bryant and ADF and/or AFA related to H.B. 1523. If you did not intend for Requests Nos. 1-2 to be limited to H.B. 1523, then please notify our office immediately and narrow the scope of your request for Nos. 1-2 to a specific time frame and subject matter.

This correspondence nor any of my previous correspondence shall be considered a waiver of any right, privilege, exemption or argument that our office may have under the Public Records Act or otherwise.

Sincerely,

A handwritten signature in cursive script, appearing to read "Whitney Lipscomb".

Whitney Lipscomb
Counsel

cc: Joey Songy, Chief of Staff
Bobby Waites, Chief Counsel
Drew Snyder, Policy Director and Counsel
Clay Chandler, Public Records Compliance Officer

STATE OF MISSISSIPPI • OFFICE OF THE GOVERNOR

POST OFFICE BOX 139 • JACKSON, MISSISSIPPI 39205 • TELEPHONE: (601) 359-3150 • FAX: (601) 359-3741 • www.governorbryant.com

Exhibit E

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

1285 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019-6064

TELEPHONE (212) 373-3000

LLOYD K. GARRISON (1946-1991)
RANDOLPH E. PAUL (1946-1956)
SIMON H. RIFKIND (1950-1995)
LOUIS S. WEISS (1927-1980)
JOHN F. WHARTON (1927-1977)

WRITER'S DIRECT DIAL NUMBER

(212) 373-3086

WRITER'S DIRECT FACSIMILE

(212) 492-0086

WRITER'S DIRECT E-MAIL ADDRESS

rkaplan@paulweiss.com

UNIT 3601, OFFICE TOWER A, BEIJING FORTUNE PLAZA
NO. 7 DONGSANHUAN ZHONGLU
CHAOYANG DISTRICT
BEIJING 100020
PEOPLE'S REPUBLIC OF CHINA
TELEPHONE (86-10) 5628-6300

12TH FLOOR, HONG KONG CLUB BUILDING
3A CHATER ROAD, CENTRAL
HONG KONG
TELEPHONE (852) 2845-0300

ALDER CASTLE
10 NOBLE STREET
LONDON EC2V 7JU, U.K.
TELEPHONE (44 20) 7357 1500

FUKOKU SEIMEI BUILDING
2-2 UCHISAIWAICHO 2-CHOME
CHIYODA-KU, TOKYO 100-0011, JAPAN
TELEPHONE (81-3) 3597-8101

TORONTO-DOMINION CENTRE
77 KING STREET WEST, SUITE 3100
P.O. BOX 226
TORONTO, ONTARIO M5K 1J3
TELEPHONE (416) 504-0520

2001 K STREET, NW
WASHINGTON, DC 20006-1047
TELEPHONE (202) 223-7300

500 DELAWARE AVENUE, SUITE 200
POST OFFICE BOX 32
WILMINGTON, DE 19899-0032
TELEPHONE (302) 655-4410

MATTHEW W. ABBOTT
EDWARD T. ACKERMAN
JACOB A. ADLERSTEIN
L. L. J. ARPA
ROBERT A. ATKINS
DAVID J. BALL
SCOTT A. BASHAW
JOHN F. BAUGHMAN
LYNN B. BAYARD
DANIEL J. BELLER
CRAIG A. BENSON
MITCHELL L. BERG
MARK S. BERMAN
DAVID M. BERNICK
BRUCE BIRENBOIM
H. CHRISTOPHER BOEHNING
ANGELO BONVINO
JAMES L. BROCHIN
RICHARD J. BRONSTEIN
DAVID W. BROWN
SUSANNA M. BUERGEL
PATRICK S. CAHNPBELL*
JESSICA S. CAREY
JEANETTE K. CHAN
GEOFFREY R. CHEPIGA
ELLEN N. CHING
WILLIAM A. CLAREMAN
LEWIS R. CLAYTON
JAY COHEN
KELLEY A. CORNISH
CHRISTOPHER J. CUMMINGS
CHARLES E. DAVIDOW
THOMAS V. DE LA BASTIDE III
ARIEL J. DECKELBAUM
ALICE BELISLE EATON
ANDREW J. EHRLICH
GREGORY A. EZRING
LESLIE GORDON FAGEN
MARC FALCONE
ROSS A. FIELDSTON
ANDREW C. FINCH
BRAD J. FINKELSTEIN
BRIAN P. FINNEGAN
ROBERTO FINZI
PETER E. FISCH
ROBERT C. FLEDER
MARTIN FLUMENBAUM
ANDREW J. FOLEY
HARRIS B. FREIDUS
MANUEL S. FREY
ANDREW L. GAINES
KENNETH A. GALLO
MICHAEL E. GERTZMAN
ADAM M. GIVERTZ
SALVATORE GOGGIORMELLA
ROBERT D. GOLDBAUM
NEIL GOLDMAN
ROBERTO J. GONZALEZ*
CATHERINE L. GOODALL
ERIC GOODISON
CHARLES H. GOOGE, JR.
ANDREW S. GORDON
UDI GROPMAN
NICHOLAS GROOMBRIDGE
BRUCE A. GUTENPLAN
GAINES GWATHMEY, III
ALAN S. HALPERIN
JUSTIN G. HAMILL
CLAUDIA HAMMERMAN
BRIAN S. HERMANN
MICHELE HIRSHMAN
MICHAEL S. HONG
DAVID S. HUNTINGTON
AMRAN HUSSEIN
LORETTA A. IPPOLITO
BRIAN M. JANSON

JAREN JANGHORBANI
MEREDITH J. KANE
ROBERTA A. KAPLAN
BRAD S. KARADWANE
PATRICK N. KARSNITZ
JOHN C. KENNEDY
BRIAN KIM
ALAN W. KORNBERG
DANIEL J. KRAMER
DAVID K. LAKHDIR
STEPHEN P. LAMB*
JOHN E. LANGE
GREGORY P. LAUFER
DANIEL J. LEFFELL
XIAOYU GREG LIU
JEFFREY D. MARCELL
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EDWIN S. MAYNARD
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ELIZABETH R. MCCOLM
MARK F. MENDELSON
CLAUDINE MEREDITH-GOUJON
WILLIAM B. MICHAEL
TOBY S. MYERSON
JUDIE NG SHORTELL*
CATHERINE NYARADY
JANE B. O'BRIEN
ALEX YOUNG K. OH
BRAD R. OKUN
KELLEY D. PARKER
MARC E. PERLMUTTER
VALERIE E. RADWANER
CARL L. REISNER
LORIN L. REISNER
WALTER G. RICCIARDI
WALTER RIEMAN
RICHARD A. ROSEN
ANDREW N. ROSENBERG
JACQUELINE P. RUBIN
RAPHAEL M. RUSSO
ELIZABETH M. SACKSTEIN
JEFFREY D. SAFERSTEIN
JEFFREY B. SAMUELS
DALE M. SARRO
TERRY E. SCHIMEK
KENNETH M. SCHNEIDER
ROBERT S. SCHUMER
JOHN M. SCOTT
STEPHEN J. SHIMSHAK
DAVID R. SICULAR
MOSES SILVERMAN
STEVEN SIMKIN
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TONG YU
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T. ROBERT ZOCHOWSKI, JR.

*NOT ADMITTED TO THE NEW YORK BAR

July 13, 2016

By Email

Whitney Lipscomb
State of Mississippi
Office of the Governor
Post Office Box 139
Jackson, Mississippi 39205

Re: Public Records Request

Dear Ms. Lipscomb:

I write in response to your letter of July 8, 2016, requesting clarification of my public records request dated June 16, 2016 pertaining to records of correspondence or communications of the office of Governor Phil Bryant related to H.B. 1523. Specifically, you sought clarification of Requests Nos. 1 and 2 which seek:

- (1) Correspondence or communications between the office of Governor Phil Bryant and the Alliance Defending Freedom ("ADF") or any of its employees, agents, or affiliates.
- (2) Correspondence or communications between the office of Governor Phil Bryant and the American Family Association ("AFA") or any of its employees, agents, or affiliates.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

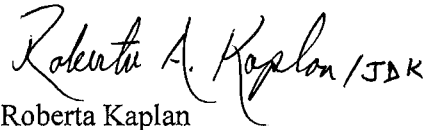
Whitney Lipscomb

2

In your July 8, 2016 letter you asked that these requests be narrowed to a specific time frame and subject matter. Such requests can be limited to the period beginning on January 1, 2014 through the present.

We believe the scope of our requests are appropriately narrow in accordance with the Mississippi Public Records Act of 1983, Miss. Code Ann. §§ 25-61-1 et seq. Nevertheless, we will narrow the subject matter of requests Nos. 1 and 2 to all correspondence between the office of Governor Phil Bryant and ADF and/or AFA related to policies or legislation regarding the protection of religious liberty, including but not limited to any correspondence or communication regarding HB 1523, 2016 Reg. Sess. (Miss. 2016). For the avoidance of doubt, this request includes any documents pertaining to "a description of the fee arrangement" with the Governor's office and Alliance Defending Freedom in its representation of the Governor pursuant to Mississippi state law. Miss. Code Ann. § 7-5-21.

Very truly yours,

 JAK

Roberta Kaplan

cc: Joey Songy, Chief of Staff
Bobby Waites, Chief Counsel
Drew Snyder, Policy Director and Counsel
Clay Chander, Public Records Compliance Officer
Alysson Mills, Esq.
Joshua Kaye, Esq.

Exhibit F



PHIL BRYANT
GOVERNOR

July 14, 2016

Ms. Roberta A. Kaplan
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York City, New York 10019-6064
rkaplan@paulweiss.com

Dear Ms. Kaplan:

You made a public records request to our office for “correspondence or communications between the office of Governor Phil Bryant and the Alliance Defending Freedom ... and[/or] the American Family Association,” and for certain other correspondence or communications of the office of Governor Phil Bryant related to H.B. 1523. Pursuant to Miss. Code Ann. Section 25-61-1 et seq., our office has compiled and enclosed the records requested.

As a courtesy, we have agreed to waive the \$126.20 charge incurred in collecting, reviewing and producing these records. Please note that there may be charges for additional requests made in the future.

Our compliance with this request shall not be considered as a waiver of any right, privilege, exemption or argument that our office may have under the Public Records Act or otherwise.

Sincerely,

Whitney Lipscomb
Counsel

cc: Joey Songy, Chief of Staff
Bobby Waites, Chief Counsel
Drew Snyder, Policy Director and Counsel
Clay Chandler, Public Records Compliance Officer

Exhibit G

Drew Snyder

From: Austin R. Nimocks <ANimocks@alliancedefendingfreedom.org>
Sent: Wednesday, June 24, 2015 8:33 PM
To: Drew Snyder
Cc: Jim Campbell
Subject: Governor Executive Order
Attachments: Model Executive Order to Prevent Government Discrimination Based on Marr....pdf;
Explanation of Executive Order on Marriage and Conscience.pdf

Drew,

I pray that this finds you well. We are working with organizations that have drafted the attached materials. The main document is a model executive order that would prevent state governments from discriminating against their citizens because of their views about or actions concerning marriage. It is a different approach to the very good Executive Order that Governor Jindal released a few weeks ago (which is available here - <http://www.doa.louisiana.gov/osr/other/bj15-8.htm>).

If you think that this is a worthy idea, feel free to share this with the Governor Bryant. It could provide an appropriate response to the upcoming Supreme Court decision on marriage (whatever that decision may be).

Thanks much,
Austin



Austin R. Nimocks
Senior Counsel
202-393-8690 (Office)
202-888-7635 (Direct Dial)
480-444-0028 (Fax)
ANimocks@alliancedefendingfreedom.org
www.alliancedefendingfreedom.org

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State Leadership to Prevent Discrimination Against People of Faith

The spread of court-imposed redefinitions of marriage through much of the country has opened the door to discrimination against persons and institutions who speak and act on the belief that marriage is a union of one man and one woman. Governors have the continuing duty to protect against these harms and can do so through carefully tailored action such as an executive order that addresses clear and present threats to free expression and religious liberty. For example:

- During Supreme Court oral arguments in *Obergefell v. Hodges*, the Obama administration's Solicitor General, Donald Verrilli, acknowledged the possibility of religious schools being stripped of their tax-exempt status for continuing to affirm marriage as the union of a man and a woman.¹
- Faith-based adoption agencies in Massachusetts, Illinois, and Washington, D.C. have been forced to end foster care and adoption services rather than abandon their belief that every child deserves a married mother and father.²
- Gordon College, a Christian school, was scrutinized by its accrediting association because the school asks all members of the community to refrain from premarital and extramarital sexual relations.³
- A student at Eastern Michigan University was ejected from a master's program in counseling for referring same-sex couples to other counselors because of her religious convictions about marriage.⁴

State leadership to protect the rights of all citizens to live according to their beliefs about marriage without government coercion, discrimination, or penalty can address such challenges. Such protections would allow for peaceful coexistence and protect pluralism and diversity. While courts and a handful of legislatures have required states to treat same-sex relationships as marriages for various civil law purposes, they did not authorize state governments to coerce people of faith and good will into changing their views on such hotly disputed issues.

Governors can take the lead by instructing all agencies of state government never to punish a citizen, charity, school, student, family business, adoption agency, religious organization, shelter, or any other institution of civil society because they believe and act on their beliefs about marriage being a union of husband and wife. All Americans and the groups they form should be able to live their lives

¹ Sarah Pulliam Bailey, *The Washington Post*, "Could religious institutions lose tax-exempt status over Supreme Court's gay marriage case?" April 28, 2015, at <http://www.washingtonpost.com/news/acts-of-faith/wp/2015/04/28/could-religious-institutions-lose-tax-exempt-status-over-supreme-courts-gay-marriage-case/>.

² Sarah Torre and Ryan T. Anderson, PhD, "Adoption, Foster Care and Conscience Protection," *The Heritage Foundation Backgrounder* No. 2869, January 15, 2014, at <http://www.heritage.org/research/reports/2014/01/adoption-foster-care-and-conscience-protection>.

³ David French, *The National Review*, Gordon College Keeps Its Faith and Its Accreditation," May 1, 2015, at <http://www.nationalreview.com/article/417788/gordon-college-keeps-its-faith-and-its-accreditation-david-french>.

⁴ Mark Oppenheimer, *The New York Times*, "A Counselor's Convictions Put Her Profession on Trial," February 3, 2012, at http://www.nytimes.com/2012/02/04/us/when-counseling-and-conviction-collide-beliefs.html?_r=0.

without fear of losing government benefits, licenses, employment, tax-exempt status, certifications, contracts, or accreditation, simply because of what they believe. The American people support this: polling suggests that an overwhelming majority, 81%, believe that we should retain this freedom to live and work in accordance with the belief in marriage as between a man and a woman.⁵ After all, 50 million Americans had voted in favor of this understanding of marriage before courts began to short-circuit the democratic process.

Respecting religious liberty and the rights of conscience does not infringe on anyone's sexual freedoms. As state government takes action to protect the rights of people of faith, it also remains free to provide benefits and services to everyone who seeks them in any way it sees fit, as it always has. It simply cannot shun or discriminate against religious people and institutions in the process.

Governors can lead in this balancing of interests. Instructing their state governments as described above would be an appropriate and effective response to growing threats.

⁵ WPA Opinion Research, Polling Memorandum: "The Majority of Americans Support Traditional Marriage and Freedom of Belief," February 20, 2015, p. 2, <http://downloads.frc.org/EF/EF15B71.pdf>.

To prevent discriminatory treatment of any religious entity on the basis of views concerning marriage.

**EXECUTIVE ORDER NO.
ORDER PREVENTING GOVERNMENT DISCRIMINATION AGAINST ANY
RELIGIOUS ENTITY ON THE BASIS OF VIEWS CONCERNING MARRIAGE.**

WHEREAS,

(1) Leading legal scholars concur that government imposition of same-sex marriage will infringe on the right to religious liberty unless government acts to prevent or alleviate those infringements.

(2) The United States has a long and honorable history of respecting the religious freedom rights of its people, dating from before the American Revolution to the present. For example, laws have protected the right of Quakers and other pacifists to serve the nation as non-combatants in time of war, the right of Jews and other Sabbath observers to dedicate their time to God and family instead of work on their Sabbath, and the right of religious organizations to employ persons of the same beliefs to more effectively provide charitable services to the public.

(3) Nevertheless, in 2015, when asked whether a religious school could lose its tax-exempt status for opposing same-sex marriage, the Solicitor General of the United States admitted to the United States Supreme Court that “it’s certainly going to be an issue”.

(4) Protecting religious freedom from government intrusion is a state interest of the highest order. Government is obligated to take measures that advance this interest by remedying, deterring, and preventing government interference with religious exercise in a way that complements the protections mandated by the First Amendment to the Constitution of the United States and [STATE CONSTITUTIONAL PROVISIONS].

(5) This state has a tradition of cooperating with various charitable, religious, and private organizations in providing social services. Religious organizations and individuals, in particular, have a lengthy and distinguished history, which predates the state’s involvement, in providing critical social services. Religious organizations display particular excellence when providing these services and thus provide substantial benefit to the residents of this state.

(6) Further, the Governor signed into law [STATE RFRA] in [YEAR], making clear that: Government shall not substantially burden a person’s exercise of religion, even if the burden results from a facially neutral rule of general applicability, unless it demonstrates that application of the burden to the person is both:

(a) In furtherance of a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

(7) Laws and government actions that protect the free exercise of religious beliefs and moral convictions about marriage will encourage private citizens and institutions to demonstrate tolerance for those beliefs and convictions and therefore contribute to a more respectful, diverse, and peaceful society.

NOW THEREFORE, I, [NAME], Governor of the [State/Commonwealth] of [NAME], by virtue of the authority vested by the Constitution and the laws of [STATE], do hereby order and direct as follows:

SEC. 1. GENERAL PROTECTION OF THE FREE EXERCISE OF RELIGIOUS BELIEFS AND MORAL CONVICTIONS.

(a) IN GENERAL.—Notwithstanding any Order to the contrary, the State Government is prohibited from taking any action inconsistent with the restrictions placed upon the State Government by the United States constitution, [or] the [STATE] constitution [or State RFRA], or any other state law, against a person wholly or partially on the basis that such person believes or sincerely acts in accordance with a religious belief or moral conviction that:

(1) marriage is or should be recognized as the union of one man and one woman;

(2) sexual relations are properly reserved to such a marriage; or

(3) male (man) or female (woman) refer to an individual's immutable biological sex as objectively determined by anatomy and genetics by time of birth.

SEC. 2. SPECIFIC PROTECTIONS FOR PERSONS, RELIGIOUS SOCIAL SERVICE ORGANIZATIONS, AND PRIVATE ASSOCIATIONS.

(a) SPECIFIC PROTECTIONS FOR RELIGIOUS ORGANIZATIONS.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a religious organization wholly or partially on the basis that such organization has declined or will decline to solemnize any marriage or to provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, celebration or recognition of any marriage, based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.

(b) SPECIFIC PROTECTIONS FOR RELIGIOUS STAFFING.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a

religious organization, wholly or partially on the basis that such organization made or will make any employment-related decision based upon or consistent with a sincerely held religious belief or moral conviction described in in Section 1.

- (c) SPECIFIC PROTECTIONS FOR RELIGIOUS HOUSING PROVIDERS.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a religious organization wholly or partially on the basis that such organization lawfully made or will make any decision concerning the sale, rental, advertisement, terms and conditions, or occupancy of a dwelling or other housing under its control based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.
- (d) SPECIFIC PROTECTIONS FOR SHELTERS.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a religious organization that offers housing or related services for the prevention and non-emergency treatment of juvenile delinquency, substance abuse recovery, assistance to victims of crime or abuse, alleviation of homelessness, or for any charitable purpose, wholly or partially on the basis that such organization made or will make any decision concerning the admission, advertisement, terms and conditions, or occupancy of such housing or related services based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.
- (e) SPECIFIC PROTECTIONS FOR RELIGIOUS ADOPTION AGENCIES.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a religious organization that advertises, provides, or facilitates adoption or foster care, wholly or partially on the basis that such organization has provided or declined to provide any adoption or foster care related service [under state law] based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.
- (f) SPECIFIC PROTECTIONS FOR FOSTER AND ADOPTIVE PARENTS.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a person granted custody by the state of a foster or adoptive child wholly or partially on the basis of that person guiding, directing, instructing, or raising a child based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.
- (g) SPECIFIC PROTECTIONS FOR COUNSELING SERVICE PROVIDERS.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a person engaged in the provision of psychological, psychiatric, fertility, marital,

child, or family counseling, treatment, or services, wholly or partially on the basis that the person has provided or declined to provide such counseling, treatment, or service based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.

- (h) **SPECIFIC PROTECTIONS FOR EDUCATORS AND STUDENTS.**—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a person receiving or engaging in the provision of educational services, including but not limited to pre-k through university education, whether performed at a public or private school, remotely, or at a home, wholly or partially on the basis that such person has studied, treated, expressed opinions on, taught or will teach educational subjects based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.
- (i) **SPECIFIC PROTECTIONS FOR CLERKS AND MAGISTRATES.**—Notwithstanding any Order to the contrary, a clerk, register of deeds, judge, or magistrate employed by or acting on behalf of the State Government may seek recusal from performing or licensing lawful marriages based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1. Such recusal shall be upon notice to [state agency] and the State Government shall not take any discriminatory action wholly or partially on the basis of such recusal.
- (j) **SPECIFIC PROTECTIONS FOR STATE EMPLOYEE SPEECH.**—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a state employee wholly or partially on the basis that such employee lawfully speaks, acts, or declines to act based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1:
 - (1) in the workplace, or in the course of performing work duties, consistent with the time, place, manner, and frequency of any other non-harassing expression of a religious, political, or moral belief or conviction allowed by the State Government in the workplace or in the course of performing work duties; or
 - (2) outside the workplace, in the employee's personal capacity, and outside the course of performing work duties.
- (k) **SPECIFIC PROTECTIONS FOR CERTAIN EXPRESSIVE ASSOCIATIONS.**—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against non-profit expressive associations, including but not limited to, the Boy Scouts of America and similar organizations, youth clubs, fraternal organizations, civic

associations, student clubs at all educational levels, adult support groups, and affinity groups and clubs, wholly or partially on the basis that such associations made or will make any membership or leadership decision, involving paid positions or not, based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.

- (l) **SPECIFIC PROTECTIONS FOR POLICIES CONCERNING INTIMATE FACILITIES AND SETTINGS.**—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a person wholly or partially on the basis that such person lawfully establishes sex-specific standards concerning employee, member, student, or customer dress or grooming, or access to restrooms, spas, baths, showers, dressing rooms or other intimate facilities, based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.
- (m) **SPECIFIC PROTECTIONS FOR CERTAIN EXPRESSIVE BUSINESSES.**—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a closely-held business wholly or partially on the basis that it has lawfully provided or declined to provide:
 - (1) photography, poetry, videography, DJ services, art, dress or clothes-making, wedding planning, printing or publishing, or similar products or services based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1; or
 - (2) floral arrangements, catering services, pastry or cake making, clothing or tailoring, limousine or car service or rentals, decorations, pastry or cake making, or similar products or services based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.
- (n) **SPECIFIC PROTECTIONS FOR ASSEMBLY HALLS.**—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a closely-held business wholly or partially on the basis that it lawfully made or will make any decisions concerning the rental, advertisement, use, or terms and conditions of a pavilion, field, garden, farm, barn, dance or assembly hall, or similar facility based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.
- (o) **SPECIFIC PROTECTIONS FOR BED AND BREAKFASTS.**—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a closely-held business engaged in the business of renting rooms at a bed and breakfast or similar-

sized facility wholly or partially on the basis that it lawfully made or will make any decisions concerning the rental, advertisement, occupancy, or terms and conditions of such facility based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.

SEC. 3. DISCRIMINATORY ACTION DEFINED.

(a) **DISCRIMINATORY ACTION DEFINED.**—As used in this Order, discriminatory action means and includes any action taken by the State Government to:

- (1) negatively alter the tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under [state tax code or subsection] of, any person;
- (2) disallow a deduction for state tax purposes of any charitable contribution made to or by such person;
- (3) refuse to hire or promote, force to resign, fire, demote, sanction, discipline, materially alter the terms or conditions of employment, retaliate or take other adverse employment action against, a person employed or commissioned by the State Government.
- (4) withhold, reduce, exclude, terminate, deny, or materially alter the terms or conditions of, any state grant, contract, subcontract, cooperative agreement, or loan from or to any person;
- (5) withhold, reduce, exclude, terminate, deny, or materially alter the terms or conditions of, any benefit under a state benefit program from or to any person;
- (6) impose, levy, or assess, a monetary fine, fee, penalty or injunction not required by state statute; or
- (7) withhold, reduce, exclude, terminate, deny, or materially alter the terms or conditions of, any accreditation, licensing, custody award or agreement, diploma, grade, recognition, or certification from or to any person.

(A) For purposes of state law, the State Government shall consider accredited, licensed, or certified any person that would be accredited, licensed, or certified, respectively, for such purposes but for the person speaking, acting, or declining to act based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.

SEC. 4. RELIEF.

(a) ADMINISTRATIVE CLAIMS AND DEFENSES.—A person may assert an actual or threatened violation of this Order as a claim or defense in a proceeding before any department, commission, board, agency, school district, and/or political subdivision of the state and obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief against the state.

SEC. 5. RULES OF CONSTRUCTION.

(a) BROAD CONSTRUCTION.—This Order shall be construed in favor of a broad protection of free exercise of religious beliefs and moral convictions, to the maximum extent permitted by the terms of this Order and the United States and [STATE] constitutions.

(b) NO REPEAL OR NARROW CONSTRUCTION.—Nothing in this Order, including the enumeration of specific protections, shall be construed to narrow the meaning or application of any Order or State or Federal law protecting free exercise of religious beliefs or moral convictions. Nothing in this Order shall be construed to prevent the State Government from providing, either directly or through a person or entity not seeking protection under this Order, any benefit or service authorized under State law.

(c) RULE ON PREEMPTION.—For purposes of state law, this Order shall be construed to preempt any local or municipal ordinance or resolution to the extent such ordinance or resolution conflicts with any protection of free exercise of religious beliefs or moral convictions provided by this Order. Nothing in this Order shall be construed to preempt or repeal any Order that is equally or more protective of free exercise of religious beliefs or moral convictions.

(d) SEVERABILITY.—If any provision of this Order or any application of such provision to any religious entity or circumstance is held to be invalid under law, the remainder of this Order and the application of the provision to any other religious entity or circumstance shall not be affected.

SEC. 6. DEFINITIONS.

In this Order:

(a) STATE BENEFIT PROGRAM.—The term “state benefit program” has the meaning given that term in [applicable state code].

(b) STATE GOVERNMENT.—The term “State Government” includes any department, commission, board, agency, school district, political subdivision, and/or agent of the state or any person acting under color of state law.

(c) PERSON.—The term “person” means:

- (1) a natural person, in his or her individual capacity regardless of religious affiliation or lack thereof, or in his or her capacity as a member, officer, owner, volunteer, employee, manager, religious leader, clergy, or minister of any entity described in this Section;
- (2) a religious organization;
- (3) a closely held business or its owners, including sole proprietorships, companies, partnerships, ventures, associations, firms, corporations, cooperatives, trusts, and societies, operating with a sincerely held religious belief or moral conviction described in Section 1; or
- (4) cooperatives, ventures, or enterprises comprised of two or more individuals or entities described in this Section regardless of non-profit or for-profit status.

(d) RELIGIOUS ORGANIZATION.—The term “religious organization” means:

- (1) a religious group, corporation, association, educational institution, ministry, order, or society, and associated entities, regardless of whether its purposes and activities are deemed wholly or partly religious.
- (2) a house of worship, including but not limited to, churches, synagogues, shrines, mosques, and temples;
- (3) any individual member, officer, owner, volunteer, employee, manager, religious leader, clergy, or minister of an entity or organization described in the preceding subsections while acting within their scope of employment or duties of position or office.

SEC. 7. SCOPE.

- (a) All departments, commissions, boards, agencies, school districts, political subdivisions, and agents of the state are authorized and directed to cooperate with the implementations of the provisions of this Order.

SEC. 8. EFFECTIVE DATE.

- (a) This Order is effective upon signature and shall remain in effect until amended, modified, terminated or rescinded.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of [STATE], at the Capitol, in the city of [CITY], on this [##]th day of [MONTH], 2015.

/s/ [NAME]_____

GOVERNOR OF [STATE]

Exhibit H

~~To prevent discriminatory treatment of any religious entity on the basis of views concerning marriage.~~

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2016

By: Representative Gunn

To: Judiciary B

~~EXECUTIVE ORDER~~ HOUSE BILL NO. 1523

~~ORDER PREVENTING GOVERNMENT DISCRIMINATION AGAINST ANY RELIGIOUS ENTITY ON THE BASIS OF VIEWS CONCERNING MARRIAGE.~~

~~WHEREAS,~~

AN ACT TO CREATE THE RELIGIOUS LIBERTY ACCOMMODATIONS ACT; TO DESIGNATE CERTAIN RELIGIOUS BELIEFS OR MORAL CONVICTIONS THAT ARE PROTECTED; TO PROVIDE CERTAIN PROTECTIONS REGARDING A SINCERELY HELD RELIGIOUS BELIEF OR MORAL CONVICTION ~~FOR PERSONS, RELIGIOUS ORGANIZATIONS AND PRIVATE ASSOCIATIONS~~; TO DEFINE A DISCRIMINATORY ACTION FOR PURPOSES OF THIS ACT; TO PROVIDE THAT A PERSON MAY ASSERT A VIOLATION OF THIS ACT AS A CLAIM AGAINST THE GOVERNMENT; TO PROVIDE CERTAIN REMEDIES; TO REQUIRE A PERSON BRINGING A CLAIM UNDER THIS ACT TO DO SO NOT LATER THAN TWO YEARS AFTER THE DISCRIMINATORY ACTION WAS TAKEN; TO PROVIDE CERTAIN DEFINITIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF

MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the “Religious Liberty Accommodations Act.”

SECTION 2. The Mississippi Legislature finds the following:

(~~1~~a) Leading legal scholars concur that ~~government imposition of~~ conflicts between same-sex marriage ~~will infringe on the right to~~ and religious liberty ~~unless government acts to prevent or alleviate those infringements.~~ are real and should be addressed through legislation;

(b) After the legalization of same-sex marriage, religious adoption and foster care agencies in Massachusetts, Illinois and the District of Columbia were forced to close because of their sincerely held religious beliefs about marriage. Further, a religious educational institution in Massachusetts was threatened by the government with loss of its accreditation because of its sincerely held religious beliefs about marriage, and small family-owned wedding businesses in Oregon, Washington, Iowa, New York and elsewhere have endured fines or financial penalties or have been forced to close because they operated consistent with their sincerely held religious beliefs about marriage;

(c) Citizens of the this state hold a wide range of reasonable views on the issue of same-sex marriage, and maintaining the state's commitment to religious freedom when faced with these good-faith differences of opinion is vital;

~~(2d)~~ ~~The United States~~Our nation has a long and honorable history of respecting and accommodating the religious freedom rights of its people, dating from before the American Revolution to the present. For example, laws have protected the right of Quakers and other pacifists to serve the nation as ~~non-combatants in time~~noncombatants in times of war, the right of Jews and other Sabbath observers to dedicate their time to God and family instead of ~~work~~working on their Sabbath; and the right of religious organizations to ~~employ persons of the same beliefs to more effectively~~ provide charitable services to the public; consistent with their beliefs by hiring individuals who share the same beliefs;

~~(3) Nevertheless, in 2015, when asked whether a religious school could lose its tax-exempt status for opposing same-sex marriage, the Solicitor General of the United States admitted to the United States Supreme Court that "it's certainly going to be an issue".~~

(4e) Protecting religious freedom from government intrusion is a state interest of the highest order. ~~Government is obligated to take measures that advance~~ Legislation advances this interest by remedying, deterring, and preventing government interference with religious exercise in a way that complements the protections mandated by the ~~First Amendment to the Constitution of the United States and [STATE CONSTITUTIONAL PROVISIONS].~~ state and federal constitutions;

(5) ~~This state has a tradition of cooperating with various charitable, religious, and private organizations in providing social services. Religious organizations and individuals, in particular, have a lengthy and distinguished history, which predates the state's involvement, in providing critical social services. Religious organizations display particular excellence when providing these services and thus provide substantial benefit to the residents of this state.~~

(f) Protecting the religious freedom of faith-based charities and educational institutions serves the state's compelling interest in providing essential social services to the poor, and educational opportunities to the next generation. This is also consistent with the state's long tradition of cooperating with religious organizations when providing these critical services;

(6g) ~~Further, the Governor signed into law [STATE RFRA] in [YEAR].~~ This state enacted the Religious Freedom Restoration Act in 2014, making clear that: ~~Government shall not~~ it is unlawful to substantially burden a person's exercise of religion, even if the burden results from a facially neutral rule of general applicability, unless ~~it demonstrates~~ that application of the burden to the person is both:

(i) in furtherance of a compelling governmental interest, and (a)

~~In furtherance of a compelling governmental interest; and~~

(bii) ~~The~~ the least restrictive means of furthering that compelling governmental interest;

(7h) Laws and government actions that protect the free exercise of religious beliefs and moral convictions about marriage and human sexuality will encourage private citizens and institutions to demonstrate tolerance for those beliefs and convictions and therefore contribute to a more respectful, diverse; and peaceful society; and

(i) In a pluralistic society, in which people of good faith hold more than one view of marriage, it is possible for the government to recognize same-sex marriage without forcing persons with sincerely held religious beliefs or moral convictions to conform.

SECTION 3. The sincerely held religious beliefs or moral convictions protected by this act are the belief or conviction that:

~~NOW THEREFORE, I, [NAME], Governor of the [State/Commonwealth] of [NAME], by virtue of the authority vested by the Constitution and the laws of [STATE], do hereby order and direct as follows:~~

~~**SEC. 1. GENERAL PROTECTION OF THE FREE EXERCISE OF RELIGIOUS BELIEFS AND MORAL CONVICTIONS.**~~

~~(a) IN GENERAL.—Notwithstanding any Order to the contrary, the State Government is prohibited from taking any action inconsistent with the restrictions placed upon the State Government by the United States constitution, [or] the [STATE] constitution [or State RFRA], or any other state law, against a person wholly or partially on the basis that such person believes or sincerely acts in accordance with a religious belief or moral conviction that:~~

(1a) ~~marriage~~ Marriage is or should be recognized as the union of one man and one woman;

~~(2b)~~ ~~sexual~~Sexual relations are properly reserved to such a marriage; ~~or~~and

~~(3c)~~ ~~male~~Male (man) or female (woman) refer to an individual's immutable biological sex as objectively determined by anatomy and genetics ~~by~~at time of birth.

~~SEC. 2. SPECIFIC PROTECTIONS FOR PERSONS, RELIGIOUS
SOCIAL SERVICE ORGANIZATIONS, AND PRIVATE ASSOCIATIONS.~~

~~(a) SPECIFIC PROTECTIONS FOR RELIGIOUS ORGANIZATIONS.—~~

~~Notwithstanding any Order to the contrary, the State Government~~SECTION 4. (1) The state government shall not take any discriminatory action against a religious organization wholly or partially on the basis that such organization ~~has declined;~~

~~or will decline~~(a) Solemnizes or declines to solemnize any marriage, or provides or declines to provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, celebration or recognition of any marriage, based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1.~~3 of this act;

~~(b) SPECIFIC PROTECTIONS FOR RELIGIOUS STAFFING.—~~

~~Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a~~ Makes any employment-related decision including, but not limited to, the decision whether or not to hire, terminate or discipline an individual whose conduct or religious beliefs are inconsistent with those of the religious organization, ~~wholly or partially on the basis that such organization made or will make any employment-related decision~~ based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in ~~in~~ Section ~~1.~~3 of this act;
or

-

(c) ~~SPECIFIC PROTECTIONS FOR RELIGIOUS HOUSING PROVIDERS.~~—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a religious organization wholly or partially on the basis that such organization lawfully made or will make Makes any decision concerning the sale, rental, ~~advertisement,~~occupancy of, or terms and conditions,~~or occupancy of~~ occupying a dwelling or other housing under its control, based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1~~3 of this act.

(d) ~~SPECIFIC PROTECTIONS FOR SHELTERS.~~—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a religious organization that offers housing or related services for the prevention and non-emergency treatment of juvenile delinquency, substance abuse recovery, assistance to victims of crime or abuse, alleviation of homelessness, or for any charitable purpose, wholly or partially on the basis that such organization made or will make any decision concerning the admission, advertisement, terms and conditions, or occupancy of such housing or related services based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.

(e)2 ~~SPECIFIC PROTECTIONS FOR RELIGIOUS ADOPTION AGENCIES.~~—Notwithstanding any Order to the contrary, the State Government The state government shall not take any discriminatory action against a religious organization that advertises, provides, or facilitates adoption or foster care, wholly or partially on the basis that such organization has provided or declined to provide any adoption or foster care service, or

related service ~~[under state law]~~, based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1.3~~ 3 of this act.

(~~§3~~) ~~SPECIFIC PROTECTIONS FOR FOSTER AND ADOPTIVE PARENTS.~~ ~~Notwithstanding any Order to the contrary, the State Government~~ The state government shall not take any discriminatory action against a person ~~granted custody by who~~ the state grants custody of a foster or adoptive child, or who seeks from the state custody of a foster or adoptive child, wholly or partially on the basis ~~of that~~ the person ~~guiding, directing, instructing, or raising~~ guides, instructs or raises a child, or intends to guide, instruct, or raise a child based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1.3~~ 3 of this act.

(~~§4~~) ~~SPECIFIC PROTECTIONS FOR COUNSELING SERVICE PROVIDERS.~~ ~~Notwithstanding any Order to the contrary, the State Government~~ The state government shall not take any discriminatory action against a person ~~engaged in the provision of psychological, psychiatric, fertility, marital, child, or family counseling, treatment, or services,~~ wholly or partially on the basis that the person ~~has provided or declined to provide such counseling, treatment, or service~~ declines to participate in the provision of treatments, counseling, or surgeries related to sex reassignment or gender identity transitioning or declines to participate in the provision of psychological, counseling, or fertility services based upon ~~or consistent with~~ a sincerely held religious belief or moral conviction described in Section ~~1.3~~ 3 of this act. This subsection (4) shall not be construed to allow any person to deny visitation, recognition of a designated representative for health care decision-making, or emergency medical treatment necessary to cure an illness or injury as required by law.

~~(h5) SPECIFIC PROTECTIONS FOR EDUCATORS AND STUDENTS.—~~

~~Notwithstanding any Order to the contrary, the State Government~~ The state government shall not take any discriminatory action against a person ~~receiving or engaging in the provision of educational services, including but not limited to pre-k through university education, whether performed at a public or private school, remotely, or at a home,~~ wholly or partially on the basis that ~~such~~ the person has ~~studied, treated, expressed opinions on, taught or will teach educational subjects~~ provided or declined to provide the following services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, celebration, or recognition of any marriage, based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1.~~ 3 of this act:

~~(i) SPECIFIC PROTECTIONS FOR CLERKS AND MAGISTRATES.—~~

~~Notwithstanding any Order to the contrary, a clerk, register of deeds, judge, or magistrate employed by or acting on behalf of the State Government may seek recusal from performing or licensing lawful marriages based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1. Such recusal shall be upon notice to [state agency] and the State Government shall not take any discriminatory action wholly or partially on the basis of such recusal.~~

(a) Photography, poetry, videography, disc-jockey services, wedding planning, printing, publishing or similar marriage-related goods or services; or

(b) Floral arrangements, dress making, cake or pastry artistry, assembly-hall or other wedding-venue rentals, limousine or other car-service

rentals, jewelry sales and services, or similar marriage-related services,
accommodations, facilities or goods.

(6) The state government shall not take any discriminatory action against a person wholly or partially on the basis that the person establishes sex-specific standards or policies concerning employee or student dress or grooming, or concerning access to restrooms, spas, baths, showers, dressing rooms, locker rooms, or other intimate facilities or settings, based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section 3 of this act.

~~(j7) SPECIFIC PROTECTIONS FOR STATE EMPLOYEE SPEECH.—~~

~~Notwithstanding any Order to the contrary, the State Government~~The state government shall not take any discriminatory action against a state employee wholly or partially on the basis that such employee lawfully speaks,~~acts, or declines to act~~ or engages in expressive conduct based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1~~3 of this act, so long as:

~~(1a)~~ If the employee's speech or expressive conduct occurs in the workplace, ~~or in the course of performing work duties,~~that speech or expressive conduct is consistent with the time, place, manner, and frequency of any other ~~non-harassing~~ expression of a religious, political, or moral belief or conviction allowed ~~by the State Government in the workplace or in the course of performing work duties;~~ or

~~(2b)~~ If the employee's speech or expressive conduct occurs outside the workplace, that speech or expressive conduct is in the employee's personal capacity, and outside the course of performing work duties.

~~(k) SPECIFIC PROTECTIONS FOR CERTAIN EXPRESSIVE ASSOCIATIONS.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against non-profit expressive associations, including but not limited to, the Boy Scouts of America and similar organizations, youth clubs, fraternal organizations, civic associations, student clubs at all educational levels, adult support groups, and affinity groups and clubs, wholly or partially on the basis that such associations made or will make any membership or leadership decision, involving paid positions or not.~~

8) (a) Any person employed or acting on behalf of the state government who has authority to authorize or license marriages, including, but not limited to, clerks, registers of deeds or their deputies, may seek recusal from authorizing or licensing lawful marriages based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1.3~~ 3 of this act.

Any person making such recusal shall provide prior written notice to the State Registrar of Vital Records who shall keep a record of such recusal, and the state government shall not take any discriminatory action against that person wholly or partially on the basis of such recusal. The person who is recusing himself or herself shall take all necessary steps to ensure that the authorization and licensing of any legally valid marriage is not impeded or delayed as a result of any recusal.

~~(l) SPECIFIC PROTECTIONS FOR POLICIES CONCERNING INTIMATE FACILITIES AND SETTINGS.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a person wholly or partially on the basis that such person lawfully establishes sex-specific standards concerning employee, member, student, or customer dress or grooming, or access to restrooms, spas, baths, showers,~~

~~dressings rooms or other intimate facilities, based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.~~

~~(m) SPECIFIC PROTECTIONS FOR CERTAIN EXPRESSIVE BUSINESSES.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a closely held business wholly or partially on the basis that it has lawfully provided or declined to provide:~~

~~(1b) photography, poetry, videography, DJ services, art, dress or clothes making, wedding planning, printing or publishing, or similar products or services~~Any person employed or acting on behalf of the state government who has authority to perform or solemnize marriages, including, but not limited to, judges, magistrates, justices of the peace or their deputies, may seek recusal from performing or solemnizing lawful marriages based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1~~3 of this act. Any person making such recusal shall provide prior written notice to the Administrative Office of Courts, and the state government shall not take any discriminatory action against that person wholly or partially on the basis of such recusal. The Administrative Office of Courts shall take all necessary steps to ensure that the performance or solemnization of any legally valid marriage is not impeded or delayed as a result of any recusal.

~~(2) floral arrangements, catering services, pastry or cake making, clothing or tailoring, limousine or car service or rentals, decorations, pastry or cake making, or similar products or services based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.~~

~~(n) SPECIFIC PROTECTIONS FOR ASSEMBLY HALLS.—~~

~~Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a closely held business wholly or partially on the basis that it lawfully made or will make any decisions concerning the rental, advertisement, use, or terms and conditions of a pavilion, field, garden, farm, barn, dance or assembly hall, or similar facility based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.~~

~~(o) SPECIFIC PROTECTIONS FOR BED AND BREAKFASTS.—~~

~~Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a closely held business engaged in the business of renting rooms at a bed and breakfast or similar sized facility wholly or partially on the basis that it lawfully made or will make any decisions concerning the rental, advertisement, occupancy, or terms and conditions of such facility based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.~~

~~SEC. 3. DISCRIMINATORY ACTION DEFINED.~~

~~(a) DISCRIMINATORY ACTION DEFINED.—~~SECTION 5. (1) As used in this ~~Order~~act, discriminatory action ~~means and~~ includes any action taken by the ~~State Government~~state government to:

~~(1a) negatively alter~~Alter in any way the tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, ~~or~~ revoke, or otherwise make unavailable an exemption from taxation ~~under [state tax code or subsection]~~ of, any person referred to in Section 4 of this act;

(2b) ~~disallow~~ Disallow, deny or otherwise make unavailable a deduction for state tax purposes of any charitable contribution made to or by such person;

(3) ~~refuse to hire or promote, force to resign, fire, demote, sanction, discipline, materially alter the terms or conditions of employment, retaliate or take other adverse employment action against, a person employed or commissioned by the State Government.~~

(4c) ~~withhold~~ Withhold, reduce, exclude, terminate, ~~deny, or~~ materially alter the terms or conditions of, or otherwise make unavailable or deny any state grant, contract, subcontract, cooperative agreement, ~~or~~ guarantee, loan, scholarship, or other similar benefit from or to ~~any~~ such person;

(5d) ~~withhold~~ Withhold, reduce, exclude, terminate, ~~deny, or~~ materially alter the terms or conditions of, ~~any~~ or otherwise make unavailable or deny any entitlement or benefit under a state benefit program from or to ~~any~~ such person;

(6e) ~~impose~~ Impose, levy, or assess, a monetary fine, fee, penalty or injunction ~~not required by state statute; or~~

(7f) ~~withhold~~ Withhold, reduce, exclude, terminate, ~~deny, or~~ materially alter the terms or conditions of, ~~any~~ or otherwise make unavailable or deny any license, certification, accreditation, licensing, custody award or agreement, diploma, grade, recognition, or certification other similar benefit, position, or status from or to any person; ~~or~~

(g) Refuse to hire or promote, force to resign, fire, demote, sanction, discipline, materially alter the terms or conditions of employment, or

retaliate or take other adverse employment action against a person employed or commissioned by the state government.

(A2) ~~For purposes of state law, the State Government~~ The state government shall consider accredited, licensed, or certified any person that would otherwise be accredited, licensed, or certified, respectively, for ~~such~~ any purposes under state law but for a determination against such person wholly or partially on the basis that the person ~~speaking, acting, or declining to act based upon or consistent~~ believes, speaks or acts in accordance with a sincerely held religious belief or moral conviction described in Section ~~13~~ 3 of this act.

SEC. 4. RELIEF.

(a) ~~ADMINISTRATIVE CLAIMS AND DEFENSES.~~ SECTION 6. (1) A person may assert ~~an actual or threatened~~ a violation of this ~~Order~~ act as a claim ~~or against the state government in any judicial or administrative proceeding or as~~ defense in ~~a~~ any judicial or administrative proceeding ~~before any department, commission, board, agency, school district, and/or political subdivision of the state and obtain compensatory damages, injunctive~~ without regard to whether the proceeding is brought by or in the name of the state government, any private person or any other party.

(2) An action under this act may be commenced, and relief may be granted, in a court of the state without regard to whether the person commencing the action has sought or exhausted available administrative remedies.

(3) Violations of this act which are properly governed by Chapter 46, Title 11, Mississippi Code of 1972, shall be brought in accordance with that chapter.

SECTION 7. Any person who successfully asserts a claim or defense under this act may recover:

-

(a) Declaratory relief;

(b) Injunctive relief to prevent or remedy a violation of this act or the effects of such a violation;

(c) Compensatory damages for pecuniary and nonpecuniary losses;

(d) Reasonable attorneys' fees and costs; and

~~relief, declaratory relief, or any~~(e) Any other appropriate relief ~~against the state~~except only declaratory relief and injunctive relief shall be available against a private person not acting under color of state law upon a successful assertion of a claim or defense under this act.

~~SEC. 5. RULES OF CONSTRUCTION.~~

SECTION 8. A person must bring an action to assert a claim under this act not later than two (2) years after the date that the person knew or should have known that a discriminatory action was taken against that person.

SECTION 9. (1) Sovereign, governmental and qualified immunities to suit and from liability are waived and abolished to the extent of liability created by Section 7 of this act, and a person may sue the state government, except state courts, for damages allowed by Section 7 of this act.

(2) Notwithstanding subsection (2) of this section, this section does not waive or abolish sovereign immunity to suit and from liability under the Eleventh Amendment to the United States Constitution.

(a) ~~BROAD CONSTRUCTION.~~ SECTION 10. (1) This ~~Order~~act shall be construed in favor of a broad protection of free exercise of religious beliefs and moral

convictions, to the maximum extent permitted by the ~~terms of this Order and the United States~~ and ~~[STATE]~~state and federal constitutions.

(b2) ~~No REPEAL OR NARROW CONSTRUCTION. Nothing in this Order,~~
~~including the enumeration of specific protections,~~ The protection of free exercise of religious
beliefs and moral convictions afforded by this act are in addition to the protections
provided under federal law, state law, and the state and federal constitutions. Nothing in
this act shall be construed to preempt or repeal any state or local law that is equally or
more protective of free exercise of religious beliefs or moral convictions. Nothing in this act
 shall be construed to narrow the meaning or application of any ~~Order or State or Federal~~state or
local law protecting free exercise of religious beliefs or moral convictions. Nothing in this
~~Order~~act shall be construed to prevent the ~~State Government~~state government from providing,
 either directly or through ~~a person~~an individual or entity not seeking protection under this
~~Order~~act, any benefit or service authorized under ~~State~~state law.

(3) This act applies to, and in cases of conflict supersedes, each statute of
the state that impinges upon the free exercise of religious beliefs and moral convictions
protected by this act, unless a conflicting statute is expressly made exempt from the
application of this act. This act also applies to, and in cases of conflict supersedes, any
ordinance, rule, regulation, order, opinion, decision, practice or other exercise of the state
government's authority that impinges upon the free exercise of religious beliefs or moral
convictions protected by this act.

SECTION 11. As used in Section 1 through 10 of this act, the following
words and phrases shall have the meanings ascribed in this section unless the context
clearly indicates otherwise:

(1) “State benefit program” means any program administered or funded by the state, or by any agent on behalf of the state, providing cash, payments, grants, contracts, loans or in-kind assistance.

(2) “State government” means:

(a) The State of Mississippi or a political subdivision of the state;

~~(c) RULE ON PREEMPTION—For purposes of state law, this Order shall be construed to preempt any local or municipal ordinance or resolution to the extent such ordinance or resolution conflicts with any protection of free exercise of religious beliefs or moral convictions provided by this Order. Nothing in this Order shall be construed to preempt or repeal any Order that is equally or more protective of free exercise of religious beliefs or moral convictions.~~

~~(d) SEVERABILITY.—If any provision of this Order or any application of such provision to any religious entity or circumstance is held to be invalid under law, the remainder of this Order and the application of the provision to any other religious entity or circumstance shall not be affected.~~

~~SEC. 6. DEFINITIONS.~~

~~In this Order:~~

~~(a) STATE BENEFIT PROGRAM.—The term “state benefit program” has the meaning given that term in [applicable state code].~~

~~(b) STATE GOVERNMENT.—The term “State Government” includes any department, commission, board, agency, school district, political subdivision, and/or agent of the state or any person acting under color of state law.~~ Any

agency of the state or of a political subdivision of the state, including a department, bureau, board, commission, council, court or public institution of higher education;

(c) Any person acting under color of state law; and

(d) Any private party or third party suing under or enforcing a law, ordinance, rule or regulation of the state or political subdivision of the state.

~~(e3)~~ ~~PERSON.~~—The term “person”“Person” means:

~~(1a)~~ ~~a~~A natural person, in his or her individual capacity, regardless of religious affiliation or lack thereof, or in his or her capacity as a member, officer, owner, volunteer, employee, manager, religious leader, clergy, or minister of any entity described in this ~~Section~~section;

~~(2b)~~ ~~a~~A religious organization;

~~(3c)~~ ~~a~~A sole proprietorship, or closely held ~~business or its owners, including sole proprietorships, companies, partnerships, ventures, associations, firms, corporations, cooperatives, trusts, and societies,~~company, partnership, association, organization, firm, corporation, cooperative, trust, society or other closely held entity operating with a sincerely held religious belief or moral conviction described in Section ~~12 of this act~~; or

~~(4d)~~ ~~cooperatives~~Cooperatives, ventures, or enterprises comprised of two (2) or more individuals or entities described in this ~~Section regardless of non-profit or for-profit status~~subsection.

~~(d4)~~ ~~RELIGIOUS ORGANIZATION.~~—The term “religious”“Religious organization” means:

~~(1) a religious group, corporation, association, educational institution, ministry, order, or society, and associated entities, regardless of whether its purposes and activities are deemed wholly or partly religious.~~

~~(2a) a~~ A house of worship, including, but not limited to, churches, synagogues, shrines, mosques, and temples;

(b) A religious group, corporation, association, school or educational institution, ministry, order, society or similar entity, regardless of whether it is integrated or affiliated with a church or other house of worship; and

~~(3c) any individual member, An~~ officer, owner, ~~volunteer,~~ employee, manager, religious leader, clergy, or minister of an entity or organization described in ~~the preceding subsections while acting within their scope of employment or duties of position or office~~ this subsection (4).

~~SEC. 7. SCOPE.~~

~~(a) All departments, commissions, boards, agencies, school districts, political subdivisions, and agents of the state are authorized and directed to cooperate with the implementations of the provisions of this Order.~~

~~SEC. 8. EFFECTIVE DATE.~~

~~(a) This Order is effective upon signature and shall remain in effect until amended, modified, terminated or rescinded.~~

(5) “Adoption or foster care” or “adoption or foster care service” means social services provided to or on behalf of children, including:

(a) Assisting abused or neglected children;

(b) Teaching children and parents occupational, homemaking and other domestic skills;

(c) Promoting foster parenting;

(d) Providing foster homes, residential care, group homes or temporary group shelters for children;

(e) Recruiting foster parents;

(f) Placing children in foster homes;

(g) Licensing foster homes;

(h) Promoting adoption or recruiting adoptive parents;

(i) Assisting adoptions or supporting adoptive families;

(j) Performing or assisting home studies;

(k) Assisting kinship guardianships or kinship caregivers;

(l) Providing family preservation services;

(m) Providing family support services; and

(n) Providing temporary family reunification services.

SECTION 12. The provisions of Sections 1 through 11 of this act shall be excluded from the application of Section 11-61-1.

SECTION 13. This act shall take effect and be in force from and after July 1, 2016.

~~IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of [STATE], at the Capitol, in the city of [CITY], on this [##]th day of [MONTH], 2015.~~

~~/s/ [NAME] _____~~

~~GOVERNOR OF [STATE]~~

-

Summary report: Litéra® Change-Pro 7.5.0.176 Document comparison done on 7/20/2016 4:25:23 PM	
Style name: PW Basic	
Intelligent Table Comparison: Active	
Original filename: ! COMPARE 1 - Exhibit G.docx	
Modified filename: ! COMPARE 2 - HB 1523.docx	
Changes:	
<u>Add</u>	258
Delete	244
Move From	42
<u>Move To</u>	42
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	586

Exhibit I



March 3, 2016

The Honorable Tate Reeves
Lieutenant Governor of Mississippi
Jackson, Mississippi

RE: MS HB 1523

Dear Lieutenant Governor,

Thank you for the opportunity to speak out in support of HB 1523, otherwise known as the "Religious Liberty Accommodations Act.

New Beginnings International Children's and Family Services, Inc. (hereafter New Beginnings) was founded and licensed in 1986. From the onset, New Beginnings has publically and in policy set itself forth as a Christian, faith-based agency. Every member of the Board of Directors and staff has signed a Statement of Faith that clearly sets forth the deeply held beliefs of the agency.

The Mission and Beliefs of this agency are founded on the written Word of God as set forth in the Holy Bible. In addition, we practice respect for the values and beliefs of others so long as, in practice, they do not violate our right to hold to our values and beliefs.

We believe marriage is between one man and one woman. We believe the best outcome for every child results from being raised in a two-parent home with a male and female role model.

In our experience, we have never had a birthmother request a same-sex couple to adopt her child. However, we have had at least five birthmothers who identified themselves as lesbians seek our services because they wanted a two-parent, male and female home for their children.

Allowing us to live out our deeply held beliefs will not prevent a same-sex couple from working with an agency that allows same-sex adoption. We have already referred couples identifying themselves as "same sex" to agencies in other states who do not hold the same beliefs as we do. Allowing Mississippi's agencies to hold to our beliefs will not prevent or harm the attempts of some to seek adoption services elsewhere.

Mississippi Home Office
2164 Southridge Drive
Tupelo, MS 38801
office 662.842.6752
fax 662.840.7176

Tennessee Office
512 South Church Street
Murfreesboro, TN 37130
office 615.378.7099
fax 615.893.9429



If same-sex adoption services are forced upon our agency, and other agencies in Mississippi, traditional, male-female couples may be harmed if Bible believing agencies choose to close their doors.

Thank you in advance for your unwavering support of HB 1523 and the corresponding bill in the Mississippi Senate.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Velie". The signature is written in a cursive, slightly slanted style.

Thomas M. "Tom" Velie
President

Exhibit J

Joey Songy

From: Jameson Taylor <taylor@mspolicy.org>
Sent: Monday, March 28, 2016 5:03 PM
To: Drew Snyder; Joey Songy; Knox Graham
Subject: letters of support for HB 1523, in case you are asked, "Who in MS wants this?"
Attachments: HomeofGrace_Ltr-Reeves-Senators-Support HB 1523.pdf; Bethany_LetterLtGov.pdf; HB 1523_CatholicBishops.pdf; NewBeginnings_LetterLTGov.pdf; UPC_Letter.pdf; HB1523 AFA Letter to Lt Gov.pdf; HB 1523_ADF_LegalMemo.pdf

Gentlemen:

I hope you are having a blessed Easter!

I wanted to make you are aware of the letters of support for HB 1523, in the event you are asked by the media: "Who wants this?"

Of course, clerks and others have also asked for similar protections and met with the Speaker toward that end.

These letters are from adoption agencies, the two Catholic bishops, Home of Grace, etc. There are many, many more letters of support from individual pastors. Stacks of letters (too many to attach here).

I also attach a legal analysis from ADF. Here, also, are two points you should be aware of:

This bill is narrowly, not broadly tailored. For instance, it does NOT authorize discrimination against homosexuals as a class of people. It does allow businesses and government officials to decline to participate in a marriage ceremony or celebration.

Circuit clerks must provide a way for a marriage license to be issued, even if there are no employees in the clerk's office who are willing to sign one. The clerk is allowed to recuse himself or herself only if doing so would not delay the issuance of the license. If the clerk wanted to, he or she could have an agreement with a local attorney (or any local citizen, I suppose) to be a deputy clerk solely on those occasions when a marriage license is applied for by a same-sex couple.

All the best, Jameson

PS – Also, you may have seen this:

<http://www.clarionledger.com/story/opinion/columnists/2016/03/25/support-mississippi-house-bill-1523-larry-mcadoo/82259908/>

Jameson Taylor, Ph.D.
Vice President for Policy
Mississippi Center for Public Policy
520 George Street

Jackson, Mississippi 39202
(601) 969-1300

www.msolicy.org
www.governingbyprinciple.org
www.seethespending.org

Limited Government • Free Markets • Strong Traditional Families

"This is our city! And nobody gonna dictate our freedom. Stay strong."

--David Ortiz



Admin Office and Men's Campus
Post Office Box 5009
Vance, Mississippi 39565
P 228.826.5283 / F 228.826.2329

Women's Campus
7112 Home of Grace Drive
Gautier, Mississippi 39553
P 228.497.1312 / F 228.497.7340

March 25, 2016

Dear Gov. Reeves and Mississippi Senators:

We at the Home of Grace urge you to defend freedom of conscience and the free exercise of religion by voting YES on HB 1523: "Protecting Freedom of Conscience from Government Discrimination Act," which now awaits Senate action.

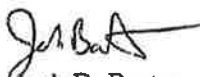
Mississippi needs this bill because when the U.S. Supreme Court, in *Obergefell v. Hodges*, created a constitutionally protected right to same-sex marriage in every state, their ruling failed to protect people of faith and faith-based, 501(c)3 entities.

HB 1523 will prevent Mississippi churches and other religious organizations like the Home of Grace from potentially losing their tax exempt status under state law. It will also protect faith-based adoption agencies from government discrimination if the agency places children only in homes of a mother and father. It will protect our schools, our businesses, and our public employees from government discrimination and intimidation.

HB 1523 does not in any way question or undermine what the Supreme Court ruled regarding same-sex marriage. However, our country has a long tradition of protecting conscience rights when accommodation can be made between those rights and the law. An example of this are the conscience protections for medical professionals and pharmacists enacted by many states after the *Roe v. Wade* decision.

Again, I urge you to vote yes on HB1523 and protect people of faith all across Mississippi so that we may continue to serve in our communities and live out our faith without fear of harassment by government agencies or officials.

Sincerely,


Josh D. Barton
Executive Director

JDB/ab



March 2, 2016

Lt. Governor Tate Reeves
Members of the Mississippi Senate
P.O. Box 1018
Jackson, MS 39215

Dear Ladies and Gentlemen:

On behalf of Bethany Christian Services, I appreciate the opportunity to offer my support for HB 1523 that is now before the Mississippi legislature.

Bethany Christian Services is a global nonprofit organization that brings families together and keeps families together. Working privately and with local, state, and federal governments in 36 states and 19 countries, Bethany Christian Services has been finding loving families for and serving the needs of more than 100,000 children every single year. For more than half a century, Bethany has partnered with governments to find loving and nurturing homes for children and to help the neediest in our communities. In addition, Bethany raises millions of dollars each year from private donors to supplement the work we do with governments.

We at Bethany are compelled by our faith to serve, and we adhere to the values and beliefs of our faith when serving. Indeed, faith-based agencies have been serving children and families in this country long before the creation of governmental social-service agencies. That is why governments across the country regularly pursue initiatives to form stronger public-private partnerships with faith-based agencies. It cannot be seriously disputed that children and families are best served when governments partner with faith-based agencies to maximize the available resources.

Unfortunately, it is that faith which is now under attack, with some state and local governments taking the position that faith-based agencies must choose between their desire to help children and families and their fidelity to their religious principles. In Massachusetts, Washington D.C., and Illinois, numerous child-placement agencies either had to abandon their faith or abandon the children they serve. That is an untenable choice and one that inevitably results in fewer resources available to recruit families and place children in loving homes.

In 2012, a Virginia regulatory agency attempted to do the same thing. Fortunately, the Virginia legislature acted swiftly to prohibit the agency's actions by passing legislation protecting the consciences of faith-based agencies when those agencies provide much-needed services to children and families. In addition, similar legislation was passed in Michigan in 2015.

This legislation largely codifies the current practice across the nation of honoring the consciences of faith-based agencies while at the same time ensuring that every person who is legally able to participate in adoption and foster care will be able to do so. It's a practical solution to working with private agencies because it strikes a balance—it ensures that there are private agencies available to work with *all* individuals and families throughout the state while allowing faith-based agencies to adhere to their religious principles. Under the system, a state

partners with dozens of private agencies that will work with any individual or family statewide. Then, in addition to those agencies, the state accepts assistance from agencies that have more focused efforts. The state does not get into the business of endorsing a particular religious or moral view. Rather, the state's system allows every agency to recruit families consistent with their missions so that more children can be placed in loving homes. By maximizing the available resources, the system is in the best interest of children and families and prevents any government entanglement in religion.

In many cases, the choice of an agency is deeply personal and faith-based. We can verify that many of the families that Bethany recruits work with Bethany *because of* our faith commitment. Indeed, religion is an important factor in determining what is in the "best interest of the child."¹ So serving the best interests of children and families many times requires the state to seek assistance from the faith-based community. Those who would argue that a faith-based agency must continue to provide services even when the services would require the agency to abandon its beliefs do not understand the exercise of religion. Indeed, if this type of protective legislation is not enacted in a state, agencies such as Bethany face much uncertainty in deciding whether to work in that state, especially considering what has happened across the country already.

The protection of agencies' consciences in the legislation does not judge or adopt a particular belief about family structure or lifestyle. Rather, HB 1523 simply ensure that faith-based agencies may adhere to their particular beliefs when providing services that have been essential to helping children and families throughout our nation's history. This is a vital notion in our pluralistic country: The ability and freedom of Americans of any faith—or no faith at all—to be free to serve the needy in ways consistent with the commitments that inspire their service in the first place. Although not everyone may agree with all the aspects of each other's beliefs on family structure, the truth is that religious beliefs compel individuals and organizations to help place children in loving homes. And this is something everyone can agree with and support.

We ask that you and your colleagues in the Mississippi legislature support common-sense legislation that has been passed in other states protecting the religious liberty of child-welfare agencies so that they may continue to partner with governments and work privately to serve children and families.

Sincerely,



Karen P. Stewart
Branch Director
Bethany Christian Services of Mississippi

¹ Mich. Comp. Laws § 710.22; *see, e.g.*, N.Y. Const. Art. 6, § 32; N.Y. Social Services Law § 373; Mont. Code Ann. § 42-4-201.



**The Catholic Diocese
of Jackson**

237 East Amite Street
Jackson, MS 39201

•
Most Reverend Joseph R. Kopacz, D.D.
Bishop



**The Catholic Diocese
of Biloxi**

1790 Popps Ferry Road
Biloxi, MS 39532

•
Most Reverend Roger P. Morin, D.D.
Bishop

March 1, 2016

We, the undersigned, Most Reverend Joseph R. Kopacz, Bishop of the Catholic Diocese of Jackson, and Most Reverend Roger P. Morin, Bishop of the Catholic Diocese of Biloxi, are writing on behalf of the Catholic Church throughout Mississippi with regard to HB 1523. This bill seeks to encode in State law the right to freedom of conscience and protections to religious individuals and groups. We are concerned that without this protection our mission to serve in a manner that is faithful to the Gospel of Jesus Christ and the Church's cherished tradition to educate, and to serve society's vulnerable populations, will be in jeopardy.

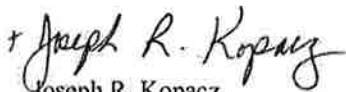
Our Catholic Charities are very active in the areas of adoption, foster care, and unaccompanied refugee minors. These programs provide a critical service to children and families throughout the State of Mississippi. It is our hope that we can continue to serve those in need, while at the same time be faithful to our mission through the placing of these children with parents in traditional marriages, male and female. It would be detrimental to our Church's mission, as well as to the common good of our State, to be compelled to choose between our beliefs and our service.


Likewise, our Catholic School System throughout Mississippi has a stellar reputation for education that reaches back before the Civil War. Our teachers provide a first rate education to Catholics and to students of all faith traditions. Moreover, our educators are also ministers of the gospel who witness to the teachings, beliefs, and values of the Church that have their origin in the words of Jesus Christ to go and teach all nations. It is our hope that we can safeguard this cherished mission that has been a wellspring of life for the Church and for the population of Mississippi, without prejudice, for 169 years.

As you weigh whether or not to vote in support of HB 1523, it is important that you do so with knowledge of what the bill actually does, and not with the distorted, inaccurate claims from the bill's opponents. It is our opinion that HB 1523 does not violate the Free Speech, Establishment, or Equal Protection Clauses of our Constitution. In fact, laws that afford similar protections to religious individuals and groups have been repeatedly upheld by the Supreme Court. Thus, the legislature would be acting consistent with the protections guaranteed by the U.S. Constitution if it passed HB 1523.

We thank you for your attention to this critical bill that is before you. May the Holy Spirit enlighten your deliberations and decisions to choose wisely on behalf of the people of Mississippi.

Respectfully yours,


Joseph R. Kopacz
Bishop of Jackson


Roger P. Morin
Bishop of Biloxi



P.O. Box 1188, Raymond, MS 39154-1188 Phone: 601-857-5532 Fax: 601-857-2635

David D. Tipton, Jr.
District Superintendent

Dennis M. Davis
District Secretary/Treasurer

March 2, 2016

The Honorable J. Tate Reeves
Lt. Governor of the State of Mississippi
PO Box 1018
Jackson, MS 39215

Lt. Governor Reeves,

Mississippi is one of, if not the most, faith-minded states in America. In fact, Barna Research Group named Jackson, Mississippi as the fifth most faith-minded city in the nation. It is no wonder that your courage and support for HB1523, the MS Government Non-Discrimination Act has been applauded by the MS religious community.

On behalf of thousands of Mississippi pastors, ministers and church members, I extend a heartfelt thank you for your leadership and commitment to religious freedom. Because we cannot count on the Supreme Court to uphold the rights of its citizens of faith and the fact that we live in a litigious society, it is imperative that we protect Mississippians freedom of conscience.

We have arrived at a defining moment in our state. We know that you have chosen to stand with a great multitude of Mississippians who support this bill rather than capitulate to the outside pressure of those who are seeking to undermine our foundation of religious freedom in Mississippi. By helping to pass HB1523 you will ensure that churches across this state maintain their ability to preach and live out their faith in a manner that is consistent with their sincerely held religious beliefs.

This is the most significant piece of legislation the people of Mississippi are watching. We are confident that you have the courage to lead on this important issue. Thank you for your leadership.

Sincerely,

Ron Matis
Political Director
Mississippi District UPC



TIMOTHY B. WILDMON, President
P.O. Drawer 2440 • Tupelo, MS 38803
Tel: 662-844-5036 • Fax: 662-821-2044
Email: twildmon@afa.net

March 3, 2016

Honorable Lt. Gov. Tate Reeves,

The American Family Association (AFA) is a 501(c)3 nationally recognized, Christian organization based in Tupelo, MS, and our mission is to preserve the moral integrity of marriage and family in America. Since our founding in 1977, AFA has been able to freely exercise its religious belief without fear of government penalty. We are grateful for this foundational, constitutional freedom that has enabled us to encourage those who share our beliefs and convictions on marriage, family, and human sexuality.

These freedoms are under assault, however. Courts across America are pressuring individuals and organizations to endorse same-sex marriage and gender related viewpoints. These types of assault will likely only increase since the U.S. Supreme Court in *Obergefell v. Hodges* created a constitutionally protected right to same-sex marriage in every state. The problem with their ruling is that it failed to protect people and entities who hold religious beliefs on marriage and sexuality that conflict with the government's enforcement of the right to same-sex marriage.

The threat that organizations like AFA might lose their tax-exempt status is a real possibility given the *Obergefell* decision. U.S. Supreme Court Justice Samuel Alito asked the U.S. solicitor general during oral arguments how tax-exempt religious institutions might be affected by the decision. The solicitor general responded: "It's certainly going to be an issue. I don't deny that." This response from the nation's top lawyer is one reason AFA strongly supports HB 1523, the Protecting Freedom of Conscience from Government Discrimination Act.

HB1523 prevents state and local governments from violating the conscience of individuals or entities like AFA for affirming marriage and sexual relations being only between a man and a woman. This bill also protects a person's conscience from state and local government discrimination if they affirm sexual identity as being biologically fixed at birth.

This bill will furthermore protect faith-based adoption agencies from government discrimination if the agency places children only in homes of a mother and father. Religious schools and other non-profit religious groups, like AFA, will also be protected from the governmental threat of losing their tax-exempt status.

We recognize and appreciate your strong leadership in passing the Religious Freedom Restoration Act (RFRA). AFA hopes that under your leadership the MS State Senate will further recognize the vulnerability of non-profit, religious organizations and pass laws that protect them.

Sincerely,

Tim Wildmon

Exhibit K

Drew Snyder

From: Kellie Fiedorek <KFiedorek@adflegal.org>
Sent: Thursday, March 31, 2016 12:09 PM
To: Drew Snyder
Subject: RF bill

Hey,

Would love to chat with you about how we can help your office from a PR/messaging/support perspective in the next few weeks as the RF bill heads your way. Obviously there will likely be significant opposition so we want to help come behind you all however we can with national support and cover as well as activating folks in the state. Or whatever is helpful to you. Would it be helpful to do a call?

Best,
Kellie



Kellie Fiedorek
Legal Counsel
202-393-8690 (Office)
202-888-7633 (Direct Dial)
202-347-3622 (Fax)
KFiedorek@ADFlegal.org
ADFlegal.org

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Exhibit L

Joey Songy

From: Jameson Taylor <taylor@mspolicy.org>
Sent: Monday, April 04, 2016 4:00 PM
To: Drew Snyder; Joey Songy; Knox Graham
Subject: Who supports HB 1523_April
Attachments: Who supports HB 1523_April.docx

Attached are the below talking points and list of supporters. We have copies of all the letters, if you need them.

When you are asked who wants the bill, here is your answer.

HB 1523:

The Protecting Freedom of Conscience from Government Discrimination Act

States told by Obama administration to “strike different balances”

In June 2015, the U.S. Supreme Court issued a decision that imposes a redefinition of marriage on Mississippi. In the words of Chief Justice Roberts the decision: “creates serious questions about religious liberty. Many good and decent people oppose same-sex marriage as a tenet of faith,” and their freedom to live consistent with their beliefs is now jeopardized.

During oral arguments for *Obergefell*, the U.S. Solicitor General acknowledged that the nonprofit status of organizations that support one man/one woman marriage “is going to be an issue.” At the same time, he said that the balance between making same-sex marriage the law of the land and respecting the rights of conscience of those who disagree “is going to depend on how States work [it out] ... and how they decide what kinds of accommodations they are going to allow under state law. And different states could strike different balances.”

A narrowly crafted bill based on the First Amendment Defense Act

The balance we are going to strike is to protect freedom of conscience in narrow situations. Accordingly, HB 1523 is very narrowly and carefully crafted in response to one thing: the Supreme Court same-sex marriage decision. It was written in accordance with the direction of the arguments and the decision itself. In this respect, it is NOT like the NC law or the GA law or the Utah law or any other state law you may have heard about. Rather, it is most like the First Amendment Defense Act, which virtually the entire MS delegation supports (turn over, for list of supporters).

Similar to Post-Roe v. Wade Conscience Protections for Healthcare Professionals

HB 1523 is best compared to the narrow protection of conscience laws many states passed after *Roe v. Wade*. Mississippi is one of these states. These laws do not discriminate against anyone or in any way undermine the court’s finding of a “constitutional” right to an abortion. Likewise, HB 1523 does not question or undermine the Court’s finding of a constitutional right to same-sex marriage. In fact, the bill specifically ensures that same-sex couples will be able to obtain marriage licenses without delay (line 125).

Live and Let Live Means Not Forcing Your Views on Others

HB 1523 does not authorize discrimination in any way. Rather, it says that the force of government may not be used against someone who sincerely believes marriage is a union of one man/one woman.

An analogy may help put this bill into perspective. We would never think of forcing a Jewish baker to make a swastika-adorned cake for a neo-Nazi wedding. (Such weddings are legal, after all.) Why would we think it's OK to force a religious business owner to assist in a wedding ceremony that violates his or her deeply-held beliefs, simply because it is now legal to hold such a wedding ceremony?

Who supports HB 1523?

Nearly **two-thirds of MS voters** support this bill: a majority from every age group, both parties, races, sexes in a recent Mason-Dixon poll.

More than 270 pastors have signed a letter of support on the bill. Other pastors/churches submitted separate letters.

Franklin Graham has endorsed the bill

The Southern Baptist Convention has endorsed the bill

Rep. Steven Palazzo has endorsed the bill directly and is a sponsor, along with **Rep. Harper, Rep. Kelly, Senator Cochran and Senator Wicker**, of the federal version. (Note: The federal version applies only to federal practices and not to Mississippi. Hence, the need for HB 1523.)

Bethany Christian Services submitted a letter on the bill's behalf

New Beginnings Adoptions submitted a letter on the bill's behalf

The two Catholic dioceses/bishops of Mississippi submitted a letter on the bill's behalf. They also represent Mississippi's Catholic schools and Catholic Charities

Home of Grace Addiction Recovery submitted a letter on the bill's behalf

American Family Association submitted a letter on the bill's behalf

The National Hispanic Christian Leadership Conference submitted a letter on the bill's behalf

The United Pentecostal Church, Mississippi District submitted a letter on the bill's behalf

The American Association of Christian Schools submitted a letter on the bill's behalf

The Miss. Center for Public Policy has provided favorable analysis, supporting the bill

Redemption Outreach Ministries International wrote an op-ed supporting the bill

Alliance Defending Freedom has endorsed the bill from a legal perspective and affirmed its constitutionality

The Family Research Council has endorsed the bill

The Heritage Foundation has written favorably about the bill

Knox Graham

From: Jameson Taylor <taylor@mspolicy.org>
Sent: Monday, April 04, 2016 4:00 PM
To: Drew Snyder; Joey Songy; Knox Graham
Subject: Who supports HB 1523_April
Attachments: Who supports HB 1523_April.docx

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HB 1523 is best compared to the narrow protection of conscience laws many states passed after *Roe v. Wade*. Mississippi is one of these states. These laws do not discriminate against anyone or in any way undermine the court’s finding of a “constitutional” right to an abortion. Likewise, HB 1523 does not question or undermine the Court’s finding of a constitutional right to same-sex marriage. In fact, the bill specifically ensures that same-sex couples will be able to obtain marriage licenses without delay (line 125).

Live and Let Live Means Not Forcing Your Views on Others

HB 1523 does not authorize discrimination in any way. Rather, it says that the force of government may not be used against someone who sincerely believes marriage is a union of one man/one woman.

An analogy may help put this bill into perspective. We would never think of forcing a Jewish baker to make a swastika-adorned cake for a neo-Nazi wedding. (Such weddings are legal, after all.) Why would we think it's OK to force a religious business owner to assist in a wedding ceremony that violates his or her deeply-held beliefs, simply because it is now legal to hold such a wedding ceremony?

Who supports HB 1523?

Nearly **two-thirds of MS voters** support this bill: a majority from every age group, both parties, races, sexes in a recent Mason-Dixon poll.

More than 270 pastors have signed a letter of support on the bill. Other pastors/churches submitted separate letters.

Franklin Graham has endorsed the bill

The Southern Baptist Convention has endorsed the bill

Rep. Steven Palazzo has endorsed the bill directly and is a sponsor, along with **Rep. Harper, Rep. Kelly, Senator Cochran and Senator Wicker**, of the federal version. (Note: The federal version applies only to federal practices and not to Mississippi. Hence, the need for HB 1523.)

Bethany Christian Services submitted a letter on the bill's behalf

New Beginnings Adoptions submitted a letter on the bill's behalf

The two Catholic dioceses/bishops of Mississippi submitted a letter on the bill's behalf. They also represent Mississippi's Catholic schools and Catholic Charities

Home of Grace Addiction Recovery submitted a letter on the bill's behalf

American Family Association submitted a letter on the bill's behalf

The National Hispanic Christian Leadership Conference submitted a letter on the bill's behalf

The United Pentecostal Church, Mississippi District submitted a letter on the bill's behalf

The American Association of Christian Schools submitted a letter on the bill's behalf

The Miss. Center for Public Policy has provided favorable analysis, supporting the bill

Redemption Outreach Ministries International wrote an op-ed supporting the bill

Alliance Defending Freedom has endorsed the bill from a legal perspective and affirmed its constitutionality

The Family Research Council has endorsed the bill

The Heritage Foundation has written favorably about the bill

Exhibit M

Joey Songy

From: Mike Armour <MARMOUR@mississippi.org>
Sent: Monday, April 04, 2016 11:02 AM
To: Clay Foster; Joe Rutherford (joe.rutherford@journalinc.com)
Subject: FW: News

Sharing what's out there...

From: Mississippi Center for Public Policy [mailto:mail@mspolicy.org]
Sent: Monday, April 04, 2016 10:08 AM
Subject: Truth About the Freedom of Conscience Bill

Having trouble viewing this email? [Click here](#)



The Truth About the Freedom of Conscience Bill

By Forest Thigpen

If all the things being said by the opponents of HB 1523 were true, I would be against it as well.

But they are not.

Some opponents of the "Protecting Freedom of Conscience from Government Discrimination Act," including Clarion Ledger Executive Editor Sam Hall, make the outlandish assertion that this bill would allow a person to be "refused service at a restaurant, not allowed to shop at a grocery store," and other sweeping generalizations. Sam says these are in "specific, detailed language" in the bill, but the words "restaurant" or "grocery store" appear nowhere in the bill, nor does any provision for those businesses to keep people out.

HB1523 does not create any protection for businesses that deny service to a person based on sexual orientation. The bill is confined almost exclusively to wedding-related services that may be declined, and only under certain circumstances.

Here's why that's in the bill. Many merchants, such as bakers, and many professionals, such as attorneys, have said they gladly serve their customers regardless of sexual orientation, but they draw the line at assisting in a wedding ceremony, which they consider a sacrament or act of worship, if that ceremony would violate their beliefs about God's design for that form of worship.

Newspaper Guilty of Denial of Service?

Let's look at another form of denying service to a person seeking to exercise a Constitutional right. Should I be able to sue the Clarion-Ledger if it chooses not to print my comments? That's a "denial of service" for my right to free speech – a right which is explicitly stated in the Constitution.

If you oppose HB1523 – and if you want to be consistent – you would have to believe that I could sue, or the government could punish the newspaper for denying my right to express my views.

Other distortions about what HB 1523 supposedly does concern foster care and adoption. The bill clarifies that a religious organization like Catholic Charities does not have to abandon its faith in order to continue providing foster care services in Mississippi. Some states and cities have banned such groups for politely declining to place children with same-sex couples.

I'm not saying you have to agree with that stance by those organizations. But given that no one was forced to use their services, and there were other providers that would make those placements, was it really worth it to ban them from participating in the program?

There are two employment provisions in the bill. One would allow businesses, schools, and religious organizations to set dress codes and to keep men out of women's bathrooms, dressing rooms, showers, etc. The bill does not require those restrictions; it merely says you can't be punished by the government for choosing those policies.

The other is a protection for public employees who express their views about marriage on their own time. This protection would apply to a situation like the one in Atlanta, where Fire Chief Kelvin Cochran was fired because he wrote a Bible study on his own time that briefly referenced the Bible's views on sexual morality.

Who is Forcing Whose Views on Others?

After the Roe v. Wade decision, many states enacted conscience protections for health professionals whose deeply-held beliefs would not allow them to assist in performing an abortion. HB1523 is a similar response to a Supreme Court decision on another issue that created potential conflicts for people of faith.

President Obama's own Solicitor General, when arguing the same-sex marriage case before the Supreme Court, said that respecting rights of conscience of those who disagree "is going to depend on how States work [it out] ... and how they decide what kinds of accommodations they are going to allow under state law. And different states could strike different balances."

Our society, I hope, would never be alright with the government forcing an African-American t-shirt shop to design and print shirts for a Klan parade, even if that parade is legally organized. We would never think of forcing a Jewish baker to make a swastika-adorned cake for a neo-Nazi wedding, which is also legal to hold. Why would we think it's OK to force a religious business owner to assist in a wedding ceremony that violates his or her deeply-held beliefs, simply because it is now legal to hold such events?

HB1523 is not forcing anyone's views on anyone else. On the contrary, it is protecting people from having someone else's views forced on them to violate the tenets of their faith regarding marriage.

Some have said the bill pits one person's religious views against another, but consider the effect of each: a person who "denies service" is not preventing a same-sex couple from exercising their right to get married.* But if the couple prevails, it is preventing the objector from exercising his or her freedom of religion. HB1523 is a narrowly-tailored measure that provides a reasonable balance for those competing rights.

If we head down the road of having the government force us to abandon our religious beliefs, especially when reasonable alternatives are available, where will it end? What will be left of the freedom of religion?

** A Circuit Clerk will not be protected under this bill if a license is not provided to a same-sex couple "without delay." The Clerk may "seek recusal," but one of the conditions of that recusal is that the Clerk "shall take all steps necessary to ensure that the...licensing...is not impeded or delayed..." Thus, if the license is delayed, the Clerk has not met the conditions for protection under this bill.*

Mississippi Center for Public Policy, 520 George Street, Jackson, MS 39202

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Joey Songy

From: John Boykin
Sent: Tuesday, April 05, 2016 9:28 AM
To: Joey Songy
Subject: FW: Truth About the Freedom of Conscience Bill.docx
Attachments: Thigpen Email on HB1523 - Truth About the Freedom of Conscience Bill.docx

From: Forest Thigpen [mailto:thigpen@mspolicy.org]
Sent: Tuesday, April 05, 2016 9:20 AM
To: John Boykin
Subject: Truth About the Freedom of Conscience Bill.docx

Attached – and pasted below – is the content of a message we sent to our email list, a shorter version of which is posted on Clarion Ledger and MS Business Journal online.

The Truth About the Freedom of Conscience Bill

By Forest Thigpen

If all the things being said by the opponents of HB 1523 were true, I would be against it as well.

But they are not.

Some opponents of the “Protecting Freedom of Conscience from Government Discrimination Act,” including Clarion Ledger Executive Editor Sam Hall, make the outlandish assertion that this bill would allow a person to be “refused service at a restaurant, not allowed to shop at a grocery store,” and other sweeping generalizations. Sam says these are in “specific, detailed language” in the bill, but the words “restaurant” or “grocery store” appear nowhere in the bill, nor does any provision for those businesses to keep people out.

HB1523 does not create any protection for businesses that deny service to a person based on sexual orientation. The bill is confined almost exclusively to *wedding-related* services that may be declined, and only under certain circumstances.

Here’s why that’s in the bill. Many merchants, such as bakers, and many professionals, such as attorneys, have said they gladly serve their customers regardless of sexual orientation, but they draw the line at assisting in a wedding ceremony, which they consider a sacrament or act of worship, if that ceremony would violate their beliefs about God’s design for that form of worship.

Let’s look at another form of denying service to a person seeking to exercise a Constitutional right. Should I be able to sue the Clarion-Ledger if it chooses not to print my comments? That’s a “denial of service” for my right to free speech – a right which is explicitly stated in the Constitution.

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Other distortions about what HB 1523 supposedly does concern foster care and adoption. The bill clarifies that a religious organization like Catholic Charities does not have to abandon its faith in order to continue providing foster care services in Mississippi. Some states and cities have banned such groups for politely declining to place children with same-sex couples.

I'm not saying you have to agree with that stance by those organizations. But given that no one was forced to use their services, and there were other providers that would make those placements, was it really worth it to ban them from participating in the program?

There are two employment provisions in the bill. One would allow businesses, schools, and religious organizations to set dress codes and to keep men out of women's bathrooms, dressing rooms, showers, etc. The bill does not require those restrictions; it merely says you can't be punished by the government for choosing those policies.

The other is a protection for public employees who express their views about marriage on their own time. This protection would apply to a situation like the one in Atlanta, where Fire Chief Kelvin Cochran was fired because he wrote a Bible study on his own time that briefly referenced the Bible's views on sexual morality. After the *Roe v. Wade* decision, many states enacted conscience protections for health professionals whose deeply-held beliefs would not allow them to assist in performing an abortion. HB1523 is a similar response to a Supreme Court decision on another issue that created potential conflicts for people of faith. President Obama's own Solicitor General, when arguing the same-sex marriage case before the Supreme Court, said that respecting rights of conscience of those who disagree "is going to depend on how States work [it out] ... and how they decide what kinds of accommodations they are going to allow under state law. And different states could strike different balances."

Our society, I hope, would never be alright with the government forcing an African-American t-shirt shop to design and print shirts for a Klan parade, even if that parade is legally organized. We would never think of forcing a Jewish baker to make a swastika-adorned cake for a neo-Nazi wedding, which is also legal to hold. Why would we think it's OK to force a religious business owner to assist in a wedding ceremony that violates his or her deeply-held beliefs, simply because it is now legal to hold such events?

HB1523 is not forcing anyone's views on anyone else. On the contrary, it is protecting people from having someone else's views forced on *them* to violate the tenets of their faith regarding marriage.

Some have said the bill pits one person's religious views against another, but consider the effect of each: a person who "denies service" is not preventing a same-sex couple from exercising their right to get married.* But if the couple prevails, it *is* preventing the objector from exercising his or her freedom of religion. HB1523 is a narrowly-tailored measure that provides a reasonable balance for those competing rights.

If we head down the road of having the government force us to abandon our religious beliefs, especially when reasonable alternatives are available, where will it end? What will be left of the freedom of religion?

* A Circuit Clerk will not be protected under this bill if a license is not provided to a same-sex couple "without delay." The Clerk may "seek recusal," but one of the conditions of that recusal is that the Clerk "shall take all steps necessary to ensure that the...licensing...is not impeded or delayed..." Thus, if the license is delayed, the Clerk has not met the conditions for protection under this bill.

Exhibit N

Joey Songy

From: Jameson Taylor <taylor@mspolicy.org>
Sent: Tuesday, April 05, 2016 10:34 AM
To: Drew Snyder; Knox Graham; Joey Songy
Subject: List of who supports HB 1523
Attachments: Who supports HB 1523_April.pdf

Thank you for working so hard!

Forest also delivered letters. I can send you links to letters, if you need them.

And, assuming you saw this article from Southern Baptist Convention:

<https://eric.com/article/will-mississippi-lead-the-way>

"an exemplary model for public policy."

I will add that, frankly, if this bill fails it will severely cripple the entire fight for religious liberty nationwide.

I will also add that, having worked in NC, Pat McCrory is not known for being super conservative. But the NC governor is running for re-election and he knows it is good politics to defend religious liberty. That is why he has stood strong on the NC bill. (And after the legislature overrode his veto of their magistrate recusal bill, pre-Obergefell).

As you know from our poll ...

http://www.mspolicy.org/mcpp_reports/mcpp_reports_view.php?entryID=424

a majority of voters in every demographic support the bill.

Let me know if we can help, Jameson

Jameson Taylor, Ph.D.
Vice President for Policy
Mississippi Center for Public Policy
520 George Street
Jackson, Mississippi 39202
(601) 969-1300

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"This is our city! And nobody gonna dictate our freedom. Stay strong."

--David Ortiz

Exhibit O

Whitney Lipscomb

From: Whitney Lipscomb
Sent: Thursday, March 31, 2016 7:08 PM
To: 'kfiedorick@adflegal.org'
Subject: Governor Bryant Signing Statement for HB 152
Attachments: HB 1523 Signing Statement.docx; Senate 2687 Bill Signing Statement.pdf

Kellie,

Thank you for taking the time to speak with me and agreeing to help provide some language for Governor Bryant's Signing Statement. Attached is the beginning of the Signing Statement for HB 1523 along with a Signing Statement he has done in the past. Also you will find information related to HB 1523 [here](#). Thanks again for your help.

Best,
Whitney

Whitney H. Lipscomb
Counsel
Office of Governor Phil Bryant
P.O. Box 139
Jackson, MS 39205
(601) 576-2026
whitney.lipscomb@governor.ms.gov

April 1, 2015

TO THE MEMBERS OF THE MISSISSIPPI HOUSE OF REPRESENTATIVES AND THE
MISSISSIPPI STATE SENATE:

GOVERNOR'S SIGNING STATEMENT FOR HOUSE BILL 1523

I am signing House Bill 1523, "AN ACT TO CREATE THE "PROTECTING FREEDOM OF CONSCIENCE FROM GOVERNMENT DISCRIMINATION ACT"; TO PROVIDE CERTAIN PROTECTIONS REGARDING A SINCERELY HELD RELIGIOUS BELIEF OR MORAL CONVICTION FOR PERSONS, RELIGIOUS ORGANIZATIONS AND PRIVATE ASSOCIATIONS; TO DEFINE A DISCRIMINATORY ACTION FOR PURPOSES OF THIS ACT; TO PROVIDE THAT A PERSON MAY ASSERT A VIOLATION OF THIS ACT AS A CLAIM AGAINST THE GOVERNMENT; TO PROVIDE CERTAIN REMEDIES; TO REQUIRE A PERSON BRINGING A CLAIM UNDER THIS ACT TO DO SO NOT LATER THAN TWO YEARS AFTER THE DISCRIMINATORY ACTION WAS TAKEN; TO PROVIDE CERTAIN DEFINITIONS; AND FOR RELATED PURPOSES."

STATE OF MISSISSIPPI

Office of the Governor



March 18, 2013

TO THE MEMBERS OF THE MISSISSIPPI HOUSE OF REPRESENTATIVES AND THE
MISSISSIPPI STATE SENATE:

GOVERNOR'S SIGNING STATEMENT FOR SENATE BILL 2687

I am signing Senate Bill 2687, "AN ACT TO RESERVE TO THE LEGISLATURE ANY REGULATION OF CONSUMER INCENTIVE ITEMS AND NUTRITION LABELING FOR FOOD THAT IS A MENU ITEM IN RESTAURANTS, FOOD ESTABLISHMENTS AND VENDING MACHINES; TO SPECIFY THAT THE ACT WOULD NOT AFFECT THE FEDERAL REGULATION OF NUTRITION LABELING UNDER EXISTING FEDERAL LAW; AND FOR RELATED PURPOSES."

This bill reserves to the Legislature the authority to regulate the sale and marketing of food on a statewide basis. It protects consumers' freedom of choice and avoids a patchwork of inconsistent regulations on retailers that operate across jurisdictional lines. Further, this bill will not affect laudable efforts by local schools to ensure that food offered in schools is healthy and nutritious. Recent studies show that obesity among our Mississippi elementary students has fallen 13.3% between 2005 and 2011. Efforts like these are essential to the continued improvement of the health of Mississippi's schoolchildren.

It simply is not the role of the government to micro-regulate citizens' dietary decisions. The responsibility for one's personal health depends on individual choices about a proper diet and appropriate exercise. Leading a healthy lifestyle is important to me, and it is a personal priority of mine to educate Mississippians on the importance of making good health decisions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Phil Bryant".

Phil Bryant

Governor

Whitney Lipscomb

From: Kellie Fiedorek <KFiedorek@adflegal.org>
Sent: Friday, April 01, 2016 9:35 AM
To: Whitney Lipscomb
Subject: RE: Governor Bryant Signing Statement for HB 152
Attachments: HB 1523 Signing Statement 2.docx; HB 1523 Signing Statement 1.docx

Hi Whitney,

I've sending two different drafts. We looked through a number of Gov. Bryant's signing statements and tried to use his voice. Please feel free to pull from either one that is most helpful to you and your boss. Some statements might be better for his press release. Let me know how else we can be helpful, and if you need anything else today. We're here to serve.

Best,
Kellie

From: Whitney Lipscomb [mailto:Whitney.Lipscomb@governor.ms.gov]
Sent: Friday, April 01, 2016 6:38 AM
To: Kellie Fiedorek
Subject: RE: Governor Bryant Signing Statement for HB 152

Great, thanks.

From: Kellie Fiedorek [mailto:KFiedorek@adflegal.org]
Sent: Friday, April 01, 2016 8:33 AM
To: Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov>
Subject: Re: Governor Bryant Signing Statement for HB 152

Hi Whitney,
Just wanted to let you know I received this and will have a draft to you shortly.
Best,
Kellie



Kellie Fiedorek
Legal Counsel
202-393-8690 (Office)
202-888-7633 (Direct Dial)
202-347-3622 (Fax)
KFiedorek@ADFlegal.org
ADFlegal.org

On Mar 31, 2016, at 5:30 PM, Whitney Lipscomb <Whitney.Lipscomb@governor.ms.gov> wrote:

Kellie,

Thank you for taking the time to speak with me and agreeing to help provide some language for Governor Bryant's Signing Statement. Attached is the beginning of the Signing Statement for HB 1523 along with a Signing Statement he has done in the past. Also you will find information related to HB 1523 [here](#). Thanks again for your help.

Best,
Whitney

Whitney H. Lipscomb
Counsel
Office of Governor Phil Bryant
P.O. Box 139
Jackson, MS 39205
(601) 576-2026
whitney.lipscomb@governor.ms.gov

<HB 1523 Signing Statement.docx>

<Senate 2687 Bill Signing Statement.pdf>

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April 1, 2015

TO THE MEMBERS OF THE MISSISSIPPI HOUSE OF REPRESENTATIVES AND THE
MISSISSIPPI STATE SENATE:

GOVERNOR'S SIGNING STATEMENT FOR HOUSE BILL 1523

I am signing House Bill 1523, "AN ACT TO CREATE THE "PROTECTING FREEDOM OF CONSCIENCE FROM GOVERNMENT DISCRIMINATION ACT"; TO PROVIDE CERTAIN PROTECTIONS REGARDING A SINCERELY HELD RELIGIOUS BELIEF OR MORAL CONVICTION FOR PERSONS, RELIGIOUS ORGANIZATIONS AND PRIVATE ASSOCIATIONS; TO DEFINE A DISCRIMINATORY ACTION FOR PURPOSES OF THIS ACT; TO PROVIDE THAT A PERSON MAY ASSERT A VIOLATION OF THIS ACT AS A CLAIM AGAINST THE GOVERNMENT; TO PROVIDE CERTAIN REMEDIES; TO REQUIRE A PERSON BRINGING A CLAIM UNDER THIS ACT TO DO SO NOT LATER THAN TWO YEARS AFTER THE DISCRIMINATORY ACTION WAS TAKEN; TO PROVIDE CERTAIN DEFINITIONS; AND FOR RELATED PURPOSES."

I am a staunch supporter of the freedom of conscience, a right that our state and nation have long protected. I also believe in economic freedom and have worked tirelessly to make Mississippi a place where businesses of all sizes are free to thrive, as we have seen though the billions of dollars those businesses have invested here in the past few years.

This bill preserves the freedom of all Mississippians to peacefully live, worship, and work according to their religious or moral beliefs. It ensures that the government does not discriminate against churches, and other non-profit organizations, such as adoption agencies, schools, and charities, by denying them tax exemptions, contracts, or licenses simply for following their deeply held beliefs. It also maintains an environment that is friendly to businesses by securing their freedom to operate consistent with their convictions.

I want to thank our legislature for crafting a bill that affirms that the freedom of conscience and economic freedom will remain the foundation for building a stronger, more prosperous state.

April 1, 2015

TO THE MEMBERS OF THE MISSISSIPPI HOUSE OF REPRESENTATIVES AND THE
MISSISSIPPI STATE SENATE:

GOVERNOR'S SIGNING STATEMENT FOR HOUSE BILL 1523

I am signing House Bill 1523, "AN ACT TO CREATE THE "PROTECTING FREEDOM OF CONSCIENCE FROM GOVERNMENT DISCRIMINATION ACT"; TO PROVIDE CERTAIN PROTECTIONS REGARDING A SINCERELY HELD RELIGIOUS BELIEF OR MORAL CONVICTION FOR PERSONS, RELIGIOUS ORGANIZATIONS AND PRIVATE ASSOCIATIONS; TO DEFINE A DISCRIMINATORY ACTION FOR PURPOSES OF THIS ACT; TO PROVIDE THAT A PERSON MAY ASSERT A VIOLATION OF THIS ACT AS A CLAIM AGAINST THE GOVERNMENT; TO PROVIDE CERTAIN REMEDIES; TO REQUIRE A PERSON BRINGING A CLAIM UNDER THIS ACT TO DO SO NOT LATER THAN TWO YEARS AFTER THE DISCRIMINATORY ACTION WAS TAKEN; TO PROVIDE CERTAIN DEFINITIONS; AND FOR RELATED PURPOSES."

This bill preserves the freedom of all Mississippians to peacefully live, worship, and work according to their religious or moral beliefs about marriage. It ensures that the government does not discriminate against or punish churches, and other organizations, such as adoption agencies, schools, and charities, by denying them tax exemptions, contracts, or licenses simply for following their deeply held beliefs. It also safeguards against the government forcing citizens to surrender free speech and religious freedom in order to run their businesses. We should respect a diversity of beliefs in our state, and not allow government to punish some of our citizens who have different views.

Furthermore, efforts like these are essential to the continued economic freedom of businesses across our State. Businesses thrive where the freedom of individuals and employers to operate according to their convictions is protected. In the two years since Mississippi enacted the Religious Freedom Restoration Act, numerous major corporations have expanded in our state, representing billions of dollars of new investment. This bill protects the freedom of individuals to make personal choices without government intervention, and will positively impact our State's reputation.

Freedom of conscience is a precious human right, and preserving these cherished freedoms is important to me. People throughout world history under every sort of regime have been "free to believe." What makes America unique is our freedom to peacefully live out those beliefs, and our Constitution protects that freedom. The real test of liberty is what happens when we disagree. I am therefore signing House Bill 1523 because I am a champion of freedom and I want to ensure that in Mississippi tolerance remains a two way street.

Exhibit P



Governor Phil Bryant
P.O. Box 139
Jackson, MS 39205

Dear Governor Bryant:

My name is Rev. Tony Suarez. I am writing to express my strong support for HB 1523: The Protecting Freedom of Conscience from Government Discrimination Act. I serve as the Executive Vice President of the National Hispanic Christian Leadership Conference. The NHCLC is the nation's largest Hispanic Christian organization representing millions of Evangelicals across the country. We have worked with close to 180 churches all across Mississippi.

Our mission is to reconcile evangelist Billy Graham's message of salvation with Dr. Martin Luther King, Jr.'s march of prophetic activism through our "7 Directives" of Life, Family, Compassionate Evangelism, Stewardship, Justice, Education and Youth.

As Reverend Martin Luther King, Jr. reminds us, "There comes a time when one must take a position that is neither safe, nor politic, nor popular, but he must take it because conscience tells him it is right." Right now, HB 1523 may not seem popular – at least for some in the media. Yet, recent polling shows nearly two-thirds of Mississippi voters support the bill. Right now, HB 1523 may not seem safe or politic – as its sponsors and supporters have been exposed, literally, to threats against themselves and their children.

But I am writing to you today about whether HB 1523 is right. Is it the right thing to do? As a religious leader, I have joined hands with fellow pastors in defending the innate dignity of every person, regardless of color, or even religion and sexual orientation. People tend to forget that the Christian religion has been the single most important force in fighting against discrimination in the history of the world. From the beginning, Christianity embraced different races and cultures, seeking to unite all men and woman as brothers and sisters in Christ.

Thomas Jefferson reminds us that "no provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority." As

we all know, America was founded as a refuge for those seeking to live out their faith according to the dictates of conscience.

In defending the rights of conscience of public employees, HB 1523 is the right thing to do. (Just ask Atlanta Fire Chief Kelvin Cochran, fired for writing a Christian Bible study on his own time.) In defending the rights of conscience of adoption agencies and other nonprofits, HB 1523 is the right thing to do. (Just ask Catholic Charities, forced to close or deny its beliefs about marriage in some states.) In defending the rights of conscience of pastors, HB 1523 is the right thing to do. (Just ask ministers Donald and Evelyn Knapp of Idaho, faced with jail time and fines for refusing to participate in a same-sex marriage ceremony.)

These are real cases of discrimination happening all across the country. And, as an organization dedicated to racial and social justice, we are very concerned about becoming targets of government-sponsored discrimination.

HB 1523 is a carefully written bill that provides commonsense – and constitutional – protections for freedom of conscience. I urge you to support HB 1523 and stand with Christians all across the country in defending our most basic right of freedom of conscience.

Sincerely,

A handwritten signature in black ink, appearing to read "Rev. Tony Suarez". The signature is fluid and cursive, with a large, looping "S" at the end.

Rev. Tony Suarez

Exhibit Q

Debbie Carney

From: Nycole Campbell-Lewis
Sent: Monday, May 02, 2016 10:19 AM
To: Debbie Carney
Subject: FW: Calls today on HB 1523 need to happen

I did locate an email on HB 1523 from Mr. Larry McAdoo.

See Below.

Thanks

Nycole Lewis

From: Larry McAdoo [mailto:larrymc2@bellsouth.net]
Sent: Wednesday, March 30, 2016 3:51 PM
To: Barbara Beavers; Terry Bennett; Michael Bostic; Sharon Brown; Dr. Freda McKissic Bush; Lee Bush; Dana Chisholm; Clara Davis; Marquise Ezell; Vince Gordon; Dan Hall; Dan Hall; Joseph Handy; Luigia Hodge; Luigia Hodge; Jannie B. Johnson; Janis Lane; AOL Nycole Lewis; Ashlee Lucas; margaret.thompson@rcsd.ms; Larry McAdoo; Dr. Shani Meck; E. Jean Michael; Nycole Campbell-Lewis; AOL Nycole Lewis; Lee & Nola Radford; Jeremiah Robinson; Mablean Robinson; Kelly Scrivner; Shalonda Spencer; Tommye Morris; Meckey
Subject: Fw: Calls today on HB 1523 need to happen

Greetings all,

Our Sex-ed Bill Passed the Senate yesterday, Yea God!! Thank you for your calls and prayers.

One more urgent item Mississippi Center for Public Policy is advocating for HB 1523, see info below. As the president of a small faith-based nonprofit organization, I fully support this legislation. The senate is debating the bill as I type this to you. If you can find your senator, and send him/her an email now, they will get it now while they are still debating the bill. Just request them to vote YES on HB 1523.

Thank you again,

Blessings,
Larry

*"Above all, clothe yourselves with love, which binds us all together in perfect harmony."
Colossians 3:14, NLT*

----- Forwarded Message -----

From: Jameson Taylor <taylor@mspolicy.org>
To: Karen P. Stewart <kstewart@bethany.org>; Joseph Kopacz <joseph.kopacz@jacksondiocese.org>; A Shane Blanton <sblanton@msais.org>; Rick <rickhenson@aol.com>; Larry McAdoo <larrymc2@bellsouth.net>
Sent: Wednesday, March 30, 2016 10:15 AM
Subject: Calls today on HB 1523 need to happen

I encourage all of you/and folks in your network to call the senate today:

HB 1523: Protecting Freedom of Conscience from Government Discrimination Act

HB 1523 provides commonsense protections for religious organizations, public employees and small businesses that have a sincere objection to being forced to cooperate in or condone same-sex marriage and related issues.

Capitol Switchboard (House/Senate): 601-359-3770

Find your lawmaker here: <http://openstates.org/>

The bill has to pass the Senate today or it is dead.

Thank you!

Jameson Taylor, Ph.D.
Vice President for Policy
Mississippi Center for Public Policy
520 George Street
Jackson, Mississippi 39202
(601) 969-1300

www.msppolicy.org
www.governingbyprinciple.org
www.seethespending.org

Limited Government • Free Markets • Strong Traditional Families

"This is our city! And nobody gonna dictate our freedom. Stay strong."

--David Ortiz

Knox Graham

From: Jameson Taylor <taylor@mspolicy.org>
Sent: Monday, March 14, 2016 10:57 AM
To: Knox Graham
Subject: talking points
Attachments: HB1523_talkingPoints_governor.docx

I am very concerned about protecting freedom of conscience rights for schools and adoption agencies and churches and other nonprofits in MS. That is why we have been fighting for legislation to do this. To make Mississippi a place where people with diverse views can live in peace and not fear frivolous lawsuits and government discrimination.

In June 2015, the U.S. Supreme Court issued a decision that imposes a redefinition of marriage on Mississippi. In the words of Chief Justice Roberts the decision: "creates serious questions about religious liberty. Many good and decent people oppose same-sex marriage as a tenet of faith," and their freedom to live consistent with their beliefs is now jeopardized.

We are saying no to government bureaucrats stripping away the rights of individuals, schools, and churches because of their deeply held beliefs about marriage.

- **We are working to protect Miss. Churches and other religious organizations from losing their tax exemptions.** President Obama's Solicitor General admitted that tax exemptions for religious institutions will be threatened by bureaucrats if religious groups refuse to recognize same-sex marriage.
- **We are working to protect Miss. Faith-based adoption agencies from being closed.** In states (like Massachusetts and Illinois) that redefined marriage several years ago, faith-based adoption and foster agencies were forced to close because they placed children only with a married mother and father.
- **We are working to protect government officials from being fired for following their conscientious beliefs.** Following the redefinition of marriage in many states (including Massachusetts, New York, and North Carolina), officials who issue marriage licenses or solemnize marriages were forced to give up their jobs because of their beliefs about marriage.
- **We are working to protect government employees from being fired for statements affirming marriage, even if made on their own time.** A decorated Atlanta Fire Chief, Kelvin Cochran, was fired because he wrote a Bible study on his own time that affirmed marriage as a union of a man and woman. HB 1523 will protect state and local employees from discrimination because they believe and speak in favor of traditional marriage.

- **We are working to protect wedding businesses that offer services for traditional marriage ceremonies.** Across the country, many small business owners who gladly serve people who identify as gay and lesbian, but decline to use their artistic talents to help celebrate same-sex weddings, are facing punishment. Just ask Melissa Klein, fined \$135,000 in Oregon. Likewise, Barronelle Stutzman in Washington State was sued for everything she owns.

Joey Songy

From: Weaver, Pamela <PWeaver@mississippi.org>
Sent: Monday, April 11, 2016 5:20 PM
To: Glenn McCullough; Mike McGrevey; Joey Songy
Subject: Mississippi Picnic
Attachments: Sad day for the Mississippi Picnic.pdf

Attached is the press release the MS New York Society. I will try to craft a statement to release to vendors notifying them of the cancellation and response. Thanks, Pamela.

Pamela Weaver
CHIEF MARKETING OFFICER,
MISSISSIPPI DEVELOPMENT AUTHORITY
Marketing & Communications Division
P.O. Box 849 | Jackson, MS 39205
601-942-0925 CELL | 601.359.3962 OFFICE
pweaver@mississippi.org

[Web](#) | [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | [Google+](#)

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We, the founders of the Mississippi Picnic in Central Park and the New York-Mississippi Society, are officially canceling our beloved picnic in its 37th year.

As a result of the unfortunate adoption of House Bill 1523, we have been informed that several concerned groups in New York City intend to demonstrate in protest of the passage of this law. Due to the controversy, the protests, and our own intensely felt dismay over HB 1523, we deeply regret that the Mississippi Picnic cannot go forward.

Our mission back in 1980 was to showcase a positive image of the state of Mississippi, and over the past 36 years, we have celebrated such cultural icons as writer Tennessee Williams, food critic Craig Claiborne, and opera singer Leontyne Price. This year we were planning to honor the great blues musician, B.B.King.

For almost four decades, The Mississippi Picnic in Central Park has consistently celebrated the best of our state, without regard to race, religion, or gender orientation. We took pride in sharing our rich heritage and diversity with the rest of the world through these annual gatherings.

Any law such as HB 1523 that discriminates against even a single member of our community cannot be tolerated, and therefore we have decided to stand up for all Mississippians by canceling the 2016 picnic in the park.

Respectfully,
The Founders:

Ron Carter
Vicki Carter
Rachel McPherson
Diane Wiltshire

Joey Songy

From: Forest Thigpen <thigpen@mspolicy.org>
Sent: Thursday, March 31, 2016 5:31 PM
To: Laura Hipp (laurahipp@gmail.com); Nathan Wells (Wellnathan@gmail.com); Drew Snyder; Joey Songy; Jenifer Branning (jbranning@senate.ms.gov); Andy Gipson (gipson.andy@gmail.com)
Cc: Jameson Taylor
Subject: Mason Dixon Poll on Marriage bill
Attachments: Poll Results on 1523.pdf

We just now received the results from a Mason Dixon poll on HB1523.

63% of the Mississippi public supports the Freedom of Conscience bill; only 24% oppose.

THIS IS FOR YOUR INFORMATION ONLY. PLEASE DO NOT DISTRIBUTE. We will be putting the total numbers out tonight or first thing tomorrow; we will not likely be putting out all the details, so please do not mention them or forward.

Forest



WASHINGTON, DC - 202-548-2680
JACKSONVILLE, FL - 904-261-2444
WWW.MASON-DIXON.COM

HOW THE POLL WAS CONDUCTED

This poll was conducted by Mason-Dixon Polling & Research, Inc. of Jacksonville, Florida from March 28 through March 30, 2016. A total of 625 registered Mississippi voters were interviewed statewide by telephone.

Those interviewed on land-lines were selected by the random variation of the last four digits of telephone numbers. A cross-section of exchanges was utilized in order to ensure an accurate reflection of the state. Those interviewed on cell phones were selected from a list of working cell phone numbers. Quotas were assigned to reflect voter registration by county.

The margin for error, according to standards customarily used by statisticians, is no more than ± 4 percentage points. This means that there is a 95 percent probability that the "true" figure would fall within that range if all voters were surveyed. The margin for error is higher for any subgroup, such as a gender or racial grouping.

QUESTION: A bill moving through the Mississippi legislature would protect schools, churches, business owners and public employees from government discrimination that could result in loss of nonprofit status or loss of employment because of a sincere belief that marriage is between one man and one woman. In general, do you support or oppose protecting people who sincerely believe marriage is between one man and one woman from government discrimination and discriminatory action?

	<u>SUPPORT</u>	<u>OPPOSE</u>	<u>UNDECIDED</u>
STATE	63%	24%	13%
<u>SEX</u>	<u>SUPPORT</u>	<u>OPPOSE</u>	<u>UNDECIDED</u>
Men	68%	26%	6%
Women	59%	22%	19%
<u>RACE</u>	<u>SUPPORT</u>	<u>OPPOSE</u>	<u>UNDECIDED</u>
White	66%	19%	15%
Black	56%	35%	9%
<u>PARTY ID</u>	<u>SUPPORT</u>	<u>OPPOSE</u>	<u>UNDECIDED</u>
Democrat	57%	28%	15%
Republican	72%	19%	9%
Independent	57%	26%	17%
<u>AGE</u>	<u>SUPPORT</u>	<u>OPPOSE</u>	<u>UNDECIDED</u>
18-34	61%	25%	14%
35-49	57%	30%	13%
50-64	68%	23%	9%
65+	63%	20%	17%
<u>CONG DISTRICT</u>	<u>SUPPORT</u>	<u>OPPOSE</u>	<u>UNDECIDED</u>
1st Cong Dist	69%	18%	13%
2nd Cong Dist	55%	37%	8%
3rd Cong Dist	65%	20%	15%
4th Cong Dist	63%	21%	16%

Drew Snyder

From: Garrig Shields <Garrig.Shields@mdhs.ms.gov>
Sent: Tuesday, April 05, 2016 11:50 AM
To: Drew Snyder
Subject: HB 1523
Attachments: EAECOPY1_SMTP_via_LDAP_04-01-2016_15-40-25.pdf

Drew,

This is the opinion provided by the Feds directly after the U.S. Supreme Court ruling. This is the same answer we are getting from all of our federal partners (USDA/FNS, HHS/ACF(TANF) Child Care, Aging, Youth Services, Child Support etc.)

Garrig Shields
Deputy Executive Director
Mississippi Department of Human Services
750 N. State St.
Jackson, MS 39202
(601)-359-4458

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United States Department of Agriculture

Food and
Nutrition
Service

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

JUL 15 2015

SUBJECT: Same-Sex Marriage and SNAP Mandatory Household Status

**To: All Regional Directors
Supplemental Nutrition Assistance Program**

This memorandum restates the Food and Nutrition Service (FNS) policy on the treatment of same-sex marriages with regard to Section 3(m)(2) of the Food and Nutrition Act of 2008, as amended. Our May 27, 2014, memorandum revised FNS' position on this issue as a result of the Supreme Court decision in *United States v. Windsor*, which held that Section 3 of the Defense of Marriage Act, which defines "marriage" as a legal union between one man and one woman as husband and wife and "spouse" as a person of the opposite sex who is a husband or wife, is unconstitutional.

Recently, FNS was made aware that several Supplemental Nutrition Assistance Program (SNAP) State agencies had concerns regarding implementation of the above revision due to State constitutional bans on recognition of same-sex marriages. In light of the Supreme Court's June 26, 2015, decision in *Obergefell v. Hodges*, which states that the Fourteenth Amendment requires a State to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-State, these concerns from States are moot. All SNAP State agencies must come into compliance with this policy within 30 days of the date of this memorandum.

If you have any questions, please contact Sasha Gersten-Paal at Sasha.Gersten-Paal@fns.usda.gov.

A handwritten signature in black ink, reading "Lizbeth Silberman".

Lizbeth Silberman
Director
Program Development Division

Drew Snyder

From: Bobby Morgan
Sent: Friday, April 08, 2016 8:35 AM
To: Drew Snyder
Subject: FW: "RELIGIOUS FREEDOM" LEGISLATION

From: Glenn McCullough [mailto:gmccullough@mississippi.org]
Sent: Thursday, April 07, 2016 7:54 PM
To: Bobby Morgan <Bobby.Morgan@governor.ms.gov>; Joey Songy <Joey.Songy@governor.ms.gov>
Subject: Fwd: "RELIGIOUS FREEDOM" LEGISLATION

FYI,

Glenn

Sent from my iPhone

Begin forwarded message:

From: Robert Miller <rmiller@piloterp.com>
Date: April 7, 2016 at 12:36:53 PM CDT
To: <gmccullough@mississippi.org>
Subject: "RELIGIOUS FREEDOM" LEGISLATION

Mr. McCullough:

Although we have a number of customers in your state, Pilot ERP Software is an inclusive company and in response to Mississippi's passage of your HB1523, we are no longer authorizing any travel to Mississippi. Also, we will no longer purchase any goods or services from Mississippi-based vendors. Hopefully, the people of your state will eventually come to their senses and work to repeal this legislation. Mississippi already has a long and unfortunate history of discrimination and intolerance and, as a former resident, it's particularly frustrating for me personally to see that this environment still exists there.

Sincerely,

Robert Miller
President
Pilot ERP Software

www.piloterp.com
Tel: (512) 535-4201
Email: rmiller@piloterp.com
Twitter: @PilotERP

Bobby Morgan

From: Jenifer Branning <JBranning@senate.ms.gov>
Sent: Tuesday, March 29, 2016 11:50 PM
To: Bobby Morgan

Bobby -

I hope all is well with you.

We are planning to take up HB 1523 tomorrow in the Senate, and I am handling this bill on the Senate floor. If you could give me a call in the morning, I would appreciate it. I would like to discuss Gov. Bryant's position on this bill. I feel certain that I will be asked this question in light of recent events in GA and NC.

My cell phone number is 601-416-██████

Or, if you would prefer to discuss in person, I plan to arrive at the Capitol around 8:30 am. Let me know your preference.

Thank you!

Jenifer B. Branning
MS State Senate, District 18
Leake, Neshoba and Winston Counties

Sent from my iPad



April 4, 2016

Governor Phil Bryant
P.O. Box 139
Jackson, MS 39205

Dear Governor Bryant:

I write to you representing the 800 schools in our national association and specifically on behalf of our Association schools in the state of Mississippi with deep concern for the future of our school's very existence.

By now I'm sure you are aware of the exchange between Justice Alito and the Solicitor General during oral arguments on the marriage case being decided by the Supreme Court last year. The exchange focused on tax exemption status for educational institutions that hold a traditional view of marriage.

Certainly the tax-exempt status our schools enjoy is an important financial aspect of our continued ability to operate, but the issue is of much deeper importance. Removal of a tax exemption would also send the message that our government no longer views the work of our schools as an important public good. Indeed, removal of the tax exemption or other adverse government actions against our schools would put into jeopardy the notion that our schools have a legitimate purpose in civil society.

Our schools operate under section 501(c)3 of the Internal Revenue Code and exist for the benefit of the public good. After the Supreme Court decision finding a right to gay marriage, it stands to follow that institutions that hold to a truth about marriage in opposition to this new constitutional right will become marginalized in greater society. Removal of tax exemption is more than a financial hardship: it will delegitimize our institutions and the very important benefit they provide to each community they serve.

If liberty means anything, it must mean that everyone has the right to think and believe freely and to live out those beliefs in the public square. Government must protect differing opinions in society—especially ones where so much is at stake. The best way to ensure the conversation about the nature of marriage is not silenced by government coercion is to move to protect free speech and religious liberty rights.

The Protecting Freedom of Conscience Bill (HB 1523) carries out the necessary work of the state to protect the rights of those who believe in traditional marriage and to prevent them from becoming victims of governmental discrimination. Protecting the essential American right to religious freedom does not reduce or impose upon any other citizen's freedom and is a necessary step to ensure that all Americans are free to live out their beliefs in the public square.

We urge you to sign The Protecting Freedom of Conscience Bill and to protect the religious liberty rights of all Mississippians.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Wiebe", is written over a horizontal line.

Dr. Keith Wiebe
President

National Office
802 Belvoir Avenue • East Ridge, TN 37412
phone: 423-829-4280 • fax: 423-822-7461
info@aaccs.org • www.aaccs.org

Legislative Office
119 C Street SE
Washington, DC 20003
phone: 202-547-2991 • fax: 202-547-2992

Legal Office
1091 Founders Boulevard, Suite B
Athens, GA 30606
phone: 706-549-7586 • fax: 706-549-2899



GOVERNOR'S OFFICE

APR 11 2016

RECEIVED

ETHICS & RELIGIOUS LIBERTY COMMISSION
OF THE SOUTHERN BAPTIST CONVENTION

OFFICE OF THE PRESIDENT

April 4, 2016

The Honorable Phil Bryant
Office of the Governor
Post Office Box 139
Jackson, Mississippi 39205

Dear Governor Bryant:

I am writing on behalf of the Ethics and Religious Liberty Commission of the Southern Baptist Convention in support of HB 1523: The Protecting Freedom of Conscience from Government Discrimination Act. The Ethics and Religious Liberty Commission is the public policy entity of the Southern Baptist Convention tasked with representing millions of Southern Baptists across America in matters concerning law, culture, and public policy.

Southern Baptists have a historic legacy of protecting religious liberty. It was our Baptist ancestors that worked tirelessly with our nation's founders to secure religious liberty for all. In the wake of the Supreme Court's wrongly decided Obergefell decision, religious liberty is in a perilous state. All across America, religious citizens are facing harassment, intimidation, and in some cases even fines and legal punishment for their belief that marriage is the union of one man and one woman. In a nation founded on religious freedom it should be self-evident that no American should be discriminated against because of a sincerely held religious or moral conviction related to marriage; or the belief that being made male and female are immutable and objective traits.

With the passing of HB 1523, Mississippi has the opportunity to show America what true diversity, tolerance, and respect looks like. In our view, HB 1523 does one simple thing: it reaffirms America's and Mississippi's enduring legacy of protecting religious liberty, but it does so by enumerating specific protections in areas that many citizens find themselves vulnerable and unprotected after the Supreme Court's Obergefell decision. HB 1523 provides common sense protections for both sides of the marriage debate, and ensures that government not act adversely against any citizen.

Religious liberty is about the promise of a truly free society and the fostering of a respectful and pluralistic civil society conducive to diverse beliefs. HB 1523 furthers this pursuit, and speaks to the very best of the American tradition.

Governor Bryant, we urge you to immediately sign HB 1523.

Sincerely,

Russell Moore