

Arizona legislature enacts anti-gay legislation

Ed Hightower
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In a move reminiscent of Jim Crow laws that upheld discrimination against blacks for generations after the Civil War, both houses of Arizona's legislature have passed a reactionary measure that would allow businesses in the state to refuse services to homosexuals if such refusal placed a "substantial burden on their sincerely held religious beliefs."

The measure, SB 1062, was approved last Thursday and awaits approval or veto from right-wing Republican governor Jan Brewer. If the governor takes no action on the measure by Saturday, it will become state law.

Business groups have urged Brewer to veto the bill, citing concern that boycotts will harm Arizona's economy, including a possible pullout by the sponsors of next year's Super Bowl. Last year, Brewer ended state benefits for same-sex partners of state employees, saying that they were unaffordable. The governor earned national scorn in 2010 for signing SB 1070 into law, enabling law enforcement officials to racially profile Hispanics and demand that they show proof of citizenship even during a traffic stop.

Governor Brewer offered only vague responses when asked in a CNN interview last week about her intention regarding SB 1062.

"I think anybody that owns a business can choose who they work with or who they don't work with," she said. "But I don't know that it needs to be statutory. In my life and in my businesses, if I don't want to do business or if I don't want to deal with a particular company or person or whatever, I'm not interested. That's America. That's freedom."

The Center for Arizona Policy, a Christian fundamentalist advocacy group, helped draft SB 1062. The Center touts itself as "Arizona's leading pro-life, pro-family organization," and lobbies for school vouchers and charters, draconian restrictions on abortions, funding for "abstinence until marriage"

education in public schools, state funding of religious charities and other hobby horse causes of the religious right, including a ban on state arts funding for "obscenity" or material that disgraces the U.S. or Arizona state flag.

The group's web site repeats the well-worn narrative of the most extreme Christian fundamentalists that they somehow represent an oppressed minority, always under attack by secular forces:

"As we witness hostility towards people of faith grow like never before, we must take this opportunity to speak up for religious liberty. The great news is that SB 1062 protects your right to live and work according to your faith."

The gay rights advocacy group Wingspan held a protest against SB 1062 on Friday with a march to the governor's office. The demonstration drew around 200 people. Some Arizona small businesses have placed signs in their windows with slogans such as "open to all." Tucson-based Rocco's Little Chicago Pizzeria put a sign on its Facebook page with the message, "We reserve the right to refuse service to Arizona legislators."

In the landmark case *Heart of Atlanta Motel Inc. v. United States*, the US Supreme Court upheld the constitutionality of the Civil Rights Act of 1964, which outlawed the defendant motel's practice of refusing to rent rooms to African-Americans. The Civil Rights Act of 1964 prohibits businesses from discriminating based on race, but there is no federal statute that affords similar protection for sexual minorities.

Critics of SB 1062 point out that an unwed mother or unwed couple could just as easily as gays and lesbians be denied service by a business for ostensibly religious reasons. The law would provide a broad legal sanction for virtually any type of discrimination that could be arguably associated with a religious belief. Indeed many supporters of Jim Crow segregation in the

American South quoted scripture to justify their position.

The Arizona legislation emerges in the context of continuing attacks on democratic rights and is in line with the efforts of the Republican right to secure a base by whipping up backward sentiments around such “cultural” issues. At the same time, however, popular acceptance of same-sex marriage and similar issues has steadily grown. Some 56 percent of Americans support same-sex marriage and only 25 percent oppose it, according to a CNN poll conducted in 2010.

This sentiment has also found expression on the judicial level. Same-sex marriage is now legal in 17 states and the District of Columbia. State supreme courts are striking down various state constitutional bans on same-sex marriage across the country, including in Utah last December and Virginia this month. The US Supreme Court and the Obama administration have also signaled their acceptance of same-sex marriage.

Governor Brewer vetoed a bill last year with the same language as 1062, and may well veto the current version, acceding to the demands of Arizona business interests as well as the national Republicans, who fear economic and political repercussions.



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