

Mississippi governor signs anti-gay law

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Yesterday, Mississippi's Republican Governor Phil Bryant enacted a sweeping anti-LGBT law that allows public and private businesses to refuse service to gay people, effectively legalizing discrimination based on sexual orientation across the state. In the face of widespread public opposition, Bryant signed the bill into law within hours after it cleared its final legislative obstacle. The law is set to go into effect this July.

The law is the most far-reaching of the so-called "religious freedom" bills to be enacted in the wake of the 2015 Supreme Court ruling in *Obergefell v. Hodges*, which legalized same-sex marriage across the US. The premise of such laws turns reality on its head, arguing that through the high court decision the federal government has infringed on citizens' First Amendment right to freedom of religion. "Religious freedom" bills such as Mississippi's seek to "protect" those who believe that marriage should be between a man and a woman and that male and female genders are unchangeable.

The Mississippi law protects churches, religious charities, privately held businesses and individual government employees that decline to provide services to people whose lifestyles violate their religious beliefs. The bill also explicitly defines a person's gender as "determined by anatomy and genetics at time of birth," while enabling businesses to determine who is given access to bathrooms, dressing rooms and locker rooms.

In response, the American Civil Liberties Union (ACLU) of Mississippi commented that the law "sanctions discrimination by individuals, businesses, religiously-affiliated organizations—including hospitals, schools, shelters and others—against LGBT people, single mothers, and vulnerable young people in Mississippi. While no other state has passed a law like this, Mississippi also has the dubious distinction of being the first state to codify discrimination based on a religious belief or moral conviction that members of the

LGBTQ community do not matter."

The law serves as a direct challenge to last year's Supreme Court ruling, as made abundantly clear by the state's lieutenant governor, Tate Reeves. In a statement released last week, Reeves wrote, "In the wake of last year's U.S. Supreme Court decision, many Mississippians, including pastors, wanted protection to exercise their religious liberties. This bill simply protects those individuals from government interference when practicing their religious beliefs."

Seeking to downplay this subversion of the high court decision, Governor Bryant released a statement on Twitter immediately after signing the bill into law, which reads, "I am signing HB 1523 into law to protect sincerely held religious beliefs and moral convictions of individuals, organizations and private associations from discriminatory action by state government or its political subdivisions, which would include counties, cities and institutions of higher learning."

Bryant goes on to claim that the law is intended to protect "religious freedom," "does not limit any constitutionally protected rights or actions of any citizen of this state under federal or state laws" and "does not attempt to challenge federal laws." In reality, a central purpose of the law is to subvert last year's Supreme Court decision that extended the fundamental democratic right to marriage to same-sex couples.

Bryant is a firm supporter of Republican presidential candidate Ted Cruz, a Christian fundamentalist who has vehemently opposed marriage equality and legislation protecting LGBT persons from discrimination. Cruz has made antigay rhetoric a centerpiece of his campaign, deeming the 2016 US presidential election the "religious liberty election." He has pledged to push for the rapid enactment of the so-called First Amendment Defense Act, a bill that the ACLU warns would "open the door to unprecedented taxpayer-funded discrimination against LGBT people,

single mothers, and unmarried couples.”

Following last year’s Supreme Court ruling, Cruz told *The Washington Examiner*, “People are not obliged to obey justices who are defying the Constitution, defying the law, who are committing acts of judicial tyranny.” Kentucky county clerk Kim Davis took up this call to action and refused to issue marriage licenses to gay couples, saying she acted “under God’s authority.” Cruz and other Republican candidates loudly came to her defense, and the new Mississippi law includes provisions that would legally protect individual violations of federal law such as that committed by Davis.

The passage of the Mississippi law comes on the heels of a similar attack on democratic rights in North Carolina. On March 23, the state legislature and governor hastily enacted the Public Facilities Privacy & Security Act, nicknamed the “bathroom law,” which limits the definition of sex to one’s sex at birth, thereby forcing all government-controlled facilities to maintain solely single-sex bathrooms for matching biological sex.

The law also prevents local governments from banning discrimination based on sexual orientation. Comparable state bans on local antidiscrimination laws have also been enacted in Tennessee (2011) and Arkansas (2015), while Florida, Arizona, Kentucky and Texas have similar “bathroom bills” which restrict the use of bathrooms by transgender people.

In an overlooked section, the North Carolina law also prohibits the establishment of a local minimum wage above the state minimum. The law reworks the state’s “Wage and Hour Act,” preventing any local government from regulating labor conditions “pertaining to compensation of employees, such as the wage levels of employees, hours of labor, payment of earned wages, benefits, leave, or well-being of minors in the workforce.”

A whole host of corporations have decried the North Carolina and Mississippi laws, with PayPal announcing yesterday that it is canceling plans to build a new global operations center in Charlotte due to the passage of the discriminatory law. Such actions by PayPal and other corporations do not signal their readiness to defend democratic rights, but rather express their overriding concern for maintaining their public image.

The organization Human Rights Campaign estimates

that nearly 200 bills deemed anti-LGBT have been introduced in nearly three-dozen states during the 2016 state legislative sessions. While the Republicans have spearheaded this campaign to criminalize the LGBT community, the Democrats have repeatedly demonstrated their unwillingness to mount any serious struggle in defense of these basic democratic rights. The task of defending all social and democratic rights—including freedom from discrimination, the right to privacy, freedom of speech, etc.—falls to the working class.



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