

Iowa Civil Rights Commission's Response to Pastor is a Shocker

Less than 24 hours after two Iowa pastors, taking different approaches, announced they were going to fight the state's Civil Rights Commission over a brochure that said churches must allow transgender people to use the bathroom of their choice, the state blinked.

In a press release Friday evening, the ICRC issued the following statement, attributed to director Kristin H. Johnson:

The Iowa Civil Rights Commission has never considered a complaint against a church or other place of worship on this issue. This statute was amended to add these protected classes (sexual orientation and gender identity) in 2007 and has been in effect since then. The Iowa Civil Rights Commission has not done anything to suggest it would be enforcing these laws against ministers in the pulpit, and there has been no new publication or statement from the ICRC raising the issue. The Commission regrets the confusion caused by the previous publication.

The revised brochure may be viewed by clicking [here](#).

Chelsey Youman, Chief of Staff for First Liberty Institute, which is representing one of the pastors—the Rev. Cary Gordon, senior pastor of Cornerstone World Outreach in Sioux City—said they were “taking the state at its word.” For now.

“However, if it does in the future, we stand ready to use the full force of the law to protect the church's free exercise of religion and free speech under the Constitution,” she added.

"I accept the Iowa Civil Rights Commission's public apology, with clear reservations," Gordon said. "We will continue to monitor their activities and stand ready to defend all churches at any time."

The brochure was also the subject of a federal lawsuit now pending in the Southern District of Iowa. The Alliance Defending Freedom, which is representing pastor Michael Demastus of Fort Des Moines Church of Christ in Des Moines, filed suit last week, as well.

The ADF has not yet responded to the new development.

But, that might not be the end of the story. Iowa is in the Eighth Judicial Circuit, but in the neighboring Fifth Circuit—in Mississippi, to be precise—a federal judge has issued an opinion that religion cannot be a reason to refuse public accommodation or services to LGBT people.

The Protecting Freedom of Conscience from Government Discrimination Act sought to shield those who believe in biblical marriage and that gender is defined by sex at birth.

U.S. District Judge Carlton Reeves, however, said the law, which was adopted this spring, allows unconstitutional "arbitrary discrimination" against the LGBT community, unmarried people, and others. He added that it violated the guarantee of religious neutrality and the promise of equal protection under the law by granting special rights to citizens holding certain beliefs.

"The state has put its thumb on the scale to favor some religious beliefs over others," he wrote. "[It] favors Southern Baptist over Unitarian doctrine, Catholic over Episcopalian doctrine, and Orthodox Judaism over Reform Judaism doctrine."

Although Mississippi Gov. Phil Bryant, a Republican who signed the measure into law in April, said he looks forward to "an

aggressive appeal," the state's attorney general isn't so sure. Jim Hood, a Democrat, said he needed to "think long and hard" about whether or not he wanted to spend taxpayer dollars on an appeal.