



# Biblical Citizenship Briefing

October 2024

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## In California

**Marriage on the Ballot** – As the 2024 Presidential General Election approaches, voters have many decisions to make not only on candidates, but also state propositions and local measures. One important statewide initiative is Proposition 3, which will repeal and replace language in the California Constitution that was added by the people under Proposition 8 in 2008. That reads “Only marriage between a man and a woman is valid or recognized in California.” Following the *Obergefell v. Hodges* decision in 2015 legalizing same-sex marriage, this text became essentially moot. Prop 3 authors ([ACA 5](#), 2023), Sen. Scott Wiener and Assemblyman Evan Low claim that they are simply removing this language and bringing the Constitution in line with *Obergefell*. However, the text of Prop 3 states merely “The right to marry is a fundamental right.” Opponents state that, absent clear definitions, this could open the door to multiple partners, child marriage, incestuous marriage and more. While bigamy is currently unlawful in this state, the penal code could be amended by a future Legislature and may not run afoul of the Prop 3 language once enshrined in the Constitution. Sound outrageous? The Berkeley and Oakland City Councils recently [passed legal protections](#) for polyamorous families.

Please read more, including legal arguments and research at [proposition3.net](#). We recommend a “no” vote on Prop 3.

**Budget Woes Lead to Vetoes** – Last month, we shared that Governor Newsom had some 1,000 bills on his desk to decide before the end of September. As his deadline passed, the governor had vetoed more than 18 percent of them – nearly 40 percent of these for budgetary reasons (The total number of bills passed this year was approximately 1,200 with a veto rate of 16 percent.). Here’s the final fate of some of the bills we have been tracking this year. Those signed will take effect in January. Veto messages are linked.

[AB 1825](#) Prohibits public libraries (not school libraries) from restricting minors’ access to any materials (more [here](#)) – signed

[AB 1955](#) Prohibits school employees from being required to notify parents of a child’s gender confusion without the child’s permission – signed on July 15

[AB 2085](#) Removes the autonomy of city leaders in permitting decisions regarding abortion clinics (more [here](#)) – signed

[AB 2442](#) Requires medical licensing boards to expedite the licensure process for applicants intending to provide “gender-affirming health care” and “gender-affirming mental health care” (more [here](#)) – [vetoed](#)

[AB 2490](#) Establishes grant program for the purpose of expanding access to abortion in emergency departments – [vetoed](#)

[AB 2670](#) Requires the State Dept of Public Health to create an abortion awareness campaign – [vetoed](#)

[SB 954](#) Requires all public high schools to make free condoms available to students at unsupervised locations – [vetoed](#)

[SB 957](#) Requires the state to collect data from patient medical forms regarding sexual orientation and gender identity – signed

[SB 1414](#) Makes soliciting or engaging in commercial sex with a minor chargeable as a felony – signed

Read more [here](#) and [here](#).

## In the Courts

**Professor Prevails in Louisville Free Speech Case** – For 15 years, Dr. Allen Josephson served as chief of the University of Louisville’s Division of Child and Adolescent Psychiatry and Psychology. In late November 2017, Josephson participated in a Heritage Foundation panel discussion where he shared his views on gender dysphoria in youth and treatment options. He had also done this when participating as an expert witness in federal and state legal cases. Several of the professor’s colleagues at the university demanded that the school take disciplinary action against him. Within a few weeks, he was demoted to a junior faculty member. In 2019, he was effectively terminated after a 40-year career when his contract was not renewed.

Professor Josephson then filed a [federal lawsuit](#) (*Josephson v. Ganzel*) against university officials. The defendants argued that they were entitled to qualified immunity. A federal district court denied the defendants’ request for summary judgment and held that a jury should hear the professor’s claims. In July, the U.S. Court of Appeals for the Sixth Circuit agreed and [held](#) that the university officials were not entitled to qualified immunity and must stand trial. The court wrote, “Viewing the evidence in the light most favorable to Josephson, as we must, Josephson has shown that he engaged in protected speech when he spoke as part of the Heritage Foundation panel. Defendants should have known that Josephson’s speech was protected and that retaliating against Josephson for his speech would violate his First Amendment rights.”

**Carlsbad Parent Sues School over Gender Identity Book** – Carlos Encinas’ fifth-grade son, who attends La Costa Heights Elementary School, was required to watch a read-along video of the book *My Shadow is Pink* with his kindergarten “buddy,” and then ask the younger child what color represented him as part of the mentoring program. The fifth-grader was immediately concerned about the book, but had no opportunity to consult with his parents. When Mr. Encinas learned about the incident and that the book involved gender identity, he asked to be provided with notification and the ability to opt out in the future. “Anybody that looks at the book would agree that this book is about gender ideology, and that’s against our values and our

Christian faith ... So this is really a request for this district to allow parents to have advanced notification ... [s]o they can decide for themselves what is being taught and then make a choice as to whether their children can participate in that or should participate in that,” said Encinas. The school refused.

On September 10, First Liberty Institute and National Center for Law & Policy filed a [complaint](#) in federal court on behalf of Mr. Encinas, his wife and 12-year-old son, together with an 11-year-old boy and his parents, against the Encinitas Union School District (District). The suit contends that the District’s actions have violated the First and Fourteenth Amendments of the U.S. Constitution. It states that, while other activities require parental opt-in, opt-out or permission slips, the District “maintains a policy that prohibits opt-outs from and parental notice of religiously objectionable instruction and programming on gender identity, except in the limited context of teaching a health unit.”

Dean Broyles, President of the National Center for Law & Policy said, “Parents have the right to know what their children are being taught in school, especially when that material goes against their sincerely held religious beliefs. The District is attempting to evade state law that allows parents to opt their children out of sexual education by teaching the same material in other classes.” Read more [here](#) and [here](#). We will follow this case as it proceeds.

## In the News

***Are There Protections for Abortion Survivors?*** – The subjects of late-term abortion and infants born alive in the process of an abortion have been in the news following recent election debates. What is the legal landscape for these babies? Family Research Council has published a 2024 edition of “Born-Alive Abortion Survivors: Just the Facts.” Find it [here](#). Key points include:

- State-level abortion statistics from nine states show that at least 277 infants have survived abortion since 2006.
- Currently only eight states report cases of infants born alive following an abortion.
- Currently, there is no federal criminal statute against taking the lives of born-alive infants; criminal charges are applied at the state level. There are also no federal requirements for abortionists to provide medical care to infants who survive abortion, nor are there any criminal penalties for failing to do so.
- Abortionists are not federally required to report cases of infants born alive following an abortion or what they do with the child after birth. This lack of accountability leaves newborn abortion survivors at the mercy of someone who was previously trying to end their life.

***H.R. 26***, the Born-Alive Abortion Survivors Protection Act passed the U.S. House in January 2023 on a [vote](#) of 220-210. Under H.R. 26, a health care practitioner performing an abortion during which a child is born alive must “exercise the same degree of care as would reasonably be provided to any other child born alive at the same gestational age, and (2) ensure the child is immediately admitted to a hospital. Additionally, a health care practitioner or other employee who has knowledge of a failure to comply with the degree-of-care requirements must immediately report such failure to law enforcement.” The bill is currently in the Senate where it was introduced by Sen. John Thune (R-SD) on February 2, 2023 as [S. 204](#).

***Rady Children’s Hospital Makes Transgender “Dirty Dozen” List*** – The healthcare policy group [Do No Harm](#) “represents physicians, nurses, medical students, patients, and policymakers focused on keeping identity politics out of medical education, research, and clinical practice.” Their research has just revealed that 14,000 minors underwent some form of gender transition between 2019 and 2023. This includes 8,579 young patients who received cross-sex hormones or puberty blockers and 5,747 who had “sex-change” surgeries. How much money has been made from experimenting with these children? Nearly \$120 million. The report, which includes statistics and key findings from twelve of the “worst-offending children’s hospitals” promoting transgender treatments for minors, as well as top billing providers and institutions is available at [stoptheharmdatabase.com](#).

San Diego’s Rady Children’s Hospital opened its [Center for Gender-Affirming Care](#) in 2015. The Center provides hormone therapy, puberty blockers, and voice therapy, but refer out for surgeries. It has seen 136 patients, including 64 surgery patients, and billed \$926,506. The Center’s website indicates that they “utilize a multidisciplinary, family systems approach.” However, according to the StopTheHarm report, “In 2019, the previous co-director of the Center, Dr. Inwards-Breland wrote about how to provide gender-affirming surgery to minors without parental consent, ‘We discuss three potential avenues for providing gender-affirming care over parental disagreement: legal carve-outs to parental consent, the mature minor doctrine and state intervention for neglect.’” Read more [here](#).

## In Prayer

***Pray*** Father, You are sovereign, unchanging, loving, all-wise and just. Our world can feel divided and upside down—particularly at this time as we approach an important election. We ask according to Your will that You give us leaders at all levels of government who will follow Your precepts and allow our families, businesses, schools and churches to thrive. We ask for unity; we ask for revival; we ask for a safe and secure land to raise future generations. We ask this in Jesus’ name, Amen.

*This briefing was prepared by the EFCC Biblical Citizenship Committee. Referrals to websites are for informational purposes, and do not necessarily imply an endorsement by EFCC of the contents of those sites. To subscribe or unsubscribe, or if you have any questions, please e-mail Penny Harrington ([penny.harrington@cox.net](mailto:penny.harrington@cox.net)) ; 760.224.4744 ; [www.efcc.org/biblical-citizens](http://www.efcc.org/biblical-citizens)*