



STATE OF GEORGIA  
OFFICE OF THE GOVERNOR  
ATLANTA 30334-0090

Nathan Deal  
GOVERNOR

March 28, 2016

The Honorable David Ralston  
Speaker of the Georgia House  
of Representatives  
332 State Capitol  
Atlanta, Georgia 30334

Dear Speaker Ralston:

I have vetoed House Bill 757 which passed the General Assembly during the 2016 Regular Session.

Article III, Section V, Paragraph XIII of the Georgia Constitution requires that I transmit this bill to you together with the reason for such veto. HB 757 and corresponding reason for the veto is attached.

Sincerely,

*Nathan Deal*

Nathan Deal

ND:rt

Attachment

cc: The Honorable Casey Cagle, Lieutenant Governor  
The Honorable Brian Kemp, Secretary of State  
The Honorable Sam Olens, Attorney General  
Mr. Bill Reilly, Clerk of the Georgia House of Representatives  
Mr. David A. Cook, Secretary of the Georgia State Senate  
Mr. Wayne R. Allen, Legislative Counsel



## 2016 SESSION OF THE GEORGIA GENERAL ASSEMBLY

### GENERAL LEGISLATION - VETO MESSAGE

#### VETO NUMBER 1

The decision surrounding H.B. 757 has generated more intense feelings than most legislation, perhaps because it has highlighted the concerns of many in our religious communities regarding the actions of federal courts, especially the United States Supreme Court in its 5-4 opinion last summer which legalized same sex marriage. (*Obergefell v. Hodges*, 135 S. Ct. 2584, 192 L. Ed. 2d 609 (2015)).

H.B. 757 enumerates certain actions that religious leaders, faith based organizations and people of faith shall not be required to take or perform. These include solemnizing a marriage, attending such marriages, hiring church personnel or renting church property when such acts would be contrary to their sincerely held religious beliefs. While most people would agree that government should not force such actions, there has not been a single instance of such taking place in Georgia. If there has been any case of this type in our state it has not been called to my attention. The examples being cited by the proponents of this bill have occurred in other states that have very different laws than Georgia.

One example that is used is the photographer in New Mexico who refused to photograph a same sex marriage (*Elane Photography, LLC v. Willock*, 2013-NMSC-040, 309 P.3d 53). That state has a Religious Freedom Restoration Act, but it was not applicable. It was the New Mexico Human Rights Act that determined the results in that case. Georgia does not have a Human Rights Act.

The second case that is cited is that of the bakery in Colorado that refused to bake a wedding cake for a same sex couple. There the court ruling was based on Colorado's Public Accommodation Act which prohibited discrimination based on sexual orientation (*Craig v. Masterpiece Cakeshop, Inc.*, 2015 COA 115). Georgia does not have a Public Accommodation Act.

Therefore, as I have examined the protections this bill seeks to provide to religious organizations and people of faith I can find no examples that any of the things this bill seeks to protect us against have ever occurred in Georgia. It is also apparent that the cases being cited from other states occurred because those states had passed statutes that specifically protected their citizens from adverse actions based on their sexual orientation. Georgia has no such statutes.

H.B. 757 appeared in several forms during the recent session of the Georgia General Assembly. I had no objection to the "Pastor Protection Act" that was



passed by the House of Representatives. The other versions of the bill, however, contained language that could give rise to state sanctioned discrimination. I did have problems with that and made my concerns known as did many other individuals and organizations, including some within the faith based community.

I appreciate the efforts of the General Assembly to address these concerns and my actions today in no way disparage their motivations on those who support this bill, their efforts to purge this bill of any possibility that it will allow or encourage discrimination illustrates how difficult it is to legislate on something that is best left to the broad protections of the First Amendment to the United States Constitution.

That may be why our Founding Fathers did not attempt to list in detail the circumstances that religious liberty embraced. Instead, they adopted what the late Supreme Court Justice Antonin Scalia referred to as "negative protection." That is, rather than telling government what it can do regarding religion, they told government what it could not do, namely, "establish a religion or interfere with the free exercise thereof." (*Employment Div., Dep't of Human Res. of Oregon v. Smith*, 494 U.S. 872, 110 S. Ct. 1595, 108 L. Ed. 2d 876 (1990)). They had previously proclaimed in the Declaration of Independence that Man's Creator had endowed all men "with certain unalienable rights," including "Liberty" which embraces religious liberty. They made it clear that those liberties were given by God and not by man's government. Therefore, it was unnecessary to enumerate in statute or constitution what those liberties included.

In light of our history, I find it ironic that today some in the religious community feel it necessary to ask government to confer upon them certain rights and protections. If indeed our religious liberty is conferred by God and not by man-made government, we should need the "hands off" admonition of the First Amendment to our Constitution. When legislative bodies attempt to do otherwise, the inclusions and omissions in their statutes can lead to discrimination, even though it may be unintentional. That is too great a risk to take.

Some of those in the religious community who support this bill have resorted to insults that question my moral convictions and my character. Some within the business community who oppose this bill have resorted to threats of withdrawing jobs from our state.

I do not respond well to insults or threats. The people of Georgia deserve a leader who will make sound judgments based on solid reasons that are not inflamed by emotion. That is what I intend to do.



As I stated before – I do not think we have to discriminate against anyone to protect the faith based community in Georgia of which I and my family are and have been a part of for all of our lives.

Our actions on H.B. 757 are not just about protecting the faith based community or providing a business friendly climate for job growth in Georgia.

This is about the character of our State and the character of its people.

Georgia is a welcoming State filled with warm, friendly and loving people. Our cities and countryside are populated with people who worship God in a myriad of ways and in very diverse settings.

Our people work side by side without regard to the color of our skin, or the religion we adhere to. We are working to make life better for our families and our communities.

That is the character of Georgia. I intend to do my part to keep it that way.

For that reason, I hereby veto H.B. 757.