

GEORGIA STATE GOP RESOLUTION ON PROTECTING RELIGIOUS LIBERTY

WHEREAS, Many of the first immigrants to the New World were motivated by their desire for religious liberty so that they could practice their faith in all aspects of their lives according to the dictates of their own consciences; and

WHEREAS, Upon this great principle, the First Amendment to the United States Constitution states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, . . .;" and

WHEREAS, Every elected official in the State of Georgia makes an oath or affirmation to uphold the United States Constitution, as it is written (not as a judicial body may misinterpret it), including this provision from the First Amendment; and

WHEREAS, In *Employment Division v. Smith* (1990), the U. S. Supreme Court held that under the First Amendment, a government may burden the exercise of religion with a law of neutral application as long as the government can show a rational basis for its action; and

WHEREAS, Under this "rational basis" test, a government has much more power to burden exercise of religion than it would if required to show a "compelling interest" for its action; and

WHEREAS, In 1993 Congress passed the Religious Freedom Restoration Act (RFRA) by a unanimous vote in the House of Representatives and a 97-3 vote in the Senate, replacing the "rational basis" test with the more protective "compelling interest" test; and

WHEREAS, RFRA has proven to be an effective buttress for religious liberty, ensuring that federal laws and federal policies, even those that appear to be neutral toward religion on their face, cannot substantially burden religious liberty without a compelling state interest and with the least restrictive means; and

WHEREAS, RFRA was the leading reason that religious liberty claims were upheld by the U.S. Supreme Court in *Burwell v. Hobby Lobby*, ensuring that the Affordable Care Act could not coerce business owners, holding sincere religious beliefs, to violate their consciences and force them to include abortion-inducing drugs in their insurance coverage for employees; and

WHEREAS, RFRA applies only to federal laws and federal policies and cannot protect religious freedom against State and local government action, thus necessitating that States pass their own RFRA's, as now 20 or more states have done, including all states that are contiguous to the State of Georgia; and

WHEREAS, At least 10 additional states have imposed RFRA protections by judicial action; and

WHEREAS, In the over two decades that RFRA protections have been in effect on the federal level as well as in a majority of States, there has never been a case in which those protections have been used to permit evils such as child abuse or illegal discrimination; and

WHEREAS, Religious liberty has been increasingly under attack in the State of Georgia as evidenced by restrictions on Christian clubs at some state universities, denial of after-school Bible clubs in K-12 schools, restrictions against placing Bibles in public libraries, and zoning restrictions that deny churches the use of their own property; and

WHEREAS, We commend the Georgia State Senate for passing SB 129, the Georgia Religious Freedom Restoration Act that would provide the RFRA protections to people of faith in the State of Georgia;

THEREFORE BE IT RESOLVED, That the 2015 Georgia Republican Party State Convention Delegates urge the Georgia House of Representatives to pass SB 129, the Georgia Religious Freedom Restoration Act, without amendments, and further urges the Governor of the State of Georgia to sign that bill so that people of faith will be protected from unwarranted governmental burdening of their exercise of their faith; and

FURTHER BE IT RESOLVED, That the Secretary of the 2015 Georgia Republican Party State Convention is directed to immediately transmit an appropriate copy of this resolution to all elected Republican officials in the Georgia Senate and in the Georgia House; to the Honorable Nathan Deal, Governor of the State of Georgia, the Honorable Casey Cagle, Lieutenant Governor of the State of Georgia; and to the Honorable David Ralston, Speaker of the House of Representatives.