



Overture 11-04



SUMMARY OF OVERTURE

This timely overture clarifies the appropriate bounds of religious liberty. Overture 11-04 affirms that religious liberty is not a license to discriminate against any of God's people. It directs the Stated Clerk and Office of Public Witness to oppose efforts at the state and federal levels to limit the protection of persons based on race, ethnicity, sexual orientation, gender identity, or gender expression, and encourages synods and presbyteries to oppose these efforts as well. Lastly it encourages all Presbyterians to make a distinction between our historical understanding of religious freedom to practice the essential tenets of our faith, and the misuse of the term religious freedom as a justification for discrimination.

QUESTIONS

What do we mean by religious liberty?

The First Amendment to the U.S. Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." As enshrined in the First Amendment, religious freedom includes two complementary protections: the right to religious belief and expression and a guarantee that the government neither prefers religion over non-religion nor favors particular faiths over others. These dual protections work hand in hand, allowing religious liberty to thrive and safeguarding both religion and government from the undue influences of the other.¹

What has the PCUSA said in the past about religious freedom?

The General Assembly, in its previous approval of "Guiding Principles for Ethical Decisions Concerning Religious Freedom Around the World"² by the 214th General Assembly (2002), of the policy statement, *God Alone Is Lord of Conscience*³ by the 200th General Assembly (1988), has laid a firm foundation for the necessity of and boundaries for the exercise of religious freedom. However, neither statement addressed the misuse of religious freedom to justify denial of basic human rights. Recent executive and legislative actions—such as the "Presidential Executive Order Promoting Free Speech and Religious Liberty," issued May 4, 2017, and the so-called "First Amendment Defense Act"—seek to justify discrimination against individuals, particularly individuals who face discrimination based on their sexual orientation, gender identity, or gender expression under the guise of religious freedom.

1 ACLU overview, <https://www.aclu.org/issues/religious-liberty>

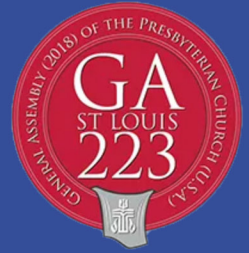
2 Guiding Principles: <https://www.presbyterianmission.org/resource/guiding-principles-ethical-decisions-concerning-re/>

3 *God Alone is the Lord of Conscience*: <https://www.pcusa.org/resource/god-alone-conscience/>





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I thought freedom of religion was already protected by the constitution, why do we need this overture?

Freedom of religion is important; that's why it's already protected by the First Amendment to the Constitution. But that freedom doesn't give any of us the right to impose our beliefs on others, or to discriminate. There has been a troubling shift over the past few years in our nation's legal treatment of religious freedom. Particularly, when and how citizens should be exempted from laws and regulations that conflict with their religious beliefs.

Historically, religious exemptions took the form of broad laws designed to balance the government's and public's interest in passing legislation with consideration for the burden those laws placed on minority religious faiths and their practitioners. In order to be exempt from a law, an individual or religious community would both have to show that the law unduly burdened their faith and that the government didn't have a compelling reason for the law. Today, the federal government and state legislatures across the country are passing underhanded, targeted religious exemption laws that promote a singular religious viewpoint and give businesses, service and healthcare providers, government workers, and private citizens the wide-ranging right to discriminate against others, deny them needed services, and impose their own religious beliefs on others, so long as they cite their religious or moral belief as the reason for doing so.⁴

What did the Masterpiece Cakeshop Supreme Court ruling mean for religious liberty claims?

The decision by the Supreme Court affirmed that when a business opens its doors to the public, it should be open to everyone, on the same terms. While the justices found that the Colorado Civil Rights Commission had not acted impartially when originally considering the case, they also made it clear that states can protect LGBT people from discrimination in the marketplace. The Court's decision affirms the importance of non-discrimination laws. But in more than half the country, our state laws do not explicitly protect LGBT Americans from discrimination in stores and restaurants, in the workplace, or in housing.

⁴ Movement Advancement Project, "Tipping the Scales, the Coordinated Attack on LGBT People, Women, Parents, Children and Health Care" <https://www.lgbtmap.org/file/tipping-the-scales.pdf>