



RELIGIOUS FREEDOM WEEKLY
from
Americans for Freedom of Religion

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**Deceptively Named "Respect for Marriage Act"
Denies Religious Freedoms and
Causes Deep Concern Among Bishops**

"Conscience is the most sacred of all property." —James Madison, 1792

"It is deeply concerning that the U.S. Senate has voted to proceed toward passage of the "Respect for Marriage Act," said Cardinal Timothy Dolan, USCCB Chairman for Religious Liberty. "The Catholic Church will always uphold the unique meaning of marriage as a lifelong, exclusive union of one man and one woman. ... we are joined by millions of ...reasonable and sincere Americans - both religious and secular - who share this time-honored understanding of the truth and beauty of marriage." ..."but the provisions of the Act that relate to religious liberty are insufficient." ⁽¹⁾

The Respect for Marriage Act is a bill that seeks to reinforce the already legalized same-sex marriage rights. In 2015 the Supreme Court ruled in *Obergefell vs Hodges*, that the 14th Amendment requires states to recognize and license same-sex marriages. However, after the *Dobbs* decision which ruled that federal abortion rights are unconstitutional and the issue of abortion must be decided within each state, many supporters of same-sex marriage want to reinforce the 2015 decision in case the court ever overrules the *Obergefell* decision.

Unfortunately, religious freedom "protections" in this new version of the "Respect for Marriage Act" are entirely inadequate and also threaten the institution of marriage in multiple ways. ⁽²⁾

- It further embeds a false definition of marriage in the American legal fabric.
- It jeopardizes the tax-exempt status of nonprofits that exercise their belief that marriage is a union of one man and one woman.
- It endangers faith-based social-service organizations by threatening litigation and liability risk if they follow their views on marriage when working with the government.
- It could make religious freedom and free speech cases harder to win.
- It opens the door to federal recognition of polygamous relationships.

"*Obergefell* created countless religious liberty conflicts, but this Act offers only limited protections. Those protections fail to resolve the main problem with the Act: in any context in which conflicts between religious beliefs and same-sex marriage arise, the Act will be used as evidence that religious believers must surrender to the state's interest in recognizing same-sex civil marriages. Wedding cake bakers, faith-based adoption and foster care providers, religious employers seeking to maintain their faith identity, faith-based housing agencies - are all at greater risk of discrimination under this legislation," said Cardinal Dolan in his statement. ⁽³⁾

"It is the duty of everyone to defend religious freedom and promote it for all people." Pope Francis

(usccb.org, 11/17/22(1)(3); adflegal.org, 11/3/22(2); thewashingtonstand.com, 11/17/22; nregister.com, 10/7/22; deseret.com, 11/21/22; congress.gov, 7/17/22; the week.com, 11/18/22; law.com, 11/4/22)