

Recommendation

The Presbytery of Boise respectfully overtures the 223rd General Assembly (2018) to take the following actions to reaffirm and clarify the position of the Presbyterian Church (U.S.A.) regarding the appropriate boundaries of religious liberty:

1. To reaffirm the “Guiding Principles for Ethical Decisions Concerning Religious Freedom Around the World” as adopted by the 214th General Assembly (2002), as the Presbyterian Church (U.S.A.)’s position regarding the intersection of religious freedom and human rights, and a sound application of the denomination’s Policy Statement, *God Alone Is Lord of Conscience* as adopted by the 200th General Assembly (1988);
2. To reaffirm, consistent with these actions of previous Assemblies, and the principles of the *Belhar Confession*, that religious freedom is not a license for discrimination against any of God’s people, and cannot justify the denial of secular employment or benefits, healthcare, public or commercial services or goods, or parental rights to persons based on race, ethnicity, gender, sexual orientation, gender identity, or gender expression;
3. To direct the Stated Clerk and the Office of Public Witness to oppose legislative, judicial and administrative efforts at the state and federal levels to limit the protection of persons based upon race, ethnicity, gender, sexual orientation, gender identity, or gender expression in the guise of religious freedom;
4. To encourage synods and presbyteries to oppose legislative, judicial and administrative efforts at the state and federal levels to limit the protection of persons based upon race, ethnicity, gender, physical limitations, sexual orientation, gender identity, or gender expression in the guise of religious freedom; and
5. To encourage all Presbyterians to distinguish between our historical understanding of our religious freedom to practice the essential tenets of our faith, and the misuse of the term religious freedom as a justification for discrimination in the provision of secular employment or benefits, healthcare, public or commercial services or goods, or parental rights to persons based on race, ethnicity, gender, physical limitations, sexual orientation, gender identity, or gender expression.

Rationale

The misuse of “religious liberty” is costing lives and depriving individuals of basic human rights. The federal government and state legislatures are considering and passing legislation, and adopting administrative rules and regulations, under the guise of religious freedom that in reality are nothing more (or less) than a targeted attempt to promote a singular religious viewpoint that does not believe LGBTQ individuals are entitled to the full scope of human rights to employment, healthcare and parenting rights. These laws give businesses, service and healthcare providers, government workers, and private citizens engaged in commercial activities the unfettered 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. Similarly, individuals found to have violated laws guaranteeing against discrimination in public accommodations and the delivery of commercial services are claiming a right to assert religious freedom as a shield against liability for such discrimination. Categorizing discrimination against individuals on the basis of such individuals’ race, ethnicity, physical

limitations, gender, sexual orientation, gender identity, or gender expression as an exercise of religious freedom flies in the face of the foundation of such freedom – the assurance of the dignity and basic human rights of all human beings – and should not be condoned by the Presbyterian Church (U.S.A.)

The General Assembly, in its previous adoption of “Guiding Principles for Ethical Decisions Concerning Religious Freedom Around the World” by the 214th General Assembly (2002), of the Policy Statement, *God Alone Is Lord of Conscience* 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 to individuals based upon race, ethnicity, physical limitations, gender, sexual orientation, gender identity, or gender expression. 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. Likewise, in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, the United States Supreme Court is currently determining whether individuals can avoid liability for violating state anti-discrimination laws regarding public accommodations and the delivery of commercial goods and services by claiming a religious right to engage in such discrimination. The Presbyterian Church (U.S.A.) should speak with a clear voice for “the destitute, the poor and the wronged” (*Belhar Confession*) to affirm that “religious freedom” can never be a pretext for denying all of God’s children basic human rights and freedom from discrimination in secular employment or benefits, healthcare, public or commercial services or goods, or parental rights.