

Religious Freedom and Government Interference

WHEREAS individual religious freedom is among the most sacred rights of American citizenship as guaranteed in the First Amendment of the United States Constitution, and the State is proscribed from exercising control or authority over religious belief and conduct; and

WHEREAS there can be no distinction between religious belief and religious conduct, since it is clear that the Bible teaches "faith without works is dead" (James 2:26); and

WHEREAS the United States Supreme Court ruling in *Employment Division. Department of Human Resources of Oregon, et al v. Smith, et al* (April 17, 1990) held that individual religious freedom is subservient to state law, when such laws are generally applicable to everyone and the intent of such laws is not to "burden" religious free exercise directly; and

WHEREAS the *Smith* decision establishes a framework for judicial review of free exercise claims that places religious freedom in great jeopardy by permitting states to enact laws of "general applicability" that unnecessarily burden individual religious free exercise; and

WHEREAS this current situation, if left uncorrected, will inevitably force individuals and local churches to forego certain religious practices that violate state laws of "general applicability" or will force individuals and churches to engage in certain practices that violate sincerely held religious beliefs;

BE IT THEREFORE RESOLVED that we, the messengers of the churches in fellowship with the General Association of Regular Baptist Churches, meeting for our 60th Annual Conference in Indianapolis, Indiana, on June 24–28, 1991, express our alarm and disagreement with the judicial activism of the current United States Supreme Court in crafting a judicial review framework for religious free exercise claims that is a clear aberration from the historical reading of the United States Constitution and represents an alarming willingness on the part of the current Supreme Court to allow the State to further erode religious freedoms; and

BE IT FURTHER RESOLVED that although we recognize the right and compelling interest of the State to proscribe religiously motivated criminal conduct, e.g., child sacrifice (prohibitions based in Judeo-Christian morality and not fashioned out of the whims of a political

majority), we reject the legal and moral reasoning of the Supreme Court majority in *Smith* that no longer requires the State to prove its compelling interest in order to prohibit religious practices; and

BE IT FURTHER RESOLVED that as we celebrate the 200th anniversary of the Bill of Rights, we call upon the entire religious community in the United States to join us in seeking a legislative and/or constitutional remedy to the *Smith* decision, which will return religious free exercise to the status our nation's founders envisioned when they framed our Constitution.

Indianapolis, Indiana
June 24-28, 1991