



Heritage Action Supports the First Amendment Defense Act (S. 2525)

March 19, 2018

The First Amendment Defense Act ([S. 2525](#)), introduced by Sen. Mike Lee (R-Utah) with [21 original co-sponsors](#), would prevent the federal government from discriminating against any individual or group, whether nonprofit or for-profit, based on their definition of marriage or beliefs about premarital sex. That protection would extend to tax policy, employment, licensing, accreditation, contracting, and grants. Importantly, the bill would also create a cause of action in federal court for an individual or organization that has been discriminated against by the government.

Sen. Lee wisely notes in his [press release](#):

“What an individual or organization believes about the traditional definition of marriage is not – and should never be – a part of the government’s decision-making process when distributing licenses, accreditations, or grants. And the First Amendment Defense Act simply ensures that this will always be true in America – that federal bureaucrats will never have the authority to require those who believe in the traditional definition of marriage to choose between their living in accordance with those beliefs and maintaining their occupation or their tax status.”

Unfortunately, the need for this legislation is real. The Obama administration's Solicitor General Donald Verrilli notoriously [admitted](#) during Supreme Court oral arguments that religious schools may lose their tax-exempt status for continuing to affirm marriage as the union of a man and a woman if the Supreme Court redefines marriage. Those involved in the wedding industry—including photographers, florists, and reception hosts—have been hauled into court for declining to use their artistic talents to participate in same-sex wedding ceremonies. And faith-based adoption agencies in Michigan, Illinois, and Washington, D.C. have been forced to end foster care and adoption services rather than abandon their belief that children do best with a married mother and father.

Freedom of religion is our very first freedom laid out in the Bill of Rights because if we are not guaranteed the natural right to speak and act in accordance with our own religious beliefs, all other rights are illusory. Thousands of religious organizations and millions of Americans are doing good work in our communities by running schools, colleges, charities, churches, and adoption agencies. The same faith and moral convictions that motivate organizations and individuals to seek the good of their children and their communities, have also led many to acknowledge marriage between a man and a woman as the indispensable backbone for civil society in America. Their religious liberty deserves protection, and the Constitution charges all branches of government with the duty to protect it, especially Congress.

To be clear, the First Amendment Defense Act protects religious liberty and the rights of conscience for Americans on both sides of the debate concerning the definition of marriage. All are free to live and love how they choose, and everyone should respect the intrinsic dignity of all human beings. The bill simply affirms that the federal government respects the rights of individuals, businesses, and organizations that wish to act in accordance with their beliefs about marriage, without taking away federally funded benefits or services from anyone.

*****Heritage Action supports the legislation, encourages Senators to support it, and reserves the right to key vote in the future.*****