

Focus on Religious Freedom

"Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof;" Bill of Rights – 1st Amendment

With Pandemic Coming to an End - Reflections on Religious Liberty

Americans of faith are fortunate to live in a country with robust liberty protections in our Constitution and Bill of Rights First Amendment. However, during these past two-plus years of COVID restrictions on religious activities, including full community worship, and their designation as "non-essential" while many secular activities were designated "essential," invites reflection on religious freedom in America today.

The Becket Law 2021 Religious Freedom Index found "Americans resoundingly believe that religious activities at houses of worship should be considered essential over secular activities." ⁽¹⁾ These essential activities during a pandemic include worship and funerals with other religious ceremonies and community service following close behind. "That Americans prioritized religious activities over secular ones during a pandemic provides a stark contrast to the COVID restrictions placed on houses of worship by local and state governments - rules that were both more restrictive and longer-lasting than those placed on many secular venues and businesses," wrote Katie Geary, Becket Fund. ⁽²⁾

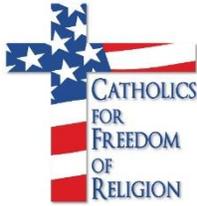
Many Americans are asking - *What limits does the U.S. Constitution place on the government's suppression of religious liberty during a global health emergency, and what can believers do to secure their right to religious worship?* ⁽³⁾ The U.S. Supreme Court has considered these questions based on precedent and the Free Exercise Clause of the First Amendment. We ask - *Why did the founding generation protect religious liberty?* ⁽⁴⁾

The history of humanity is intertwined with faith and fundamental religious values that led to the modern understanding of human rights. "Because their ancestors had escaped religious persecution in Europe, the founding generation saw the need to protect religion and viewed morality as necessary to the nation's success," wrote Prof. Anthony Koenc, Dallas College of Law. ⁽⁵⁾ The First Amendment placed religion in a special category, uniquely shielding it from government interference.

"No doubt an emergency on the scale of COVID-19 justifies strong measures to protect the public, but we cannot lose sight of the fact that many of these measures are extraordinary assertions of government power that can dramatically constrain our basic freedoms.

The power of government must have limits."

Elder David Bednar, The Church of Jesus Christ of Latter-day Saints (6)



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Since the U.S. Supreme Court has ruled on a number of cases based on the Free Exercise Clause of the First Amendment, we can ask, "*Why did the founding generation protect religious liberty?*" The history of humanity is intertwined with faith and fundamental religious values that led to the modern understanding of human rights. "Because their ancestors had escaped religious persecution in Europe, the founding generation saw the need to protect religion and viewed morality as necessary to the nation's success," wrote Prof. Anthony Koenc, Dallas College of Law. ⁽¹⁾ The First Amendment placed religion in a special category, uniquely shielding it from government interference.

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(becketlaw.org/index/2021; dailycallernews.org, 4/22/22; accessible.law.intdallas.edu, (1). catholicnewsagency.com, 11/13/20; news.byu.edu, 6/18/20(2))