

# RELIGIOUS RIGHTS THRIVE IN IOWA

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The Iowa Senate has passed a bill protecting religious liberty. Every Republican voted for it and every Democrat voted against it. The vote was 31-16.

The bill is based on the federal Religious Freedom Restoration Act (RFRA) that was signed into law in 1993 by President Bill Clinton. It prioritizes religious liberty, meaning that if the government is going to encroach on First Amendment rights, it had better have a “compelling” reason for doing so.

The law defines religious liberty as an exercise that is “substantially motivated by one’s sincerely held religious belief, whether or not the exercise is compulsory or central to a larger system of religious belief.” This means that if someone believes his religious rights are being “substantially burdened,” he can take his case to the courts.

The Democrats believe that religious liberty should be a subordinate right to LGBT rights. They claim that religious rights should not be privileged and that the state RFRA law will be used to discriminate against LGBT people. They are historically wrong, and their current fears are based more on conjecture than reality.

As law professor Patrick Garry observes, “Textually, the Constitution provides greater protection for religious practices than for any secular-belief-related activities.” Similarly, there is nothing in our legal history that would afford greater protection for LGBT rights than religious

liberty. This does not mean that religious rights are absolute—no right is. But it does mean that religious liberty must be awarded “favored treatment” when it conflicts with other rights. That was the conclusion reached by the Supreme Court in a religious liberty 2015 case.

We’ve had a federal RFRA for over 30 years, and many state RFRA laws since then. Where are the horror stories that the Democrats are talking about? Where are LGBT people being persecuted? Who’s doing it?

Not only is this nonsense, it is those with sincerely held religious beliefs who are the ones having their fundamental rights being eviscerated these days. Perversely, it is LGBT activists who are largely responsible for this condition.