

**Reconstructionist Rabbinical Association
RESOLUTION**

**URGING THE ADOPTION OF THE RELIGIOUS FREEDOM RESTORATION ACT OF
1991**

1991

Separation (of church and state) affirms the very important principle that the democratic state should not monopolize the life of the citizen. It should leave a place in his life for ideals and loyalties that transcend the state. The democratic state should undertake to provide for the social security of the citizen, but should not claim to be the sole source of moral and spiritual security...This area in the life of the individual... is placed under the control of the church by the majority of Americans.

--Mordecai M. Kaplan (Future of the American Jew, p. 436)

Whereas the free exercise of religion is a fundamental principle of the American democracy guaranteed by the First Amendment to the U. S. Constitution;

Whereas the constitutional guarantee of free exercise protects the distinctive practices of religious and cultural minorities from the encroachment of a religious majority or from the government;

Whereas U.S. Supreme Court precedent has consistently held that the free exercise of religion may not be restricted except where justified by "compelling state interest";

Whereas a recent ruling of the Oregon State Supreme Court (Dept. Of Human Resources of Oregon v. Smith 110 S. Ct. 1595 (1990) held that Native American rites involving the religious use of peyote are subject to constitutional protection, not overridden by the State's "compelling state interest" to enforce its controlled substance laws;

Whereas the U. S. Supreme Court recently overturned thirty years of precedent by vacating this state Supreme Courts decision, discarding the constitutional standard of "compelling state interest" and allowing the application of criminal laws to religious rituals, even if the effect of such application is to prohibit or compel actions contrary to an individual's religious beliefs;

Whereas Oregon v. Smith sets an unprecedented legal environment potentially hostile to the free exercise of religion, extending far beyond the specifics of this particular case, by not limiting a state to utilize its least restrictive means to protect its compelling interest.

Whereas this case threatens the protection of religious practices from state prohibition, such as the ceremonial use of wine (especially by minors), the slaughter fo kosher meat (in light of animal welfare legislation), the wearing of religiously mandated garments such as tzitzit or kipot (in light of dress codes mandated by a public school or employer) and zoning exemptions for houses of worship;

Whereas threats to religious freedom are especially unconscionable in light of this being the 200th anniversary of the ratification of the Bill of Rights;

Whereas legislation with bi-partisan support to restore constitutional safeguards for religious freedom, The Religious Freedom Restoration Act of 1991, has been introduced into both Houses of the U. S. Congress and has gained backing across the spectrum of American religious life (including in the Jewish community, organizations as diverse as Agudath Israel and the Union of American Hebrew Congregations);

Therefore, we resolve that the Reconstructionist Rabbinical Association endorses The Religious Freedom Restoration Act of 1991 and urges its speedy passage;

We further call upon our membership to educate their constituents about this critical issue;

We call upon our members and their constituents to meet with and write to Members of Congress and their local news media in support of this legislation and to urge co-sponsorship and support for the Religious Freedom Restoration Act of 1991.

Noting that the Joint Reconstructionist Commission on Homosexuality has accepted the recommendation of the RRA (1990 "Resolution for the Fuller Acceptance of Gay and Lesbians") that a non-discrimination clause be adopted by the Joint Commission on Placement.

Noting that the RRC in 1984 adopted a policy of non-discrimination in admissions ("age, sex, marital status, sexual orientation and race will not be determining factors in the consideration of the Admissions Committee").

Observing that the RRA has an implicit policy of non-discrimination in membership governing only new graduates of the RRC, who are automatically accepted as members upon application.

Observing further the intent of the 1990 RRA plenum to support non-discrimination as a principle.

Observing that the Joint Reconstructionist Commission on Homosexuality has made the following recommendation to the RRA: "We urge the RRA to adopt a policy of non-discrimination in membership on the basis of gender, marital status, sexual orientation, birth religion, age, race, national origin or physical disability."

Therefore, we resolve that gender, marital status, sexual orientation, birth religion, age, race, national origin or physical disability will not be considered as criteria for membership in the Reconstructionist Rabbinical Association.