

North Dakotan's for Liberty: The People's Amendment Religious Liberty Restoration Amendment

Why do we need the Religious Liberty Restoration Amendment?

Our Founding Fathers established our nation envisioning that religious liberty would be freely celebrated and faith openly expressed. More and more North Dakotans have an uneasy feeling that the Founder's vision of religious liberty in America is being eroded.

Across this great land, we've witnessed university organizations, professionals as doctors and nurses, faith based organizations, and private businesses seeing their religious liberties being diminished. **The bottom line is this: the burden has fallen to the people to protect themselves from the government infringing upon their religious liberties, instead of the burden being placed on the government as it seeks to infringe on those freedoms.** The constitution provided a system of justice whereby the burden is on the government, not the people.

So, how is such an erosion of religious liberty possible, especially in light of the First Amendment?

This is taking place, in part; due to a 1990 U.S. Supreme Court decision that reduced the level of protection historically afforded religious liberty by removing the 'compelling interest test'. In *Employment Division v. Smith*, the Court established a lower threshold of protection for religious liberty — an action that prompted Congress to pass the 1993 Religious Freedom Restoration Act (RFRA). The federal RFRA does not apply, however, to the states, leaving citizens vulnerable to ill-conceived actions of government that infringe on religious liberties.

States are free to enact their own legislation to strengthen religious liberty and to date 15 states have enacted so-called "mini-RFRA's" along these lines. A well-drafted state religious liberty constitutional amendment provides the best guarantee of lasting protection for citizens' religious liberties. North Dakota has always prided itself in being visionary and acting proactively. **Now is the time to allow a vote to restore our Founding Fathers' vision of religious liberty in North Dakota.**

Incorporating the following proposed RLRA amendment language will do so:

1. Government may not burden a person's or religious organization's Religious Liberty.
2. The right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be burdened unless the government proves it has a compelling governmental interest in infringing the specific act or refusal to act and has used the least restrictive means to further that interest.
3. A burden includes indirect burdens such as withholding benefits, assessing penalties, or an exclusion from programs or access to facilities.

What needs to be done? Place this initiated measure on the ballot, and with voter approval—our religious liberties will be restored and preserved for generations to come.

NORTH DAKOTA FAMILY ALLIANCE