

# **THE FIRST AMENDMENT SUPREMACY BILL**

*In no circumstance shall sexual orientation regulations supersede the First Amendment rights of individuals, churches and religious organizations to freedom of speech and the free exercise of religion.*

*For the purpose of this statute religious organizations are those whose policies or culture are substantially influenced by religious values, including but not limited to bakers, florists, printers, bed and breakfast hotels, bookstores, adoption agencies, social organizations and student clubs on college campuses.*

**Statement of legislative intent:** The First Amendment Supremacy Clause is designed to ensure that the first principles of the Bill of Rights to the United States Constitution, namely religious liberty and freedom of expression, are preserved and honored as essential values deeply rooted in our history and laws, as against the claims and reach of the newly invented category of law known as Sexual Orientation Regulations. It is the purpose of this legislation to clearly recognize and affirm that laws and policies based on sexual orientation, gender identity or like terms have no power to infringe upon or otherwise restrict the inalienable rights of Americans which are enshrined in the First Amendment, and which many generations of our citizens have shed their precious blood to protect.

## **FACTS**

- Under the legal doctrine of preemption a state government may retain exclusive legislative authority over any subject matter and deny its political subdivisions and other entities under its jurisdiction the power to regulate those matters in any manner that contradicts state policy. The First Amendment Supremacy Bill (FASB) simply “preempts the field” on the issue of Sexual Orientation Regulations (SORs), including but not limited to so-called anti-discrimination policies based on sexual orientation.
- FASB does not prohibit laws or policies designed to protect homosexuals and other persons who define themselves by the practice of non-traditional sexual conduct from discrimination.
- FASB is only triggered when a claim is asserted that SORs should trump the First Amendment. In other words whenever there is a contest *in which one class of rights must win at the expense of the other*, First Amendment rights must be held supreme.
- FASB is a complete barrier to the use of SORs as a sword to attack freedom of speech and freedom of religion but FASB *preserves* the use of SORs as a shield against irrational discrimination.
- Importantly, FASB recognizes that individuals and religious organization have the same status as churches in the assertion of First Amendment rights.

**Campaigning for the First Amendment Supremacy Bill brings clarity to the public debate by showcasing that conflict over so-called “gay rights” is really a contest between SORs and the First Amendment. This helps voters, policy makers and judges better weigh competing claims of rights and recognize the far-reaching consequences of their decisions. In short, the question becomes:**

**“Sexual Orientation Regulations vs. The First Amendment: Which Should Prevail?”**

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