

# THE FIRST AMENDMENT SUPREMACY CLAUSE

*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 Christian bookstores, adoption agencies, hospitals, businesses, 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

- The First Amendment Supremacy Clause (FASC) may be used as a stand-alone statute or as an amendment to existing Sexual Orientation Regulations (SORs) by government, corporations, non-governmental organizations or other entities.
- FASC 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.
- FASC 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*, the First Amendment must be held supreme.
- FASC is a complete barrier to the use of SORs as a sword to attack religious freedom and freedom of speech, which has happened all too frequently in recent years, but FASC preserves the use of SORs as a shield against irrational discrimination.
- Importantly, FASC recognizes that individuals and religious organization have the same status as churches in the assertion of First Amendment rights.

**One of the primary benefits of advocating or campaigning for FASC is the clarity it brings to the debate over so-called “gay rights.” The discussion of FASC identifies what is actually in conflict and at stake in this debate. It thus helps voters, policy makers and judges better weigh competing claims of rights and recognize the far-reaching consequences of their decisions.**

To launch a FASC campaign or effort in your state or locality or to arrange a public debate on the theme of “**The First Amendment vs. Sexual Orientation Regulations: Which Should Prevail?**” contact Dr. Scott Lively, [sdllaw@gmail.com](mailto:sdllaw@gmail.com), [www.defendthefamily.com](http://www.defendthefamily.com).