



The Supreme Court ruled in its 2015 *Obergefell* decision that the Fourteenth Amendment requires a state to issue a marriage license between two people of the same sex. The decision effectively overturned laws in more than half of states, including North Carolina's, immediately requiring every state to recognize and license same-sex marriages.

While the vast majority of legal experts on both sides of the political aisle expect the *Obergefell* ruling will remain the law of the land and never be overturned, I know there are still many good North Carolinians who believe in traditional marriage. As your U.S. Senator, I strongly believe those views must be respected and their religious beliefs must be protected.

I would <u>never</u> support legislation that takes away religious freedoms from the American people. In fact, I got involved with efforts to make the *Respect for Marriage Act* (RFMA) about enshrining a number of new religious protections for churches and religious organizations that did not exist before. And that is exactly what happened.

When the *Obergefell* case was being argued before the Supreme Court, President Obama's Solicitor General was asked by Justice Alito about the impact on religious liberty if the court ruled in favor of same-sex marriage. He bluntly replied, "it is going to be an issue."

The *Obergefell* decision left a gap in our protections for institutions and people of faith. The RFMA fills that gap by acknowledging the deeply held religious views of North Carolinians and defending religious institutions and non-profits from attacks by radical left-wing activists. These protections are already being used by religious organizations to successfully fight off frivolous lawsuits by the left.

The only real-world impact of this new law is a clear win for religious Americans thanks to the vital new religious protections. And the RFMA does <u>not</u> codify same-sex marriage into law nor change the definition of marriage at the federal or state level.

If you support traditional marriage, you should know that your views were not only respected but protected in the RFMA, and I hope you find this information useful.

Sincerely,

What the RFMA Does

- The law now includes new robust and expansive protections for churches and religious organizations that support traditional marriage, allowing them to worship freely.
- Religious non-profits are already using the new protections in the RFMA as a legal shield to fight off frivolous litigation, with one large religious non-profit organization telling my office that the RFMA was a major reason why, after the law's passage, they were able to get a case dismissed which attempted to strip away religious protections for religious educational institutions.
- Federal law now clearly states that ALL views on marriage, including traditional marriage, are due proper respect by the federal government. In other words, there is no government bias for or against one view of marriage or the other.
- The IRS is now prevented from being able to target or strip away the taxexempt status of religious organizations because they support a traditional definition of marriage.
- The new religious protections will also help stop far-left groups from attacking religious adoption or foster care agencies with the intent of denying them licensing, certification, or any other status or benefit.

What the RFMA Does Not Do

- The RFMA does not codify same-sex marriage into federal law, change the definition of marriage, or interfere with any state law on the definition of marriage.
- There are no new benefits or protections for same-sex couples if *Obergefell* continues to stand, which nearly all legal experts expect to be the case.
- The RFMA does not change or interfere with any state marriage law. That means if *Obergefell* is ever overturned, Amendment One in North Carolina would once again go into effect, banning the state from performing same-sex marriages.

How the RFMA Protects Churches & Religious Organizations

Protects all churches and places of worship

If your church recognizes marriage as between one man and one woman, it will continue to do so without any interference from the government. Progressive groups will not be able to bring frivolous civil claims against churches that do not perform same-sex marriages. This is a very real expansion of religious liberty rights and will protect thousands of churches from liberal activist lawsuits.

Protects religious organizations

Religious organizations no longer have to fear being a target of the IRS or losing their tax-exempt status because they support a traditional view of marriage. The RFMA guarantees that organizations will not lose their tax-exempt status, tax treatment, grants, educational funding, loans, scholarships, licenses, or certifications. There's simply no other interpretation of the bill that would allow for any action by the IRS against faith-based organizations.

Protects all religious liberty & conscience protections

The RFMA will protect all religious liberty and conscience protections available under the Constitution and Federal law, including the Religious Freedom Restoration Act. The legislation explicitly says that it shall not be understood to "diminish or abrogate a religious liberty or conscience protection."

Success Story: The RFMA is a Shield to Protect Religious Freedom

March 2021

Liberal activists filed a lawsuit citing LGBT discrimination. The aim of the lawsuit was to strip away longstanding religious protections for religious educational institutions found in Title IX. The liberal activists shopped the case to a liberal jurisdiction nearly 2,500 miles away from where the lead plaintiff lives.

2021-2022

The lawsuit targeted 29 religious educational institutions, threatening their tax-exempt status. While waiting for over a year for a ruling on a court proceeding, the liberal activists were allowed to try this lawsuit in the media.

November 2022

The judge held a hearing in which they notified the religious educational institutions to prepare to begin the process of discovery, signaling they were headed for a very long and expensive trial.

December 2022

Immediately following the passage of the Respect for Marriage Act, the lawyers for the religious educational institutions filed a brief citing the legal protections contained in the Respect for Marriage Act, and asked the judge to dismiss the case.

December 2023

Two weeks later, the judge ruled in favor of the religious educational institutions' motion to dismiss and dismissed the case outright. The educational institutions believe the religious protections in the Respect for Marriage Act were instrumental in making their case for religious freedom.

"The CCCU believes the religious liberty protections in the RMA were instrumental in the Hunter dismissal. The Respect for Marriage Act now stands as a landmark for future civil rights legislation, marking the pathway of protecting religious freedom for individuals and institutions while promoting principled pluralism in the public square."

-Council for Christian Colleges & Universities

Myths vs. The Facts

Myth:

"The RFMA provides no real protections for religious individuals or organizations."

The Facts:

The RFMA provides more robust and expansive protections for religious liberties than what previously existed in federal law. One key provision protects the right of churches, religious schools, faith-based agencies, and other religious organizations from having to host or serve same-sex marriages or celebrations.

- 1 (b) GOODS OR SERVICES.—Consistent with the First
- 2 Amendment to the Constitution, nonprofit religious orga-
- 3 nizations, including churches, mosques, synagogues, tem-
- 4 ples, nondenominational ministries, interdenominational
- 5 and ecumenical organizations, mission organizations,
- 6 faith-based social agencies, religious educational institu-
- 7 tions, and nonprofit entities whose principal purpose is the
- 8 study, practice, or advancement of religion, and any em-
- 9 ployee of such an organization, shall not be required to
- 10 provide services, accommodations, advantages, facilities,
- 11 goods, or privileges for the solemnization or celebration
- 12 of a marriage. Any refusal under this subsection to provide
- 13 such services, accommodations, advantages, facilities,
- 14 goods, or privileges shall not create any civil claim or
- 15 cause of action.

Continued:

Another protection specifically states the law cannot be used to deny churches, religious organizations, or anyone any benefit, right, or status—including tax-exempt status, educational funding, grants, contracts, loans, licenses, certifications, and accreditations – because of their support for traditional marriage.

Myth:

"The RFMA redefines marriage/codifies same-sex marriage into federal law."

The Facts:

This is simply not true, as the RFMA does not codify same-sex marriage into federal law or redefine marriage for any state. In fact, any attempt by Congress to do so would likely be deemed unconstitutional as marriage is a function of state government, not the federal government. The Supreme Court is the only federal entity that can regulate how states define marriage, as they did in the *Obergefell* decision.

Myth:

"The RFMA opens the door to federal recognition of polygamous relationships."

The Facts:

This is false, as the RFMA actually contains explicit language that the bill does NOT recognize polygamous marriages.

- 1 (b) No Federal Recognition of Polygamous
- 2 Marriages.—Nothing in this Act, or any amendment
- 3 made by this Act, shall be construed to require or author-
- 4 ize Federal recognition of marriages between more than
- 5 2 individuals.

Myth:

"The RFMA opens the door for the IRS to strip away tax-exempt status for churches and religious organizations."

The Facts:

This is false and the RFMA does the complete opposite, creating new protections for churches and religious organizations. Under the RFMA, the IRS cannot target or remove the tax-exempt status of churches and religious organizations because they support traditional marriage and oppose same-sex marriage.

(a) NO IMPACT ON STATUS AND BENEFITS NOT 17 ARISING FROM A MARRIAGE.—Nothing in this Act, or any 18 amendment made by this Act, shall be construed to deny 19 or alter any benefit, status, or right of an otherwise eligi-20 ble entity or person, including tax-exempt status, tax 21 treatment, educational funding, or a grant, contract, 22 agreement, guarantee, loan, scholarship, license, certifi-23 24 cation, accreditation, claim, or defense, provided such benefit, status, or right does not arise from a marriage.