Religious Liberty

Value of Religious Liberty

Because there are certain things no government can do, the building blocks of law can be seen in the Declaration of Independence.

The Declaration of Independence guarantees our right to the protection of our religion, and that right is not negotiable.

Religious Liberty Precedents

The Supreme Court revisits discriminatory laws under a "heightened scrutiny" standard. In effect, neutral COVID laws that incidentally impact religious practices are likely to be upheld because courts review these laws deferentially.

Laws that are neutral or laws that apply to both religious and non-religious businesses are likely to be upheld because courts review these laws deferentially.

Therefore, the Supreme Court is unlikely to overturn the laws restricting freedoms due to the pandemic.

Targeting Religion During a Pandemic

Because the pandemic is ongoing, the states have passed countless local laws restricting personal freedoms, including gathering together for religious worship.

In California, the most grounded suspensions have been upheld due to the pandemic.

In New York, the experience has been different.

Overturning the Smith Case?

With a few exceptions, most laws restricting freedoms due to the pandemic treat religious activities more leniently than secular ones. Yet, some believe that the Amendment right is too broadly applied to similar issues. Under such circumstances, the laws are likely to be upheld because courts review these laws deferentially.

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