

COALITION TO PROTECT GEORGIA'S BILL OF RIGHTS

Oppose SR 49—the “Faith-based” Amendment

Demand

Accountability, Autonomy for Religion, and Protection Against Discrimination

- American Civil Liberties Union
- American Jewish Committee
- Americans for Religious Liberty
- Americans United for Separation of Church and State
- Anti-Defamation League
- Baptist Joint Committee
- Citizens for First Freedoms
- Concerned Black Clergy
- Equal Partners in Faith
- Georgia AAUW
- Georgia Association of Educators
- Georgia Coalition Against Domestic Violence
- Georgia Equality
- Georgia Interfaith Alliance
- Georgia PTA
- Georgia Rural Urban Summit
- Georgia State CAPP/UAW
- Lambda Legal Defense & Education Fund
- League of Women Voters-Georgia
- NAACP
- National Association of Social Workers—Georgia Chapter
- National Council of Jewish Women
- Organization of DeKalb Educators
- People for the American Way
- Public Policy Advocacy Committee of the Presbytery of Greater Atlanta
- Service Employees International Union
- Southern Regional Council
- Women's Policy Group

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The Coalition to Protect Georgia's Bill of Rights consists of 28 religious, education, civil rights, and social service groups who have joined together in opposition to amending the Georgia constitutional provision governing religious freedom. Georgia has had a state provision governing church and state since 1777, when it was written and promoted by a Baptist minister named Silas Mercer. It has served us well for 228 years. **We should not abandon the protections that have helped religion flourish in Georgia for all of these years.**

The Coalition opposes the amendment for the following reasons:

- The amendment actually **REPEALS** our current constitutional provision. **It abdicates all of the State's power to define religious liberty to the federal courts.**
- The amendment would open the door to **SCHOOL VOUCHERS** because it would allow state money to go to religious schools
- Religious houses of worship that would provide these taxpayer-funded services **must be accountable** to the public.
- The amendment is unnecessary. **Religious organizations can already receive money** to perform secular functions and there are **NO lawsuits** pending that challenge such a practice.
- Religious organizations are exempt in their private hiring from portions of the civil rights act and thus can hire and fire based upon a person's religious beliefs. Disturbingly, there are many including the Bush Administration, who **advocate that religious organizations can engage in discrimination while using taxpayer dollars.** Georgia's current constitution protects against this.
- **The money threatens the voluntariness of religious activities and the autonomy of houses of worship.**
- Our provision has no connection to anti-Catholic animus. **Our amendment first appeared in 1777, one hundred-plus years before the so-called “Blaine amendments” were passed.** Furthermore, the current language of our provision differs from the language of the “Blaine amendments.”
- Funding of pervasively sectarian programs is **unworkable.** Who will decide which religion is better than the others? How will Georgia afford to provide the constitutionally required secular alternative services to each religious service? Will the state discriminate against or fund minority religions such as Scientology, Islam, and Wicca?

THIS PROVISION WOULD OPEN THE DOOR TO VOUCHERS. Our current constitutional provision prohibits the state from giving funds to religious schools. With such a provision, no voucher scheme could practically be put in place. About 85% of private schools are religious and the vast majority of schools who receive vouchers in states with voucher programs are religious schools. For example, in the Cleveland program, 97% of vouchers went to religious schools. The current provision, therefore, is a barrier to public school vouchers.

That is why voucher proponents advocate repealing these provisions. For example, one pro-voucher group has said “Now that the Supreme Court has cleared the last remaining federal obstacle to school choice programs . . . supporters are finding that their states’ Blaine Amendments may prohibit such programs.” But, a “way to open the door to school choice is campaigns to repeal the[Blaine Amendments.]” Indeed, in August 2002, a report by the Religion News Service revealed that “vouchers supporters are considering mounting challenges to Blaine Amendments in several states including . . . Georgia . . .”

RELIGIOUSLY-AFFILIATED ORGANIZATIONS CAN AND DO GET MONEY FROM THE STATE UNDER THE CURRENT PROVISION. To receive the money, all these organizations have to do is agree not to discriminate on the basis of religion in hiring and providing services, and agree not to proselytize with state money. This is in keeping with the most recent Attorney General opinion on the subject. According to the Attorney General, our state constitutional provision does not say “that every organization that may have some affiliation with a religious group” is prohibited from receiving federal funds.” Currently, all social service providers - religious and non-religious - live by the same rules.

Religious organizations are exempt from civil rights laws that prohibit religious discrimination in hiring. This is appropriate, and even constitutionally required when they are using their own money. Some in government want to allow religious organizations to receive taxpayer money and maintain this exemption. **THIS WOULD MEAN THAT FAITH-BASED ORGANIZATIONS COULD DISCRIMINATE ON THE BASIS OF RELIGION USING TAXPAYER MONEY.** At the national level, the Bush administration has taken the position that religious organizations can engage in discriminatory hiring for the very positions being filled with taxpayer dollars, and that such a practice does not violate the Federal Constitution. We vehemently disagree with the Bush administration's legal reasoning. However, we need specific protections in our constitution to prevent similar attempts to discriminate at the state level. **We cannot risk allowing state money to go towards discrimination. Our constitution must provide protections against discrimination.**

MANY RELIGIOUS PEOPLE AND RELIGIOUS LEADERS IN GEORGIA OPPOSE THIS BILL. THEY OPPOSE IT BECAUSE THE PLAN THREATENS THE VOLUNTARINESS AND AUTONOMY OF RELIGIOUS INSTITUTIONS. The plan would convert religious organizations into subcontractors of the government, **subject to regulations, restrictions, and government oversight.** They would have to report on individuals getting services and turn their books over to the government. Government money will also make religious organizations, which are often the conscience of the community, **less likely to speak out** on issues that may ruffle government feathers for fear of losing those funds. The plan also **pits religions against each other** in a fight over government money and gives legislators the role of judging which religions are worthy and which are not worthy of government funding. We do not want such government and religious entanglement.

THIS RESOLUTION IS NOT JUST AN AMENDMENT BUT A REPEAL OF OUR CONSTITUTIONAL PROVISION. THE STATE WOULD BE ABDICATING ALL OF ITS POWER IN DEFINING RELIGIOUS LIBERTY TO THE FEDERAL COURTS. The state courts and the state legislature would have to defer to the federal courts in order to understand their own state protections. Although that may seem just fine to you today, what happens if the courts’ interpretations change? Isn’t it better to have our own language for the State of Georgia?

Almost 200 years ago, the citizens of Georgia set out certain protections in our constitution to protect religious freedom. Like in the majority of states, our State provision provides stronger religious liberty protections in its constitution than there are in the federal constitution. **It is because of that provision that religion has flourished in the State of Georgia. There is no reason to strip away those protections. Such freedoms are easy to strip away, but difficult to reinstate after they are gone.**