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of America  
אגודת ישראל באמריקה

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November 17, 2022

## Statement of Agudath Israel of America Regarding the Respect for Marriage Act

- The passage of RFMA will inevitably result in continuing the disparagement and disenfranchisement of faith-based communities and their millennia-old views on marriage and gender, further alienating them from national discourse.
- The amended RFMA falls short of adequately addressing the range of religious liberty concerns facing millions of Americans of faith, as it does not offer the affirmative, comprehensive and enforceable protection that free exercise claims deserve.

Agudath Israel of America, a national Orthodox Jewish organization, urges members of the United States Senate to reject H.R. 8404, the “Respect for Marriage Act” (RFMA), as amended, legislation that will come up for a final vote in the coming days.

The purported purpose of RFMA is to enshrine in statute the Supreme Court’s 5-4 ruling in *Obergefell v. Hodges*, which afforded constitutional protection and legal validity to same-sex marriage. It will also explicitly repeal the Defense of Marriage Act (DOMA), which established that for federal purposes the word ‘marriage’ means only the legal union between one man and one woman and which allowed states to refuse to recognize the same-sex marriages performed in other states. Neither of these legislative actions, however, will provide same-sex marriage any greater protection than it currently enjoys under *Obergefell*.

Unfortunately, the Supreme Court’s casting into turmoil the historical and moral underpinnings of traditional marriage has squarely placed our nation in the midst of a dangerous social revolution on many fronts. Millennia-old notions of marriage and gender are vilified as bigotry, and faith-based communities and institutions that subscribe to these views live under a cloud of disfavor and disdain. The religious liberty and freedom of expression of those who adhere to these views remain uncertain. In this deeply sensitive and highly contentious context, the further endorsement of same-sex marriage through passage of RFMA can only be seen as a further provocation, and inevitably result in deepening the disparagement and disenfranchisement of faith-based communities that espouse beliefs that do not accord with the current zeitgeist. These overarching concerns regarding the effect RFMA will have on the place of traditional religion in American society, and in its national discourse, are of paramount importance.

We are mindful of, and appreciate, the efforts of the bipartisan Senate drafters to strengthen specific religious liberty provisions in the amended legislation. It is our view, however, that the text falls short of this objective, as it does not offer the affirmative, comprehensive and enforceable protection that free

exercise claims deserve. For example, it sounds reassuring to state, as the bill does in the “Findings” section, that traditional views of marriage deserve “respect,” but it is legal “protection” of religious rights that the First Amendment ensures, as the *Obergefell* Court itself noted. Moreover, in regard to the provision of goods and services, the bill offers protection only to religious entities and their employees and, then, only in regard to matters relating to “solemnization or celebration” of marriage. No religious liberty protection is afforded faith-based entities or actions unrelated to the marriage ceremony. And no religious liberty protection is afforded the sincerely-held beliefs of private individuals, organizations, social service agencies or businesses. Weak religious protections regarding same sex marriage will result in the further denigrating of religious views which will, in turn, result in even weaker religious protections in future laws.

It is not our intention to impose our religious views on others. But American law is informed by many sources, including religious faith and tradition. Jewish law and values unequivocally reject homosexual conduct and same-sex marriage, both for Jews and for society at-large. Jewish law and values reject the notion that all people have a right to marry whomever they love, without restriction. This does not deny anyone’s humanity or dignity. This is based neither in bigotry nor invidious discrimination. This is what our Torah teaches and what Jews have faithfully adhered to for millennia. We are deeply saddened that many Jewish organizational supporters of RFMA have chosen to falsify the values they claim to represent.

The *Obergefell* Court stated that, “The First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives.” The RFMA statute flies in the face of the respect and consideration demanded by the Court’s words.

Thank you for considering our views.

(End)