

By Mrs. Murray of Cohasset, petition of Dolores S.V. Timbas and Mary Jeanette Murray relative to religious freedom and toleration. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT RELATIVE TO RELIGIOUS FREEDOM AND TOLERATION: TO PROTECT TRADITIONAL RELIGIONS IN AMERICA, FROM ITS INCEPTION, AND THE RELIGIOUS AND CIVIL RIGHTS OF THEIR ADHERENTS FROM ALL GOVERNMENTALLY-SANCTIONED CONSTRAINTS OR ATTACKS OF SUPPRESSION, CENSORSHIP, COERCION, DISCRIMINATION AND SUBVERSION WITHIN RELIGIOUS INSTITUTIONS, EDUCATIONAL INSTITUTIONS, THE PUBLIC FORUMS, MUSEUMS AND THE MASS MEDIA OF COMMUNICATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

“Of all the dispositions and habits which lead to a political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labour to subvert these great pillars of human happiness.” *George Washington, “Farewell Address,”* September 19, 1796.

1 SECTION 1. For the purposes of this act, “religion” in its
2 varying linguistic forms shall be construed exclusively (except in
3 Section 10) as referring to all traditionally recognized monthe-
4 istic or Biblically-based religions in America from its formation
5 as a nation by the Founding Fathers (e.g., traditional Judaism and
6 traditional Christianity which are now under pervasive and dis-
7 criminatory attack).

1 SECTION 2. No religious or religiously affiliated association,
2 school, other institution or individual professing a sincerely held
3 religious belief may be compelled by state law to alter, abolish or
4 refrain from teaching, upholding, affirming or publishing in whole
5 or in part, in any manner or form, within their own institutions,
6 the public forums or in the mass media of communication, their
7 religion's sacred texts, beliefs, moral values or history because
8 another newly formed or newly recognized group, perception or
9 ideology finds them objectionable or offensive.

1 SECTION 3. No religious or religiously affiliated association,
2 school or other institution may be compelled by state law (1) to
3 permit or to promote on its premises, or under its name or aus-
4 pices, any literature, art, group, behavior, activities, practices or
5 values that it deems contrary to or subversive of its fundamental
6 religious and moral principles; or (2) to employ or continue to
7 employ any individual, in any capacity, who, in its discretion, vio-
8 lates or fails to uphold and exemplify those fundamental religious
9 and moral principles in his/her personal, professional or business
10 life, so as not to make a mockery of and subvert the essential
11 tenets of the religion and so as to avoid unwarranted governmental
12 intrusion into and infringement of the First Amendment right to
13 the "free exercise" of religion or to the unobstructed and unhin-
14 dered advancement of one's religion with its purity and integrity
15 intact.

1 SECTION 4. No person shall subvert or discriminate against
2 another's religion by publicly dishonoring, mocking, defaming,
3 holding up to ridicule, hatred, derisive laughter or reproach, repre-
4 senting falsely or degrading in whole or in part, in any manner or
5 form — by name, quotation, melody, image, picture or through
6 unmistakable association, in any medium or genre, directly or
7 through dreams, reveries or imaginative speculations — said reli-
8 gion's: sacred texts, beliefs, mysteries, miracles; history (past or
9 present); laws, churches, institutions; holy and divine personages,
10 saints, leaders, members (individually or as a class); prayers,
11 liturgy, art, music, hymns, songs, customs, rituals, symbols or
12 God.

1 SECTION 5. For the purposes of this act, "person" shall be
2 defined as any individual, institution, organization, corporation or
3 association responsible for publishing, i.e. making public, selling
4 or disseminating in any manner or form such act(s) of religious
5 discrimination or subversion through the print and/or electronic
6 media or through any other medium of public communication.

1 SECTION 6. False representation of religious figures, sacred
2 texts or religious history — the most flagrant area of religious
3 subversion, intolerance and discrimination in the American media
4 today and, hence, the greatest threat and impediment to the "free
5 exercise" and advancement of traditional religions — includes
6 any public depiction or public portrayal based on fantasy or the
7 human imagination which misrepresents, historically falsifies or
8 degrades in whole or in part, in any manner or form, the literal
9 and chronological account of the life, station in life, actions,
10 utterances, teachings, moral or human behavior or character of
11 named or readily identifiable individuals, or events surrounding
12 them, as recorded in the original texts or history of the religion
13 under attach and deemed sacred and true by said religion.

14 No person may, therefore, in whole or in part, in any manner or
15 form, directly or through indirect attribution through dreams,
16 reveries, allegories, etc. (1) publicly distort, change, invert (e.g,
17 make bad good), "modernize" in appearance or behavior or other-
18 wise falsely depict, however noble the alleged motive, the histor-
19 ical and chronological record of a religion's sacred texts or the
20 lives of or the events surrounding individuals recorded therein,
21 while using the historical names of said texts, events or individ-
22 uals; nor (2) pervert by publicly portraying such named or readily
23 identifiable individuals in a debased, humiliated or taunted posi-
24 tion or committing any act of character weakness, self-contradict-
25 ion, falsehood, cruelty, sexual or other immorality when there is
26 no explicit literal or factual record or proof of such an act,
27 word(s) or depiction in the history and/or original texts of the
28 religion in which said historical individuals first appear.

29 To do so is a crime against humanity and the living memory of
30 the dead.

1 SECTION 7. A disclaimer based on artistic or fictional license
2 does not constitute exemption from prosecution and one act of
3 religious discrimination or subversion within a published work,
4 regardless of literary, artistic or other merit, is grounds for prose-
5 cution of the whole.

1 SECTION 8. The superior court shall have jurisdiction to
2 enjoin the sale or publication of any matter or act(s) of religious
3 discrimination or subversion as defined in sections 4 and 6. The
4 Attorney General or a district attorney within his district, or any
5 other individual, may request an injunction against any person, as
6 defined in section 5, which sells or published any matter or act(s)
7 of religious discrimination or subversion.

1 SECTION 9. Any person violating a provision of this act shall
2 be fined not less than \$10,000, but not more than \$50,000 or
3 imprisoned for one year or both.

1 SECTION 10. This act in no way abrogates the First
2 Amendment rights of freedom of speech or the free exercise of
3 religion of every individual, in a spirit of mutual toleration, to
4 publicly discuss, compare, evaluate, uphold, defend, abstain from
5 or to categorically reject any and all religious beliefs, including
6 the religion of the majority.

7 Nor does it violate the First Amendment provision of the
8 "establishment clause" by establishing a religion to which all must
9 adhere or by giving preferential treatment to one religion. Rather,
10 the act seeks merely to uphold the First Amendment free exercise
11 of religion clause, which our forefathers and the Supreme Court
12 have interpreted as permitting the free advancement and accom-
13 modation of religions in general throughout America, by granting
14 immediate protections to traditional religions *solely* because tradi-
15 tional religions are now under specific attack and because they,
16 like a racial group heretofore under the attack of unjust discrimi-
17 nation, are seeking the solicitude of the law. It seeks no more —
18 out of an urgent sense of truth and justice based on the "gravity of
19 evil" standard — than to permit the free exercise of religion, and
20 the creation of another subject-matter category of unprotected
21 speech, namely the public ridicule, degradation and historical per-

22 version of religion, which protection is historically sound and
23 constitutional. For the First Amendment right to freedom of
24 speech is not and was not ever meant to be *absolute*, as evidenced
25 by all the laws — upheld by courts across the nation — which
26 limit, restrain, indeed, forbid speech that is slanderous, fraudulent,
27 perjurious, blasphemous and inciting (so-called “fighting
28 words”). Many of these laws co-existed all along with the First
29 Amendment and were viewed, from the earliest days of the
30 Republic and before, as not at all violative of one’s civil liberties,
31 specifically, freedom of speech. For, as Daniel Webster stated
32 in 1847, “Liberty exists in proportion to wholesome restraint.”

33 Lastly, because of the many new “religions” competing for
34 legitimacy in America today, e.g., Satanism, secular humanism —
35 recently declared by a court as a religion — , etc.— some of
36 which are antithetical to traditional religions and even unlawful as
37 they seek to subvert the established moral order — one law
38 framed to provide the necessary unique protections for all would
39 be so broad as to be unenforceable.

1 SECTION 11. In summary, this act was made necessary
2 because of the increasing threats to the constitutional freedoms of
3 and discrimination against one class of people based on religion —
4 i.e., those espousing traditional monotheistic or Biblically based
5 beliefs and values — whose “free exercise” and “free speech”
6 rights are being infringed upon by overt and covert attempts at
7 censorship, coercion and subversion and who are, thus, being
8 denied the same rights enjoyed by racial and ethnic classes which
9 may publicly celebrate and advance their culture, customs and
10 history free from oppression and public attacks of ridicule,
11 defamation and historical perversion.

12 This act was also made necessary because of the resulting
13 undue, disproportionate burden and suffering being placed upon
14 said religious class as they struggle (1) to endure and (2) to
15 remedy the unjust and evil effects of the abridgments of their
16 freedoms and the public ridicule and subversion through imagina-
17 tive falsification of their most sacred texts and religious history,
18 particularly in the all-pervading and powerful mass-media of
19 communication which are invading almost every facet of
20 American life and whose false and degrading images and lies can

21 penetrate and subvert the minds and hearts of millions in a
22 momentary flash.

23 The electrifying speed and immense scope of such discrimina-
24 tory attacks created by these new technologies against said reli-
25 gious class are threatening, therefore, not only their right to the
26 “free exercise” of their religion but, indeed, its very survival.

27 This legislation was, therefore, crafted to make explicit for the
28 protection of this aggrieved class, those religious and civil rights
29 already implicit in and granted to them by the “free exercise” of
30 religion clause, by the “freedom of speech” clause, and by the
31 “equal protection of the law” or non-discriminatory provisions of
32 the constitutions of both the Commonwealth of Massachusetts and
33 of the United State of America.

34 Indeed, freedom of religion, whose traditional moral laws were
35 codified into our secular laws and bound us into one nation with a
36 common ethos for over 200 years, was so hallowed and cherished
37 by our forefathers and considered so vital to the preservation of
38 our Constitution and form of government that religious freedom
39 became the first and foremost of all the fundamental rights
40 granted not only by the First Amendment but by the entire Bill of
41 Rights.

1 SECTION 12. This act shall take effect immediately.

We have no government armed in power capable of con-
tending in human passions unbridled by morality and reli-
gion. Our Constitution was made only for a moral and
religious people. It is wholly inadequate for the government
of any other.” *John Adams*, “Address to the Officers of the
First Brigade of the 3rd Division of the Militia of
Massachusetts,” October 11, 1798.
