

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

The Commonwealth of Massachusetts

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

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
3 in section 10) as referring to all traditionally-recognized
4 monotheistic or Biblically-based religions in America from its
5 formation as a nation by the Founding Fathers (e.g., traditional
6 Judaism and Christianity which are now under pervasive and
7 discriminatory 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
4 or refrain from teaching, upholding, affirming or publishing in
5 whole or in part, in any manner or form, within their own insti-
6 tutions, the public forums or in the mass media of communica-
7 tion, their religion's sacred texts, beliefs, moral values or history
8 because another newly-formed or newly-recognized group, per-
9 ception or 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
4 auspices, any literature, art, group, behavior, activities, practices
5 or values that it deems contrary to or subversive of its fundamen-
6 tal religious and moral principles; or (2) to employ or continue
7 to employ any individual, in any capacity, who, in its discretion,
8 violates or fails to uphold and exemplify those fundamental
9 religious and moral principles in his/her personal, professional
10 or business life, so as not to make a mockery of and subvert the
11 essential tenets of the religion and so as to avoid unwarranted
12 governmental intrusion into the infringement of the First
13 Amendment right to the "free exercise" of religion or to the unob-
14 structed and unhindered advancement of one's religion with its
15 purity and integrity 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,
4 representing falsely or degrading in whole or in part, in any
5 manner or form — by name, quotation, melody, image, picture
6 or through unmistakable association, in any medium or genre,
7 directly or through dreams, reveries or imaginative specula-
8 tions — said religion's: sacred texts, beliefs, mysteries, miracles;
9 history (past or present); laws, churches, institutions; holy and
10 divine personages, saints, leaders, members (individually or as a
11 class); prayers, liturgy, art, music, hymns, songs, customs, rituals;
12 symbols or God.

1 SECTION 5. For the purposes of this act, "person" shall be
2 defined as any individual, institution, organization, corporation
3 or association responsible for publishing, (i.e., making public,

4 selling or disseminating in any manner or form such act(s) of
5 religious discrimination or subversion through the print and/or
6 electronic media or through any other medium of public
7 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 attack and deemed sacred and true by said religion.

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

29 *To do so is a crime against humanity and the living memory*
30 *of 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
5 prosecution 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,
6 as defined in section 5, which sells or publishes 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 imprisonment for one year or both.

1 SECTION 10. This act in no way abrogates the First Amend-
2 ment rights of freedom of speech or the free exercise of religion
3 of every individual, in a spirit of mutual toleration, to publicly
4 discuss, compare, evaluate, uphold, defend, abstain from or to
5 categorically reject any and all religious beliefs, including the
6 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 exer-
11 cise of religion clause, which our forefathers and the Supreme
12 Court have interpreted as permitting the free advancement and
13 accommodation of religions in general throughout America, by
14 granting immediate protections to traditional religions *solely*
15 because traditional religions are now under specific attack and
16 because they, like a racial group heretofore under the attack of
17 unjust discrimination, are seeking the solicitude of the law. It seeks
18 no more — out of an urgent sense of truth and justice based on
19 the “gravity of evil” standard — than to permit the free exercise
20 of religion, and the creation of another subject-matter category
21 of unprotected speech, namely the public ridicule, degradation
22 and historical perversion of religion, which prohibition is
23 historically sound and constitutional. For the First Amendment
24 right to freedom of speech is not and was not ever meant to be

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

34 Lastly, because of the many new “religions” competing for
35 legitimacy in America today, e.g., Satanism, secular humanism,
36 recently declared by a court as a religion, etc. — some of which
37 are antithetical to traditional religions and even unlawful as they
38 seek to subvert the established moral order — one law framed
39 to provide the necessary unique protections for all would be so
40 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
3 of 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” rights
6 are being infringed upon by overt and covert attempts at censor-
7 ship, coercion and subversion and who are, thus, being denied the
8 same rights enjoyed by racial and ethnic classes which may pub-
9 licly celebrate and advance their culture, customs and history free
10 from suppression and public attacks of ridicule, defamation and
11 historical perversion.

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

22 The electrifying speed and immense scope of such discrimina-
23 tory attacks created by these new technologies against said

24 religious class are threatening, therefore, not only their right to
25 the “free exercise” of their religion but, indeed, its very survival.

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

33 Indeed, freedom of religion, whose traditional moral laws were
34 codified into our secular laws and bound us into one nation with
35 a common ethos for over 2000 years, was so hallowed and
36 cherished by our forefathers and considered so vital to the
37 preservation of our Constitution and form of government that
38 religious freedom became the first and foremost of all the
39 fundamental rights granted not only by the First Amendment but
40 by the entire Bill of Rights.

1 SECTION 12. This act shall take effect immediately.

“We have no government armed in power capable of contending in human passions unbridled by morality and religion. 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.

