

Michael J. Petersen proposes the following substitute bill:

Concurrent Resolution Regarding Religious Freedom

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael J. Petersen

Senate Sponsor: Keven J. Stratton

LONG TITLE

General Description:

This resolution supports and encourages practices that exemplify religious freedom in public spaces.

Highlighted Provisions:

This resolution:

- acknowledges the historical context that supports the inclusion of religion in government and education;
- supports the right of public school students and teachers to openly express their faith;
- encourages the accommodation of religious observances in government and community settings;
- supports the protection of religious symbols in public spaces; and
- encourages the fostering of respectful dialogue among diverse faith traditions.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, the Declaration of Independence states, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men...";

WHEREAS, religious freedom is a foundational principle of democratic society and a fundamental human right recognized by the First Amendment of the United States Constitution;

WHEREAS, in Thomas Jefferson's description of the Virginia Statute for Religious Freedom of 1786, he established that religious freedom was meant to comprehend, within the mantle of its protection, [Americans] of every denomination;

WHEREAS, in a 1790 letter to a Jewish congregation in Newport, Rhode Island, George Washington wrote that the new nation he was helping build would give "to bigotry no sanction, to persecution no assistance," and that "everyone shall sit in safety under his own vine and fig tree and there shall be none to make him afraid.";

WHEREAS, Benjamin Franklin's creed, contained in his 1790 letter to Ezra Stiles, states that "God [is the] creator of the universe. That he governs it by his Providence. That he ought to be worshiped.";

WHEREAS, in his 1796 farewell address to the people of the United States, George Washington said, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.";

WHEREAS, John Adams taught "Our Constitution was made only for a moral and religious People. It is wholly inadequate to the government of any other.";

WHEREAS, the New England Primer, first published in 1690, and utilized across four centuries, included the Ten Commandments and other theological teachings to instruct children to read and write;

WHEREAS, Utah Constitution, Article I, Section 4, declares that the rights of conscience shall never be infringed;

WHEREAS, in 1971, the Supreme Court in *Lemon v. Kurtzman* created the "Lemon Test" that included a requirement of a secular legislative purpose, resulting in that case being cited over 7,000 times in subsequent federal cases between the years 1971 and 2019;

WHEREAS, in 2022, the Supreme Court overturned the "Lemon Test" in *Shurtleff v. Boston* declaring that the *Lemon* decision was "issued during a bygone era when this court took a more freewheeling approach to interpreting legal texts...";

WHEREAS, in 2019, the Supreme Court declared in *American Legion v. American Humanist Association* that longstanding religiously expressive monuments, symbols, and practices require a strong presumption of constitutionality; and

WHEREAS, in 2022, the Supreme Court declared in *Kennedy v. Bremerton* that "The [free exercise] clause protects not only the right to harbor religious beliefs inwardly and secretly. It does perhaps its most important work by protecting the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life through the performance of (or abstention from) physical acts.";

63 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
64 Governor concurring therein, supports and encourages practices that exemplify religious
65 freedom in public spaces, including the right of public school students and teachers to openly
66 express their faith, accommodation of religious observances in government and community
67 settings, the protection of religious symbols in public spaces, and the fostering of respectful
68 dialogue among diverse faith traditions to uphold the foundational principles of religious
69 liberty enshrined in the United States Constitution.

70 BE IT FURTHER RESOLVED that the Legislature and the Governor support protecting
71 religious freedom and allowing individuals of all faiths to participate freely in public life.

72 BE IT FURTHER RESOLVED that copies of this resolution be sent to each county
73 legislative body, municipal legislative body, and local school board within the state.