



RFRA: What is it? Why do we need it?

What is RFRA?

A Religious Freedom Restoration Act ("RFRA") prevents the government from burdening a person's free exercise of religion unless (1) the government is furthering a compelling interest and (2) there are no other reasonable means available to achieve that interest. A nearly unanimous Congress and President Clinton enacted the federal RFRA in 1993, and twenty-one states have adopted their own RFRA's.

Why do we need RFRA?

Because the U.S. Supreme Court weakened First Amendment protections for a person's free exercise of religion in a 1990 case named *Employment Division v. Smith*. RFRA restores the legal balancing test used by courts for decades before the Supreme Court changed it in *Smith*.

States need their own RFRA's because, in 1997, the Supreme Court determined that the federal RFRA does not apply to state or local governments.

Who does RFRA protect?

It protects the religious freedom of all Americans, including individuals of both minority and majority religions. For example, because of RFRA's balancing test:

- A Native American kindergartener was allowed to wear his hair long, as required by his religion. The school told him that he must cut his hair or tuck it into his shirt.
- The government could not force Mennonite owners of a wood furnishings manufacturing company to purchase and provide abortion-inducing drugs and devices that violated their

sincerely held beliefs that all human life is sacred and deserving of protection.

- An Orthodox Jewish prisoner was able to receive kosher meals, a diet mandated by his faith, which the prison had initially denied him.

Does RFRA provide a “license to discriminate”?

No, RFRA does not provide a “license to discriminate,” and it does not allow individuals to do whatever they wish in the name of religion. Despite its deference to religious freedom, RFRA does not mandate any given outcome. It simply provides a commonsense way of balancing government interests with religious freedom, and it guarantees a fair hearing when a law conflicts with the fundamental freedom of individuals to live out their faith.

Will my church get into trouble for supporting RFRA?

No. The IRS allows churches to do a limited amount of lobbying in support of or in opposition to legislation like RFRA. Churches have nothing to fear in supporting RFRA.

Where can I get more information about RFRA and what I can do to support it?

Go to www.FreedomWV.org for in-depth information about RFRA and for action steps you can take to support it.