

FIRST LIBERTY'S QUICK GUIDE

Understanding the Religious Freedom Restoration Act

RFRA 101: HISTORY AND PURPOSE

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WHAT IS RFRA?

The Religious Freedom Restoration Act (RFRA) is a federal law passed in 1993 designed to prevent other federal laws from interfering with a person's right to live out their faith.

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WHY WAS RFRA NECESSARY?

In 1990, the U.S. Supreme Court issued a hostile ruling to religious liberty in *Employment Division v. Smith*.

Before *Smith*, in order to justify interfering with a person's right to live out their faith, the government had to show:

1. There was a really good reason (a compelling interest) and;
2. No better option (the least restrictive means)

However, after *Smith*, the legal standard changed, giving the government more power to stop Americans from freely and openly living out their faith.

Smith was so devastating to religious freedom that it prompted Congress to pass legislation—which became known as RFRA—to remedy its negative effects.

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WHO ADVOCATED FOR THE PASSAGE OF RFRA?

RFRA was one of the most widely supported legislative efforts in modern history.

The coalition that rallied to help pass RFRA was one of the broadest and most diverse. Over sixty liberal and conservative groups, politicians, and religious and civil liberty advocates across the country (including the ACLU and even the Americans United for Separation of Church and State) joined forces in support of the bill.

Charles "Chuck" Schumer (D-NY) and Ted Kennedy (D-Mass) sponsored the original legislation and at the time were among the strongest advocates of federal religious freedom protections.

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WHEN DID RFRA BECOME A LAW?

The passage of RFRA showed us one of the starkest displays of Congressional bipartisanship in recent memory. It passed unanimously in the House of Representatives and by an overwhelming 97-3 vote in the Senate. Democratic President Bill Clinton signed RFRA into law on November 16, 1993.

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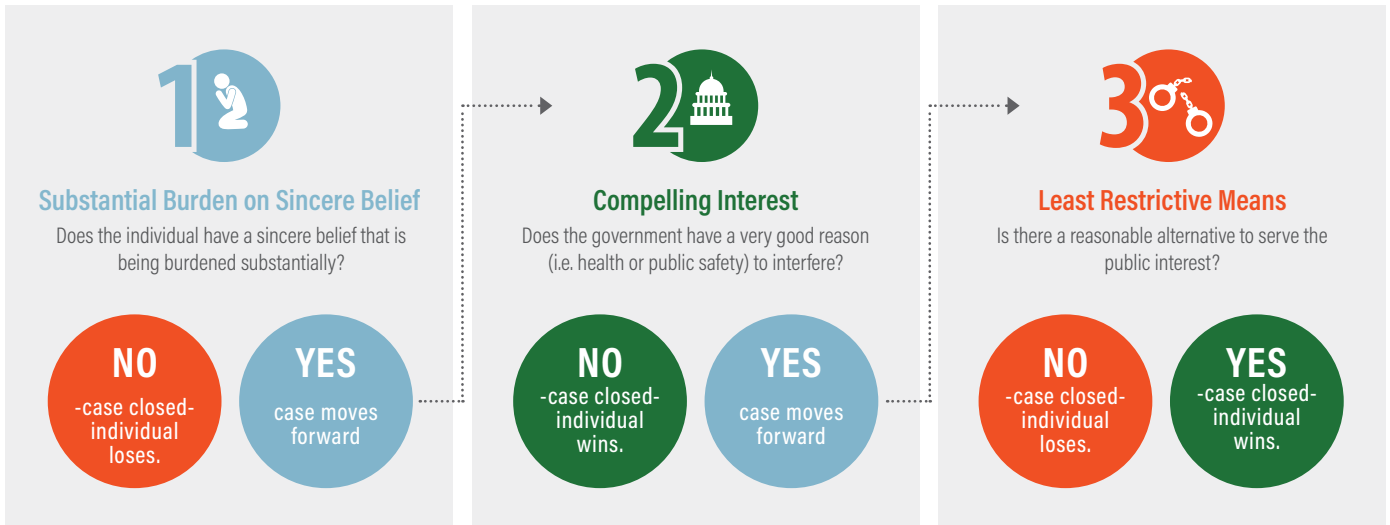
WHY IS RFRA IMPORTANT TO RELIGIOUS FREEDOM?

RFRA is a keystone law that protects people of faith when they come under attack. It protects religious freedom by putting back in place the rules that had applied to federal religious liberty claims for decades. Under RFRA, restricting a person's First Amendment right requires the government to prove it has a compelling reason, and to prove it is doing so in the least restrictive way.

RFRA says the government must accommodate people's religious practices when it can, and it gives citizens their day in court when they believe the government has infringed on their rights.

HOW DOES RFRA WORK?

Here's a summary of what RFRA does, how it's used by courts and what happens at the end of a case in which RFRA is applied:



20+ STATES HAVE ADOPTED THEIR OWN RFRA'S – HAS YOURS?

Across the country, more than 20 states have passed RFRA laws and others have constitutional provisions that give the same protections.

