
A S S O C I A T E D B A P T I S T P R E S S

CONTACT: Greg Warner (904) 396-0396 Fax: (904) 396-4441

NOTE: Although no ABP issue was scheduled for June 27, these stories are being made available because of their timely nature. No issue is scheduled for July 4 because of the holiday.

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Religious liberty bill
reintroduced in the House

WASHINGTON (ABP) -- Legislation designed to restore a high standard of protection for the free exercise of religion was reintroduced in the U.S. House of Representatives June 26.

The Religious Freedom Restoration Act (H.R. 2797) would restore the strict "compelling interest" standard the U.S. Supreme Court formerly required government to meet before restricting religious liberty.

That test permitted government to restrict the First Amendment's guarantee of religious exercise only to further a compelling governmental interest and if the least restrictive means of safeguarding that interest had been employed.

The high standard, established by the Supreme Court in 1963, was abandoned in its Oregon Employment Division v. Smith decision April 17, 1990. The Smith decision stated that government need not justify burdens o

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religious practice unless the law is aimed at religion.

"With the stroke of a pen, the Supreme Court virtually removed religious freedom -- our first freedom -- from the Bill of Rights," said Rep. Stephen J. Solarz, D-N.Y., at a press conference announcing the bill.

Chief sponsor of the bill, Solarz is joined by 41 bipartisan co-sponsors. In 1990 Solarz introduced the bill late in the 101st session of Congress, which ended before action was taken on the bill.

The 1991 bill is expected to be introduced in the Senate following its Fourth of July recess.

"The court's reading of the First Amendment is out of step with the nation and with our historical commitment to religious liberty," Solarz said. "The court's grievous and shortsighted error must not be permitted t

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stand unchallenged."

The Baptist Joint Committee, which chairs the Coalition for the Free Exercise of Religion that backs the bill, lauded the legislation.

"Justice Scalia in the Oregon v. Smith decision, with one sweeping phrase, dismissed the free exercise of religion as it has been known in

this nation as a legal 'luxury we can no longer afford,'" said James Dunn, executive director of the BJC. "A Religious Freedom Restoration Act that simply and clearly restores the First Amendment to its previous stature is desperately and immediately needed."

Smith already has impacted some 20 reported cases. Its brunt has been felt by minority sects and mainline denominations. Under the new standard, free exercise claimants won only four of the 20 cases, and in three of those instances the state court based its decision on other grounds.

Oliver Thomas, BJC general counsel, said the RFRA "is without a doubt the most significant bill affecting religious liberty in our lifetime. Anyone who opposes it would have opposed enactment of the First Amendment."

Thomas noted the coalition supporting the bill is as remarkable as the legislation itself.

"Several dozen religious and civil liberties groups ranging from the American Civil Liberties Union to the Traditional Values Coalition, from the National Council of Churches to the National Association of Evangelicals, from Agudath Israel to the Muslim Council, have been willing

to lay aside their deep differences...and join in a common vision for the common good -- religious liberty for all Americans."

While the coalition supporting the bill is religiously and politically diverse, some pro-life groups have declined to endorse the Solarz bill. In the event the Supreme Court's Roe v. Wade decision guaranteeing the right to abortion is overturned, some RFRA opponents claim

the Solarz bill could recreate a constitutional right to abortion based on religious beliefs and practices.

However, not all pro-life groups see the RFRA as an abortion threat.

Joining Solarz in the press conference, Robert Dugan, director of public affairs for the National Association of Evangelicals, said his organization "is staunchly pro-life and would never support legislation which could effectively be used to endanger the pro-life cause."

"RFRA poses no such threat," Dugan said. "The bill itself is abortion neutral. We think the argument that the Supreme Court might overturn Roe v

Wade and then discover a right to abortion under a different label is little short of frivolous. RFRA simply restores a legal standard. It confers no new substantive rights, whether to abortion or any other claim based on free exercise of religion."

Responding to a question, Solarz said the bill scrupulously avoids tipping the scales for or against abortion, as well as other religiously related issues. To do so would jeopardize the broad-based coalition, Solarz

said. Coalition members could not agree on the decisions of every free-exercise case, but they could concur on the standard by which these cases should be decided, he said.

"There is no hidden pro-abortion agenda" in the bill, he added.