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## **Religious liberty bill clears Congress, President Clinton signature expected**

By Kenny Byrd

WASHINGTON – A bill introduced two weeks ago providing houses of worship with greater protection from burdensome zoning laws cleared both houses of Congress July 27 as lawmakers began a month-long recess.

The Religious Land Use and Institutionalized Persons Act (RLUIPA) would also give persons in government-run prisons, hospitals and group homes greater protection for religious exercises that sometimes conflict with broad, generally applicable rules.

It was sought by a re-united coalition of more than 50 religious and civil liberties groups that formed to pass the 1993 Religious Freedom Restoration Act. Parts of RFRA failed a constitutional challenge in the Supreme Court in 1997. The religious land use bill is the second bill introduced to respond to that Supreme Court decision.

The measure cleared by unanimous consent in the Senate and was literally walked over to the House chamber where it was unanimously approved minutes before House lawmakers adjourned for the August recess.

The bill now heads to President Bill Clinton, who is expected to sign it into law. The administration has issued statements in support of the bill. It was introduced July 13 and had broad bipartisan backing. Its sponsors included Reps. Charles Canady, R-Fla., Jerrold Nadler, D-N.Y., and Chet Edwards, D-Texas, as well as Senators Orrin Hatch, R-Utah, Edward Kennedy, D-Mass., and Tom Daschle, D-S.D.

Hatch said it is “one of the most important bills of this new century.” The bill was more narrowly targeted than an earlier bill that split the Coalition for the Free Exercise of Religion – some of which were supporters of gay and civil rights who feared the broader bill could threaten fair housing and civil rights laws.

Hatch said, “It is no secret that I would have preferred a broader bill than the one before us today.” But recognizing the hurdles, supporters have agreed to “move forward on this more limited, albeit critical, effort,” he said.

Kennedy said religious freedom is a “bedrock principle,” and noted the bill avoids civil rights concerns “by addressing two of the most obvious threats to religious liberty.”

Nadler said it “is extremely important for the preservation of some of the free exercise protections of the Constitution.”

Canady said the measure would protect religious freedom from unnecessary governmental interference. “While this bill does not fill the gap in the legal protections available to people of faith in every circumstance, it will provide critical protection in two important areas where the right to religious exercise is frequently infringed.”

When introducing the measure, sponsors described instances of city officials seeking to limit the number of worshippers at churches and pressuring houses of worship to shut down soup kitchens.

The bill would not exempt churches from zoning regulations, but it would require zoning officials to have a compelling reason when they substantially burden religious exercise. It also would require zoning officials to treat religious applicants at least as well as secular ones.

The Baptist Joint Committee, which chaired the religious coalition, issued a July 28 statement applauding the measure's passage. The coalition included groups such as the American Jewish Congress, American Jewish Committee, American Civil Liberties Union, People For the American Way and Americans United for Separation of Church and State as well as the Family Research Council, Christian Legal Society and National Association of Evangelicals.

Melissa Rogers, BJC general counsel, said RLUIPA would protect houses of worship "from the restrictive regulation that too often chokes exercise of faith." She said it would provide "plenty of room for the robust practice of faith and sensible zoning."

"Some have said that only divine intervention could explain the alliance behind RLUIPA – everyone from the ACLU to the Family Research Council supported the bill," Rogers said. "An incredibly diverse group of organizations put aside their differences on so many issues to pursue a cause that unites us all – robust protection for the free exercise of religion."

Also part of the diverse coalition was the Southern Baptist Ethics and Religious Liberty Commission. Richard Land, head of the ERLC, said "I applaud the Congress for taking leadership in helping to restore at least a portion of our cherished First Amendment, religious free-exercise rights." He said, "When President Clinton signs this bill, Americans will have more freedom to exercise their religious faith than they do now."

Land added, "Well done, Congress. Now we must re-double our efforts in the next Congress to even further restore those invaluable and unalienable freedoms that have been diminished in recent years."

From the Senate floor, Hatch said at the "core" of religious freedom is the ability to assemble and worship together. "Finding a location to do so, however, can be quite difficult when faced with pervasive land use regulations," he added.

He said in congressional testimony lawmakers heard examples of discrimination, including a case where a city refused to allow a Mormon church to construct a temple "simply because it was not in the 'aesthetic' interests of the community."

Hatch also expressed thanks to Sens. Strom Thurmond, R-S.C., and Harry Reid, D-Nev., who had "strong and serious concerns about portions of this bill" but were willing to accept it because of their "overriding commitment to religious freedom."

Reid criticized portions of the bill that applied "strict scrutiny" to restrictions placed on the religious practices of prisoners. But rather than thwart the bill's passage, Reid said Hatch had agreed to hold hearings next year on the impact of the new legislation on penal institutions and frivolous lawsuits.