

12 Reasons Why the Religious Freedom Restoration Act Benefits All Americans

1. The Religious Freedom Restoration Act (“RFRA”) protects *all* Americans’ religious liberty.
2. RFRA was a *singular bipartisan achievement*, passing the Senate 97-3 (led by Senators Kennedy and Hatch) and the House by unanimous voice vote. President Clinton signed RFRA into law on November 16, 1993.
3. RFRA creates a *level playing field for all Americans* and puts “minority” faiths on an equal footing with every other faith. Without RFRA, every time Congress considered a new law, “minority” faiths would have to lobby for statutory exemptions to protect their religious freedom.
4. RFRA is *the primary federal safeguard* of Americans’ religious liberty. After the Supreme Court greatly weakened the First Amendment’s protection of religious liberty in 1990, Congress enacted RFRA to restore all Americans’ religious freedom.
5. RFRA enhances *governmental transparency and accountability* because RFRA requires government officials to justify any restrictions they impose on citizens’ religious liberty. RFRA thereby *increases citizens’ leverage* in dealing with government officials and *incentivizes the government* to find ways to achieve its interests while respecting citizens’ religious liberty.
6. RFRA ensures *religious diversity* by protecting religious liberty for all faiths.
7. RFRA *honors America’s heritage of 400 years* of religious freedom.
8. RFRA *minimizes religious conflict*. Such conflict is unnecessary when everyone’s religious liberty is guaranteed.
9. RFRA *implements a sensible balancing test* for courts to use to balance religious liberty with governmental interests. The Supreme Court unanimously approved the RFRA balancing test eight years ago in *Gonzales v. O Centro*. Post- RFRA, the government still wins many cases.
10. RFRA reinforces *America’s commitment to pluralism*. In RFRA, Congress re-committed the Nation to the foundational principle that American citizens have the God-given right to live peaceably and undisturbed according to their religious beliefs.
11. RFRA *enables all Americans to live authentic lives* in harmony with their religious beliefs.
12. *RFRA protects the inalienable right of religious liberty for all Americans*. Religious liberty is America’s most distinctive contribution to humankind. Religious liberty is a God-given right – a gift we are in grave danger of squandering if RFRA is weakened.¹

¹ A helpful discussion of RFRA can be found at <http://clsnet.org/document.doc?id=773>. This handout can be linked at <http://clsnet.org/document.doc?id=784>.