



WEBSITE PROJECT

RELIGIOUS FREEDOM ISSUES RELIGIOUS FREEDOM RESTORATION ACT

INFORMATION:

The Religious Freedom Restoration Act ("RFRA") was originally passed by Congress in 1993. The vote in both the Senate and the House of Representatives was nearly unanimous, with both Democrats and Republicans voting to pass the measure. RFRA was signed into law by then President Bill Clinton. All four members of Hawaii's congressional delegation voted to pass RFRA – this included the late Senator Daniel Inouye, and our current governor Neil Abercrombie.

In its *Wisconsin v. Yoder*, the Supreme Court set a standard for evaluating when government should be allowed to interfere or burden the free exercise of religion. This ensured that government had to have a "compelling interest" to interfere with the free exercise of religion. While RFRA made this compelling interest test the standard for the federal government, it was found that could not be applied to state laws.

OTHER STATES:

In response, eighteen states have so far introduced state-level versions of RFRA ("Little RFRA") to ensure that their protections for the free exercise of religion are protected by the same standard used in federal laws. These states include:

Alabama	Kansas	Pennsylvania
Arizona	Kentucky	Rhode Island
Connecticut	Louisiana	South Carolina
Florida	Missouri	Texas
Idaho	New Mexico	Tennessee
Illinois	Oklahoma	Virginia

Hawaii needs to add a simplified Little RFRA to Hawaii's laws that would prevent state government and its institutions from interfering with the free exercise of religion. While the Legislature claimed it inserted provisions to protect the free exercise of religion when they passed same-sex marriage, the provisions that were included were already covered by state law. Both state and federal protections already existed that ensured that no clergy member would have to sanction a marriage that violated their beliefs, and similar protections that extended this to churches. The Legislature had an opportunity to provide meaningful protections by exempting churches from the public accommodations clause, however, and choose not to do so.

Passing a RFRA in Hawaii is an opportunity to protect our free exercise of religion from undue government intrusion. In a secular society where churches are being threatened for practicing in public school or university facilities and where people of faith are persecuted for praying in public, the protections afforded in RFRA are essential.