

RFRA: Indiana, Arkansas & Georgia Radio Commentary

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The federal Religious Freedom Restoration Act (RFRA) has been federal law since 1993, and for two years, Georgia legislators have introduced a State Religious Freedom Restoration Act, that has not passed. This year's version is still alive for 2016, but toward the end of the session, Governor Deal said such a law in Georgia must include non discrimination language. That's disturbing, because of what happened last month.

After Indiana's governor signed a new RFRA into law, he and his state were pressured into changing it to include nondiscrimination language that, literally, destroys religious freedom for believers in biblical morality. Indiana's newly passed and amended RFRA (a) gives civil rights status for sexual orientation and gender identity, (b) eliminates a personal right to claim or defend religious expression based on biblical morality, (c) exempts nonprofit religious organizations, societies and affiliated schools, but (d) a rabbi, priest, preacher, minister, pastor, or designee of a church or nonprofit religious organization or society may not, personally, allow biblical morality or religious doctrine to affect their behavior toward the public. So, (e) biblical morality and religious doctrine may be expressed within worship-affiliated structures, but (f) may not be expressed when dealing with the public in Indiana. Arkansas' RFRA is totally different.

After the commotion in Indiana, the Arkansas legislature passed S.B. 975 that reflects Georgia's bill. S.B. 975 (a) includes a personal right to claim or defend the right to religious expression, (b) does NOT provide any measure of protection for sexual orientation or gender identity, and (c) limits governmental burden on religious liberty. Arkansas Governor Asa Hutchinson signed S.B. 975 on April 2, 2015. Georgia's S.B. 129, a proposed RFRA, (a) provides a claim or defense and relief (damages) for the loss of religious freedom (b) to anyone whose exercise of religious freedom is overly burdened, and (c) does NOT elevate to civil rights status or provide special protection for sexual orientation or gender identity. Georgia's S.B. 129 states, (d) "Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, unless government demonstrates that application of the burden to the person is essential ... and the least restrictive means [to do so]."

If Georgia's RFRA is amended to conform to the new law in Indiana, various sexual behaviors will have become more important in Georgia than biblical morality and the religious freedom of Christians will have become MORE than substantially burdened in Georgia. Governor Deal, reportedly, is "back-tracking" about requiring non-discrimination language in a Georgia RFRA. Maybe that's good news for religious freedom in Georgia!

For Georgia Insight I'm Sue Ella Deadwyler, your Capitol correspondent.