



## Talking Points

### Why Georgia Needs to Pass a Religious Freedom Bill.

#### #1 – Georgia citizens are currently being subjected to religious discrimination.

- From Savannah to Pine Mountain to Ellijay, religious discrimination is more common in Georgia than most people realize. Consider these actual examples: restrictions on Christian clubs at Savannah State University; restrictions on public prayer in Ellijay; restrictions on the distribution of religious literature in Pine Mountain. This legislation is thus necessary to protect the liberty of all Georgians to practice religion – which includes living their faith, not just worshipping on one particular day in a designated place - without fear of government retaliation.
- Maner, Crumly, Chambliss, LLC has outlined many actual examples of religious discrimination. [Click to read](#) five recent examples of religious discrimination in Georgia.
- [Click here](#) to read many more religious discrimination examples in Georgia.

#### #2 – The federal Religious Freedom Restoration Act applies only to federal law, not state law.

- In 1993, the federal Religious Freedom Restoration Act (RFRA) passed a nearly unanimous Congress and was signed into law by President Bill Clinton. RFRA, which aims to prevent laws that substantially burden a person's free exercise of religion, has been proven a much-needed protection of our religious freedoms.
- However, in 1997, the U.S. Supreme Court ruled that the “compelling interest test” in the federal RFRA applied only to *federal laws* and that Congress could not require *states* to use this test in their religious freedom cases.
- Since then, 19 states have passed state versions of RFRA, and judges in 11 additional states have affirmed RFRA-based protections to their states' citizens. All the states that border Georgia - Florida, Tennessee, South Carolina, and Alabama - have state RFRA. Without a state RFRA, Georgians have much less protections than our neighbors when they suffer religious discrimination from state and local municipalities.

### **#3 – A State RFRA will prevent unnecessary litigation, not increase it.**

- This bill simply restores the “compelling interest test” in religious freedom cases, which is a much higher standard of proof in cases where the government significantly burdens the free exercise of religion. This emphasis in law will present a great incentive for the government to act with caution and with clear intent in this area, as our Constitution has designed it.
- Some have argued that a state RFRA will increase litigation, but in fact the law will curtail, not increase religious discrimination litigation by making the law much clearer and keeping a high standard of proof. The 19 states that have passed their own versions of RFRA have not seen any increase in free exercise litigation.

### **#4 – Georgia’s economy and reputation will not suffer, nor will companies cease to do business in Georgia with a state RFRA.**

- RFRA deals with laws enacted by government, not businesses. Companies, who have chosen to either move to Georgia or expand their business in the state, none have ever indicated the reason they selected Georgia was because it did not have a state RFRA.
- Some of the most economically stable states have already enacted their own state RFRA and have not suffered economic harm.

### **#5 – Religious freedom is our first freedom**

- The first freedom guaranteed by our beloved Bill of Rights is religious freedom.
- The First Amendment to the US Constitution says “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”
- A state RFRA is in complete harmony with this important ideal, ensuring that the correct standard of proof is used when dealing with government intrusion on this important area of our freedom and liberty.