

RFRA signed

On November 16, President Clinton signed into law the Religious Freedom Restoration Act, legislation which requires a “compelling government interest” to justify the imposition of restrictions on religious practices. This legislation was proposed in the wake of the Supreme Court’s 1990 decision, *Employment Division v. Smith*, in which the Court abandoned the long standing “compelling interest” test for determining whether government actions violated religious freedom.

The Court in *Smith* ruled that the sacramental use of peyote by Native Americans was not protected from criminal prosecution by the free exercise clause of the First Amendment. The *Smith* decision was a startling departure from prior cases and was harshly criticized by those fearing it would be used by the courts to hasten the erosion of religious freedom rights. According to the *New York Times*, proponents of the law charge that 50 to 60 cases of government infringement on religious practices have been justified in the courts based on the *Smith* ruling.

The *Times* reported that the new law was supported by a diverse coalition of conservative, liberal and religious groups which included the National Conference of Catholic Bishops, the National Association of Evangelicals, the Southern Baptist Convention, the National Council of Churches, the American Jewish Congress, the Mormon Church, the Traditional Values Coalition and the American Civil Liberties Union.

The Catholic bishops initially expressed concern that the new legislation might provide a statutory basis for claiming abortion rights, but they approved the bill after it was modified .

Prison officials and attorneys general of some states also voiced objections that the bill would serve as the source of

lawsuits initiated by prisoners demanding special diets or other privileges. Supporters of the bill maintained that prison officials could address these issues under the “compelling state interest” standard.