



Out for Freedom

New anti-gay religious refusals discrimination bills December 2014

-- Fact Sheet --

Freedom of religion is a fundamental American value that we cherish, and work hard to defend. However, as gay, lesbian, bisexual and transgender people gain greater equality under the law, we are seeing a troubling push to allow anyone (including businesses) to use their religious beliefs to discriminate. Laws attempting to codify such discrimination come in many forms, but below are three types of bills we are seeing proposed as gay and lesbian couples achieve the freedom to marry, and live free from discrimination.

◆ **Religious Freedom Restoration Acts (RFRAs)**

RFRAs allow religious objections (via lawsuits) to *any* governmental policies that a person says impose a burden on his or her religious beliefs. Some RFRAs (“super RFRAs”) *expand* the scope of a RFRA to make it even easier for religious claims to prevail. Some versions will allow lawsuits between two private parties, i.e., even when the government is not involved.

What’s the harm?

These broadly written laws would allow people to take advantage and claim that their religion gives them the right to ignore all laws kinds of laws, including nondiscrimination protections, child abuse laws and domestic violence laws.

- A man could claim that domestic violence laws don’t apply to him because his religion teaches that a husband has the right to discipline his family, including his wife and children, as he sees fit.
- A high school guidance counselor could refuse to help a gay student because of the counselor’s religious beliefs.
- A taxpayer-funded homeless shelter could claim a right to turn away a homeless gay couple because of the shelter’s religious beliefs.

Remember:

Freedom of religion is one of our most fundamental rights as Americans. That’s why it’s protected in the state and federal constitution. But that freedom does not give any of us the right to harm others.

One of our most important values is treating others the way we want to be treated, and creating new laws that go against that principle hurts us all.



◆ **“Marriage RFRAs” - Laws allowing religious objections to some marriages**

These laws would allow businesses and individuals to discriminate against same-sex couples because of the objector’s religious beliefs about marriage. They also could allow government employees to refuse to issue marriage licenses or perform civil weddings, where the employees say the marriage is inconsistent with their religious beliefs.

What’s the harm?

Allowing businesses or government officials to refuse to treat gay couples’ marriages as valid could cause a number of significant harms – in any context where being married matters, ranging from hospitals, to the DMV, to funeral arrangements. No one should have to face the uncertainty of not knowing when their lawful marriage will be respected.

- A human resources employee could refuse to pay pension benefits to a surviving spouse
- A government worker could refuse to issue a new drivers license to a married gay or lesbian person if the marriage is inconsistent with their religious beliefs

It is also damaging to those loving and committed couples – who are our friends, neighbors, family and co-workers – when they are turned away or refused service. It hurts to face discrimination just because of who you are and who you love.

Remember:

Clergy and religious leaders have the constitutionally-protected freedom to decide which marriages they will or will not perform in their faith traditions. Allowing same-sex couples to marry doesn’t change that.

The state and federal constitutions also ensure that churches can make their own decisions about performing religious weddings, free from penalty.

In America, we believe that the government should treat everyone equally under the law and not discriminate. Government officials who have sworn an oath to serve the public shouldn’t be able to pick and choose who they’re going to serve based on their religious beliefs.

Providing commercial services doesn’t mean a business owner is endorsing anyone’s marriage, or agreeing with everything the customer believes. It simply means they are providing services to the public, and that they are open to everyone on the same terms.



◆ **Nondiscrimination exemptions**

These are “carve out” religious exemptions to existing or proposed nondiscrimination laws protecting gay and transgender people. These exemptions could allow a wide range of businesses and individuals to refuse to follow nondiscrimination laws.

What’s the harm?

Allowing businesses to discriminate in hiring or providing services based on the owner’s religious beliefs would undermine the central purpose of our nondiscrimination laws, which is to ensure that no one is turned away or refused a job because of who they are.

Broad exemptions for religious organizations could mean that religiously affiliated schools and hospitals – large employers that hire people of all faiths, and serve the public – could discriminate.

Remember:

The “ministerial exemption” is already part of our Constitution. This means that churches and religious organizations can hire religious leaders consistent with their faith, and government cannot interfere. Nondiscrimination laws don’t change that.

Businesses that are open to the public need to follow the laws that exist to protect everyone.