



## **“The Religious Freedom Restoration Act is 30 years old. What next?”**

By Matt Sandgren | Tuesday, October 10, 2023

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As we wait to see the outcome of the U.S. House speaker election, it’s worth pausing for a moment to remember a time when both parties came together to pass a much-needed reform with broad bipartisan support.

Was the issue national security, veterans benefits or one of the other areas that are perennially important for both sides? No, it was a subject that regrettably has become yet another front in the culture wars, one that our two parties today often seem at loggerheads over — religious liberty.

In 1993, Congress enacted the Religious Freedom Restoration Act, commonly known as RFRA. My former boss, longtime Utah Sen. Orrin Hatch, a Republican, was one of the bill’s principal authors. The lead Senate sponsor was Ted Kennedy, a Democrat from Massachusetts. And the lead House sponsor was none other than now-Senate Majority Leader Chuck Schumer, D-N.Y.

RFRA stands for the simple proposition that religious liberty is essential. It gives religious freedom the highest level of protection afforded by federal law — the same level of protection we give other fundamental rights such as freedom of speech, the right to vote and the right to trial by jury. RFRA says if government takes action that substantially burdens a person’s religious exercise, it must have both a really good reason for doing so and no other way to achieve that compelling interest.

The legislation corrected a mistaken Supreme Court decision that had reduced the level of protection for religious liberty. That’s why it’s called the Religious Freedom “Restoration” Act: It restored religious liberty to its preeminent place as a fundamental right for all Americans.

In the 30 years since it became law, RFRA has given people of all faiths a powerful tool to protect their rights against government interference. From Native Americans seeking to protect sacred lands, to a Muslim prisoner who wanted to keep his faith’s grooming standards, to a Sikh army officer who asked for an exemption that had been granted to thousands of other soldiers for nonreligious reasons, RFRA has allowed Americans of all stripes to challenge government decisions that unnecessarily, and unfairly, restricted their religious practice.

RFRA is one of the most important laws Congress has ever passed. It stands as an example of lawmakers taking seriously their oaths to support and defend the Constitution and their responsibility to work for the benefit of all Americans, no matter their background.

One of the truly great things about RFRA is that it treats people of all faiths equally. No religion is preferred above another. The smallest religious minority receives just as much protection as the largest denomination. Indeed, RFRA was passed primarily to protect religious minorities. The majority, after all, rarely need special protection. It can protect its interests through the ballot box. It's minority groups — those with beliefs the majority may find inconvenient or odd — that need an added measure of security.

Thirty years on, RFRA remains as important as ever. As our nation continues to grow more diverse, with increasing numbers of Americans ascribing to different faith traditions, or no tradition at all, the need to protect the rights of all believers is critical. Add in the political polarization that seems to grow worse with each passing year, and you have a recipe for serious discord. RFRA offers an antidote to this downward spiral, a unifying principle that the vast majority of Americans can agree on.

In honor of RFRA's 30th anniversary, the Orrin G. Hatch Foundation is partnering with Sen. James Lankford, R-Okla., to celebrate the law's numerous successes and enduring importance in 21st-century America. The foundation will host a webinar with Lankford and other legal experts on Nov. 16 at 10 a.m. MST. (Click [here](#) to register.)

Lankford has emerged as one of the strongest defenders of religious freedom in today's Senate. As an ordained minister, he knows firsthand the critical importance of faith in people's lives and how burdens on religious exercise can present people with impossible choices.

Religious liberty was once a unifying issue for our country. It can be, and should be, again. But for that to happen, we need to get past the TV talking points and the notion that religious liberty is just one more front in our ongoing culture war. We need to understand what RFRA is really about, and that its purpose is to benefit all Americans.

As we celebrate 30 years of RFRA, it's important to underscore why protecting religious liberty is just as important now as it was three decades ago, when almost every single Democrat and every single Republican in Congress came together to pass the bill.

RFRA was an example of bipartisanship at its best. Let's make religious liberty a rallying point for both sides as we look forward to the next 30 years.

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