

Michigan House Bill 5958

MI Religious Freedom Restoration Act



A civil liberties briefing

QUICK FACTS

- Religious freedom is one of our country's fundamental values. 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.
- H.B. 5958 will allow people to take advantage and put their religious beliefs ahead on the common good.
- H.B. 5958 could allow individuals to decide that non-discrimination laws, child abuse laws, and domestic violence laws don't apply to them.
- H.B. 5958 opens up local governments to expensive lawsuits from those who claim they have a religious right to ignore any municipal laws.

Why the ACLU of Michigan Opposes H.B. 5958

The ACLU of Michigan firmly supports religious freedom, which is fundamental to personal liberty. We have the absolute right to believe whatever we want about God, faith, and religion, and we have a right to act on those beliefs, unless those actions harm others.

The ACLU has fought for decades to defend individual religious freedom. **We oppose H.B. 5958**—referred to as the Michigan Religious Freedom Restoration Act (RFRA)—because it allows individuals to use their religious beliefs as an excuse to harm others.

What H.B. 5958 Will Do

If passed, this bill would excuse any person from any state or local law that they claim "burdens" their exercise of religion. This includes beliefs that do not stem from any established religion. Thus, any individual religious belief can determine which state and local laws a person chooses to honor.

- The bill could be invoked to undermine local anti-discrimination laws that protect lesbian, gay, bisexual, and transgender people, allowing people or businesses to deny employment, housing, or services based on their religious views.

Other states with similar legislation have seen individuals and groups use religious freedom as a justification for all sorts of behavior, some of it criminal. Here are just a few examples:

- **Criminal Justice:** Police officers across the country have used religious freedom as an excuse to refuse orders they claimed offended their personal religious views. A police officer in Oklahoma asserted a religious objection to his community policing duties at a mosque, claiming a "moral dilemma."
- **Public Health:** Pharmacists in many states, including Arizona, Montana, and Wisconsin, have used religious freedom as a defense for refusing to dispense daily birth control.
- **Child Safety and Welfare:** A pastor who helped kidnap a child in Virginia from her legal guardian cited religious freedom as his legal defense. In New Mexico, a local religious leader cited the state RFRA when he appealed a conviction for sexually abusing two teenagers. A federal judge just held that the federal RFRA prevented the Department of Labor from fully investigating possible child labor law violations because the individual under investigation said that his religious beliefs forbade him from discussing those matters with the government.
- **Discrimination against gay and transgender people:** In Michigan, a school guidance counselor refused to help gay students because of the counselor's religious faith.
- **Municipal Burden:** The city of Dallas, Texas, is embroiled in an ongoing seven-year legal battle with a religious group that has used the Texas RFRA to claim that the city's health code and food safety standards burden their exercise of religion when serving food to the homeless.

By allowing someone who files a lawsuit to recoup damages, this bill could be an invitation for people to sue the government. The bill will increase congestion in Michigan courts and divert the already scarce resources of law enforcement agencies and governments at both the state and local level.

For more information, and to learn how you can help stop H.B. 5958, go to aclumich.org