



Michigan National Organization for Women

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Members of the Michigan Senate Judiciary Committee
State Capitol
Lansing, Michigan

Greetings:

The Michigan National Organization for Women **opposes Senate Bill 4** on your agenda today. The bill would create the misnamed "Michigan Religious Freedom Restoration Act" that would, in effect, help to recreate Jim Crow and Jim Crow-like conditions in the State of Michigan. Jim Crow laws mandated de jure racial segregation in all public facilities in Southern U.S. states until 1965 when federal law overrode them. Religion was used as an excuse and explanation for Jim Crow laws. SB 4 is an attempt to take us back to the days when religion can be used for an excuse to stigmatize and discriminate against whole classes of people.

This bill would revive the religious excuse for discrimination by raising the standard of proof that the Michigan Department of Civil Rights and other state agencies investigating civil rights law violations would have to use before taking action to enforce those laws in Michigan. Currently the government has to have a rational basis for its decisions and the standard of proof in a challenge of state governmental action is preponderance of the evidence. SB 4 would change this to prohibit government from making decisions that substantially burden a person or organization's exercise of religion, except in furtherance of a compelling governmental interest that was narrowly tailored to be the least restrictive means of furthering the interest.

Further, it would increase the risk of pursuing civil rights enforcement so high that few agencies would be willing to pursue civil rights enforcement in the future. It does this by allowing a court or tribunal to award the costs of litigation, including attorney fees, to a person who prevailed against the government.

Religious freedom is protected by the U.S. and Michigan Constitutions. There is a huge body of law that has developed regarding the interpretation of these constitutional provisions to require accommodation of individual's religious preferences if it would not cause an undue hardship to the employer or organization having to provide the accommodation. This is the standard that we should maintain, not shift the power to religious entities to impose their beliefs on the government and by doing so, the general public.

As a nation and state we continue the struggle to rid ourselves of the remnants of these religious belief systems that have become embedded in our laws. We should not now quit the struggle and allow religious prejudices regarding race, gender, marital status, and sexual orientation to prevail by raising the standard of proof in government enforcement of civil rights laws. We urge you not to report out SB 4.

Sincerely,
Mary Pollock
Legislative Vice President

NOW's purpose is to take action to bring women into full participation in the mainstream of American society now, exercising all privileges and responsibilities thereof in truly equal partnership with men.