BAPTIST JOINT COMMITTEE
200 MARYLAND AVENUE, N.E., WASHINGTON, D.C. 20002-5797 • 202/544-4226

May 10, 1994

Carl E. Olsen
The Ethiopian Zion Coptic Church
P. O. Box 4091
Des Moines, Iowa 50333

Dear Mr. Olsen:

Thank you for your letter addressed to the Coalition for the Free Exercise of Religion. The Coalition was an ad hoc gathering of some 68 groups brought together to support the Religious Freedom Restoration Act of 1993. The Baptist Joint Committee acted as Chair for that Coalition. We continue to meet quarterly, but only as a forum for the discussion of issues, not to, in any unified way, support additional legislation.

I am aware of your case. In fact, I believe Ruth Bader-Ginsburg was on your panel. I'm not sure what advice I can give at this point. Certainly, after the passage of RFRA, your claim would receive strict scrutiny. The Court should apply the compelling interest/least restrictive means test. However, as you well know, that does not assure a victory. The only other alternative that I am aware of is to seek a legislative exemption. Further, in today's political climate, that's probably not too fruitful either.

A note of minor correction. RFRA does not "expressly overrule" Employment Division v. Smith. Only a constitutional amendment can overrule a Supreme Court decision. Rather, it creates a statutory right and statutory protection where the court refused to recognize a constitutional right or constitutional protection.

Thank you for your letter. I'm sorry I could not give more hopeful advice.

Yours very truly,

J. Brent Walker
General Counsel

JBW/li

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American Baptist Churches in the U.S.A.
Baptist General Conference
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National Baptist Convention of America
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