

# TALKING ABOUT



## Religious Exemptions



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## INTRODUCTION

Freedom of religion is a fundamental American value, so fundamental that it is protected by the First Amendment to our nation's Constitution. And historically, religious exemptions have protected the tried-and-true American values of freedom of belief, worship and religious exercise. For example, state liquor laws include a religious exemption for the sacramental use of wine by religious organizations, and prisons are required to provide kosher meals to Jewish inmates who request and follow kosher diets.

However, in recent years some people have begun to distort this historical understanding by claiming that religious exemptions should allow people to impose their religious beliefs on their employees, their customers, their patients, their constituents, and others. As a result, religious exemptions have in many cases become a vehicle for harming others or refusing to follow any number of laws that individuals, agencies and/or businesses claim interfere with their religious beliefs—including nondiscrimination laws, health care laws, adoption and foster care laws, and even laws that protect public safety and prevent abuse.

This guide provides approaches for elevating effective conversations about the ways these kinds of harmful religious exemptions can be used to deny children loving forever homes; encourage discrimination against LGBT

people, religious minorities, people of color, women and others; threaten health care and women's reproductive health; and put the rule of law itself at risk.

The guide is divided into the following main sections:

- *Understanding How People Think & Feel About These Issues* (page 1-2)
- *Talking About Religious Exemptions: Overall Messaging Approaches* (pages 2-3)
- *Talking About Harmful RFRA's* (pages 3-7)
- *Talking About Religious Exemptions & Service Discrimination* (pages 8-9)
- *Talking About Religious Exemptions & Adoption Discrimination* (pages 10-11)
- *Things to Avoid* (page 13)

**At the outset, it's important to note that religious exemptions laws vary in scope and effect, and the ways we talk about them must take the specifics of the proposal into account.** A religious exemptions proposal that might initially seem similar to a law in another state can have different legal consequences depending on how and whether it interacts with existing laws in a particular state. **As a result, not all the harms described in this document will apply in every case.** These issues can be challenging to discuss, and understanding the details is crucial before talking publicly about any religious exemption or religious exemptions law. **Consult with a legal or policy expert or organization (such as the ACLU) to fully understand the nuances of a particular religious exemptions proposal or law before speaking about it publicly.**

## UNDERSTANDING HOW PEOPLE THINK & FEEL ABOUT THESE ISSUES

Before starting a conversation about harmful religious exemptions, it's helpful to understand the thoughts, feelings and concerns that our moveable (or *conflicted*) audience can bring to these discussions.

**First, religion deeply important to our audience.** Religious beliefs are at the core of their worldview and their sense of self. Faith is often central to their moral reasoning and to their experience of family and community.

**Second, our audience is concerned about what they see as cultural shifts related to religion.** Some feel that religion is less central to public life than it was when they were children. And while this is not seen as evidence of a need for religious exemptions, it can evoke wistfulness for some.

**Third, our audience fundamentally understands that freedom of religion is not under attack.** They recognize that the freedom of churches to minister and preach according

### Terminology: Religious Exemptions Laws

In this guide we focus on countering efforts to pass harmful *religious exemptions* and *religious exemptions laws* that allow people to harm others and refuse to follow laws they claim interfere with their religious beliefs.

While those pushing these religious exemptions often describe them as "religious freedom" or "religious liberty" laws, these terms feed a false, unhelpful impression. In fact, these kinds of religious exemptions seek to restrict freedom by encouraging some people to impose their beliefs on others. Along the same lines, while the initialism "RFRA" (for "religious freedom restoration act") is referred to in this guide, avoid using it in public messaging.

Also, while some describe these proposals using terms like "religious refusals," a focus on *religious exemptions* is clearer and allows audiences to better understand what we're discussing. (That said, talking about *refusals* can be important when focusing attention on health care institutions that cite religious beliefs and/or religious exemptions to deny patients the medical care they need. See page 12 for more information.)

to their beliefs is guaranteed by the First Amendment to the Constitution—as is the right of every Americans to live according to their beliefs and worship (or not worship) as they choose.

Now, this does not mean that the conflicted middle is not susceptible to far-right arguments about religious exemptions. It simply means that the concerns and fears our opponents work so hard to create and stoke are not top of mind for our audience. However, once people can be frightened into believing that freedom of religion is under attack, we must help them calm those concerns and provide them with a factual understanding of just how dangerous the religious exemptions proposed by our opponents can be.

## TALKING ABOUT RELIGIOUS EXEMPTIONS: OVERALL MESSAGING APPROACHES

Regardless of whether we're focusing on harmful RFRA's ("religious freedom restoration acts"), service discrimination or adoption/foster care discrimination, a common set of messaging approaches guide our conversations. First, we start with our shared belief in the importance of freedom of religion, pointing to existing Constitutional protections for that freedom. Second, we explain that these harmful religious exemptions laws are ripe for abuse and open the floodgates to a broad array of harms. And third, we can look in more detail at some of the specific consequences these kinds of proposed laws can inflict on a wide range of Americans.

Let's take a high-level look at each of these three approaches before examining them in policy-specific contexts:

### 1. Emphasize Shared Values

Religion is a vital part of most Americans' daily lives. Religion is central to people's sense of identity, values and decision-making—and freedom of religion is central to who we are as Americans.

Conversations to elevate concerns about religious exemptions should be grounded in the common values and beliefs we share—particularly when it comes to the importance of freedom of religion. These discussions should be rooted in the following expression of our shared values and beliefs:

- ***"Freedom of religion is important; it's one of our nation's fundamental values. That's why it's already protected by the First Amendment to the Constitution."***

Affirming the importance of freedom of religion in so many people's lives is the foundation for any conversation about religious exemptions (*with the exception of those that are focused specifically on denials of health care, including women's*

*reproductive health care—see page 12 for an overview of key messaging for those particular conversations).*

While affirming freedom of religion may seem like an obvious starting point, it's also a critically important one. Without this affirmation, those who back harmful religious exemptions can create a false sense that those who oppose such exemptions are anti-religion. And as we affirm our respect for religious beliefs, it's also important to emphasize the fact that freedom of religion is currently protected by the First Amendment to the Constitution. This can give our audience the information they need to calm the concerns our opponents have stoked.

- ***"I believe in treating others the way I want to be treated. Freedom of religion is one of our country's fundamental values, and following the teachings of one's faith is important, but that freedom doesn't give any of us the right to impose our beliefs on others."***

When we connect with common beliefs like the importance of treating others as we want to be treated, we ground our conversations in shared religious values. Also, note that religion itself is not the problem. Rather, it is the abuse of a *freedom* that opens the door to harm. We can help remind people that it goes against their own deeply held values to allow one of our core freedoms as Americans to be abused to impose one's beliefs on others.

These themes are critically important elements of the messaging in this guide. However, the exact framing will vary from issue to issue, as we'll see in the sections that follow.

### 2. Focus on Broad Harms of Exemptions

After rooting our conversation in shared values, the next step is to focus on the negative effects of harmful religious exemptions and the floodgates (or the can of worms) that such laws open.

**Rather than jumping straight to detailed harms and consequences** (*which we discuss on the next page*), **start by describing what is likely to happen in broader, more thematic terms.** The following concerns tend cross all three issue areas, but specifics and framing will vary based on the particular policy (see the sections that follow for details):

- ***"These religious exemptions laws are vague and ripe for abuse."***
- ***"These religious exemptions laws could open the floodgates to legal chaos and frivolous lawsuits at taxpayer expense."***
- ***"These religious exemptions will result in a troubling range of intended and unintended consequences that may take years and even decades to resolve."***

### 3. Illustrate Harmful Consequences

While talking about the broader harms of religious exemptions might sometimes be enough, it can also be helpful to outline more specific consequences of a these laws. Specific examples can paint a vivid picture of why these exemptions are so dangerous. Depending on the policy and underlying law, religious exemptions can pose serious threats to, among other things, public safety; health care, including women’s reproductive health; nondiscrimination laws; and even the rule of law itself.

There are three important things to keep in mind when illustrating specific consequences:

**First, broaden the discussion of consequences.** While much attention has recently focused on the ways that religious exemptions are being used to discriminate against LGBT people, it is important to not allow conversations about those kinds of laws to be defined narrowly or solely by these harms, especially when talking about RFRA. While conversations about discrimination are helpful in many cases, talking narrowly about how religious exemptions hurt LGBT people does not leave room to discuss the wider range of harms related to public safety, children in government care, denials of health care, and more—as well as ways in which exemptions can be used to harm religious minorities, women, people of color and others.

**Second, tailor discussions of consequences to the proposed religious exemptions.** Whether you are talking about a RFRA or a more specific religious exemptions policy, make sure you clearly understand the details of the proposal being discussed. It is very important to not mistakenly raise examples or consequences that could not flow from, or are not possible under, the religious exemptions law or proposal under discussion.

**Third, engage with spokespeople who can speak to specific issues.** In many cases, specific examples of consequences are best discussed by those who have a direct tie to the underlying issues. For example, a child safety advocate would be best situated to talk about how a RFRA could be used to interfere with law enforcement when it comes to serious crimes like child abuse. If the focus is on public safety concerns, think about whether law enforcement spokespeople (such as police officers or district attorneys) might be particularly helpful. If a specific example doesn’t seem a good fit for your voice and background, focus instead on broader, values-focused discussions and concerns.

Each section of this guide has a list of consequences that can be useful in developing messaging to oppose that particular type of religious exemption. Here are a few examples:

- *“Under this law, religious leaders could refuse to cooperate with child abuse investigations by claiming their beliefs prevent them from testifying against members of their church” (when talking about a RFRA).*
- *“A child services agency could decide to keep a child in foster care rather than place her with a loving, qualified lesbian couple who wants to adopt” (when talking about a religious exemptions adoption discrimination policy).*
- *“A business owner could refuse to serve a customer of a different faith—such as a Jewish customer or a Muslim customer—if they claim that doing so conflicts with their religious beliefs” (when talking about a religious exemptions service discrimination policy).*

## TALKING ABOUT HARMFUL RFRA LAWS

The Overall Messaging Approaches on Pages 2-3 provide the foundation for any discussion about religious exemptions. However, in conversations about policies and laws, our messaging must be tailored to the specifics of those issues. And conversations focused on state RFRA (or “religious freedom restoration acts”) differ in many crucial ways from discussions about religious exemptions intended to permit and encourage adoption and foster care discrimination or service discrimination.

RFRA are intended to create a legal framework where people can claim that they ought to be exempt from following laws—for example, nondiscrimination laws—because those laws conflict with their religious beliefs. (For more information on RFRA, see [MAP’s Policy Spotlight on State and Federal Religious Exemptions](#).)

In this section we provide approaches for talking about this kind of broad religious exemptions law. **Note that, even though this guide uses the term “RFRA” over the course of this section, it is generally not a term that should be used in conversations or messaging.** “RFRA” is an initialism that is very unfamiliar to most audiences, and spelling it out (“religious freedom restoration act”) gives free airtime to the misleading name that the far right has given to these laws.

### 1. Apply Overall Messaging Approach #1: Emphasize Shared Values

As discussed in the Overall Messaging Approaches, our conversations about broad religious exemptions start with an affirmation of the shared importance of freedom of religion:

- *“Freedom of religion is important; it’s one of our nation’s fundamental values. That’s why it’s already protected by the First Amendment to the Constitution.”*

We then move to a key value shared by the vast majority of Americans: the importance of, and concern for, the *rule of law*:

- *“And the rule of law is also important, and we can’t just create sweeping religious exemptions that encourage people to pick and choose which laws they’re going to follow.”*

The rule of law means that we are all held to and protected by the same laws. One of our core shared values is the belief that laws are meant to be followed, and that people shouldn’t be able to pick and choose which laws they’re going to follow based on whatever religious belief they offer at a given moment. When people see how broad religious exemptions run contrary to this value, it erodes support for such proposals.

- *“I believe in treating others the way I want to be treated. Freedom of religion is one of our country’s fundamental values, and following the teachings of one’s faith is important, but that freedom doesn’t give any of us the right to impose our beliefs on others.”*

Finally, we can return to common beliefs like the importance of the Golden Rule. People are rightly concerned that religious exemptions can result in some people’s beliefs being forced on those who do not share them, and this message reminds them that freedom of religion does not give people a license to impose their beliefs on others.

## 2. Apply Overall Messaging Approach #2: Focus on Broad Harms of RFRAs

After rooting our conversation in shared beliefs, the next step is to focus on the negative effects of broad religious exemptions and the floodgates (or the can of worms) that such laws open. In general terms, the potential harms of such laws include opening the door to abuse and frivolous lawsuits, legal chaos, the risk of unintended consequences and more. Start by describing what is likely to happen in broader terms, rather than immediately focusing on specific scenarios (which we discuss in the next section). The following concerns are particularly relevant:

**This religious exemptions law is vague and ripe for abuse.** RFRAs create exemptions for virtually anything a person contends is part of their religion, and they make our laws harder to follow. These exemptions would invite people to game the system or make up religious beliefs to get out of following a particular law. Broad religious exemptions open the door for people to claim they have a right to decide which laws they will and won’t obey, creating uncertainty for law enforcement.

**This religious exemptions law could open the floodgates to legal chaos and frivolous lawsuits at taxpayer expense.** It would take years of lawsuits to sort out the

### RFRAs, Business Concerns and “License to Discriminate” Messaging

As discussed in MAP’s *Ally’s Guide to Talking About Nondiscrimination Protections for LGBT People* (available online at [www.lgbtmap.org/talkingaboutseries](http://www.lgbtmap.org/talkingaboutseries)), polls have repeatedly shown that most people do not realize that it is still legal under the laws of most states to discriminate against LGBT people. Overcoming this misperception involves helping people understand that discrimination persists and why nondiscrimination protections are so important.

Many business leaders, on the other hand, are keenly aware of the discrimination that LGBT people still face. They’ve witnessed firsthand how the absence of nondiscrimination protections hurts their employees, makes it more difficult to attract the best workforce, and hinders a state’s ability to attract new businesses.

**So when it comes to talking about RFRAs, a focus on discrimination can be effective with business leaders and some policymakers—though not for other audiences.** For everyday Americans, talking about how RFRAs create a “license to discriminate” is far less effective than talking about the broader harms of these laws. Because many Americans still don’t fully understand how commonplace discrimination against LGBT people is, a narrow focus on discrimination can distract them from the broader ways that exemptions can hurt not only LGBT Americans, but many others as well—including women, children, unmarried couples, single mothers, and people of different religious faiths.

**A narrow focus on discrimination does not highlight or help people understand the wider array of harms that result from RFRAs.** While talking about discrimination can be effective—including potentially as one part of a broader conversation about consequences—making discrimination the entire focus of the conversation can make it very difficult to help people understand how broad religious exemptions can also jeopardize public safety, health and reproductive freedom, and the rule of law itself.

**Finally, it’s important to note that, unlike with RFRAs, a primary focus on discrimination and a license to discriminate is critically important when talking about other religious exemptions created and intended to encourage discrimination and undermine state and local nondiscrimination protections.** See pages 8-11 for details on the most effective ways to talk about religious exemptions laws that are specifically designed to encourage service discrimination and adoption/foster care discrimination.

problems that these religious exemptions would create. And there is no way to know how state courts would interpret a particular state's RFRA.

**This religious exemptions law will result in a troubling range of intended and unintended consequences that may take years to resolve.** While we can predict some of the harmful effects of these exemptions, even more troubling is the fact that these vague laws could be used and manipulated in ways that we can't yet foresee.

Also, it can be helpful to point out that RFRA's aren't just about florists wanting to refuse to sell flowers to same-sex couples, and that they also result in a wider array of harms. This both reminds people that such laws are often intended to discriminate against LGBT people, while at the same time expanding the discussion to include and consider other people who can be hurt by the law—as well as other harmful consequences.

The following are a couple of concrete ways that you can pull together and elevate these concerns:

- *“This religious exemptions law is vague and ripe for abuse. They could flood our courts with lawsuits, let people game the system, and lead to unintended consequences that may take years to resolve.”*
- *“This religious exemptions law isn't just about florists refusing to sell flowers to gay couples. They will open the floodgates to legal chaos and frivolous lawsuits at taxpayer expense, and legalize discrimination against unmarried couples, single mothers, religious minorities, and more.”*

### 3. Apply Overall Messaging Approach #3: Illustrate Harmful Consequences

The following are some examples of consequences that could result from broad religious exemptions laws. The consequence examples fall into three categories: public safety and abuse prevention, harms to health care (including women's reproductive health), and discrimination. **To avoid “overloading” people, cite potential consequences sparingly—no more than two or three in a conversation.**

**Public Safety & Abuse Prevention.** There are serious concerns about how religious exemptions laws might allow harms to life, limb and safety—including abuse and interference with law enforcement. For example:

- *Under this law, religious leaders could refuse to cooperate with investigations into child abuse by claiming their beliefs prevent them from testifying against members of their church.*

- *A man who abuses his wife and children could interfere with law enforcement by claiming that domestic violence laws don't apply to him because his religion teaches that a man has the right to discipline his wife and children as he sees fit.*

#### **Health Care, Including Women's Reproductive Health.**

The denial of health care is another potential consequence of broad religious exemptions—and it's already happening. While harms to women and reproductive health continue to be among the leading consequences of religious exemptions laws, broadening the discussion around health care can clarify just how far these laws can go in hurting an even wider range of Americans. For example:

- *Rape victims could be denied emergency birth control if they went to a Catholic hospital for treatment.*
- *A pregnant woman who was miscarrying and needed to end her pregnancy to save her life could be refused lifesaving care at a Catholic hospital.*
- *Employers could refuse to provide employees access to birth control or other medications they disagree with, or deny critical coverage for health care services based on whether the employer believes in things like blood transfusions.*
- *A doctor could withhold critical information about treatment options for a pregnant woman with a serious complication because he doesn't believe in ending pregnancies.*
- *Pharmacists in rural areas could refuse to fill prescriptions for daily birth control pills or HIV medications, leaving people without the medications they need.*
- *A health care provider could refuse to treat a pregnant woman who was unmarried.*
- *A pediatrician could refuse to provide medical care for a child of a gay or lesbian couple.*

Note: Before using any of the reproductive health examples above, see *In Focus: Talking About Broad Religious Exemptions Laws & Women's Reproductive Health* on page 6 for guidance.

**Discrimination.** Broad religious exemptions have been used by some to justify discrimination against people who do not share an individual's religious beliefs. However, such harms are often less concerning to many people than the denial of health care and safety concerns.

For this reason, avoid overfocusing on discrimination-related harms—and in any case, avoid an exclusive focus on LGBT-related discrimination harms (also, don't focus on wedding-related discrimination against same-sex couples

when talking about RFRA. It is much less compelling than other examples of harm). It can be more impactful to show a broader range of discrimination that can result from such laws—including, for example, the ways religious exemptions can lead to discrimination that hurts children, single mothers, unmarried couples and religious minorities:

- *A child services agency could decide to keep a child in foster care rather than place her with a loving, qualified lesbian couple who wants to adopt.*

- *A landlord could refuse to rent an apartment to an unmarried couple or a single mother.*
- *A business owner could refuse to serve a customer of a different faith—such as a Jewish customer or a Muslim customer—if they claim that doing so conflicts with their religious beliefs.*
- *An employer could refuse to allow family medical leave for a gay or lesbian employee to take care of a seriously ill spouse.*

## In Focus: Talking About RFRA, Medical Care & Women’s Reproductive Health

Some RFRA have been created with the intention of interfering with women’s health and reproductive freedom. These laws are often a dangerous step backward for women and families.

The section on *Talking About Harmful RFRA Laws* (see pages 3-6) addressed some of these concerns in a broader health context, but in some cases it can be helpful to home in on the ways such laws can put women’s health and well-being at risk. These harms tend to fall under two categories: denial of access to birth control, and threats to the health of pregnant women. As always, ensure that each example of consequences could flow from the religious exemptions law under discussion.

**Consider your audience when thinking about a focus on these critical harms to women’s health.** Elevating harms to women’s reproductive health can be helpful in conversations with some in the conflicted middle. At the same time, however, it can unhelpfully activate those who are stridently against access to birth control or opposed to women’s reproductive freedom by turning a RFRA into a single-issue referendum.

### 1. Access to Birth Control

Doctors and patients rely on pharmacists to fill prescriptions based on the health and medical needs of the patient. But broad religious exemptions laws are often intended to expand the ways in which businesses, pharmacists and medical providers can refuse to provide access to medications or fill needed prescriptions by claiming that doing so violates their religious beliefs. Among the ways these laws can harm women:

- *Rape victims could be denied emergency birth control if they went to a Catholic hospital for treatment.*
- *Pharmacists could refuse to fill prescriptions for daily birth control pills.*

- *Employers could use their health insurance plans to deny female employees access to birth control.*

### 2. Health of Pregnant Women

Broad religious exemptions laws also could allow health care providers and hospitals to decide who they will and won’t treat, and what information they will provide to patients, based on their religious beliefs. This can often pose a direct threat to the health and well-being of women who are pregnant. For example:

- *A health care provider could refuse to treat a pregnant woman who is unmarried.*
- *A pregnant woman who is miscarrying and needs to end her pregnancy to save her life could be refused lifesaving care at a Catholic hospital.*
- *A doctor could withhold critical information about treatment options for a pregnant woman with a serious complication because he doesn’t believe in ending a pregnancy.*

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**Note that there is also a growing and alarming number of cases where hospitals, pharmacies and other health care institutions have refused to provide care based on religious beliefs.** In some cases, these institutions claim a religious exemption—either as a matter of public policy or private practice—to prevent, among other things, women from accessing reproductive health care. Talking about these kinds of health care refusals involves different approaches than those used to talk about RFRA. *For more background information and messaging guidance, see “Talking About Refusals of Health Care in Non-RFRA contexts” on page 12.*

# TALKING POINTS AT A GLANCE

## Talking About Religious Exemptions: Harmful RFRA

Use these three approaches when talking about broad religious exemptions laws like RFRA. For a more detailed explanation of these approaches, see Pages 2-3 of this guide. **Before using the messaging on this page, check with legal experts to ensure that the consequences align with the specifics of the policy being discussed.**

See Pages 8-9 for messaging guidance on opposing religious exemptions and adoption discrimination.

See Pages 10-11 for messaging guidance on opposing religious exemptions and service discrimination.

To re-download the full *Talking About Religious Exemptions* guide, visit [www.lgbtmap.org/messaging-guides](http://www.lgbtmap.org/messaging-guides).

### Approach #1:

#### Emphasize Shared Values

- Freedom of religion is important; it's one of our nation's fundamental values. That's why it's already protected by the First Amendment to the Constitution.
- And the rule of law is also important. We can't just create sweeping religious exemptions that encourage people to pick and choose which laws they're going to follow.
- I believe in treating others the way I want to be treated. Freedom of religion is one of our country's fundamental values, and following the teachings of one's faith is important, but that freedom doesn't give any of us the right to impose our beliefs on others.

### Approach #2:

#### Focus on Broad Harms of RFRA

- These religious exemptions laws are vague and ripe for abuse. They could flood our courts with lawsuits, let people game the system, and lead to unintended consequences that may take years to resolve.
- These religious exemptions laws aren't just about florists refusing to sell flowers to gay couples. They will open the floodgates to legal chaos and frivolous lawsuits at taxpayer expense, and legalize discrimination against unmarried couples, single mothers, religious minorities, and more.

### Approach #3:

#### Illustrate Harmful Consequences

Under this law:

##### Public Safety & Abuse Prevention

- Religious leaders could refuse to cooperate with investigations into child abuse by claiming their beliefs prevent them from testifying against members of their church.
- A man who abuses his wife and children could interfere with law enforcement by claiming that domestic violence laws don't apply to him because his religion teaches that a man has the right to discipline his wife and children as he sees fit.

##### Health Care, Including Women's Reproductive Health

- Rape victims could be denied emergency birth control if they went to a Catholic hospital for treatment.
- A pregnant woman who was miscarrying and needed to end her pregnancy to save her life could be refused lifesaving care at a Catholic hospital.
- Employers could refuse to provide employees access to birth control or other medications they disagree with, or deny critical coverage for health care services based on whether the employer believes in things like blood transfusions.
- A doctor could withhold critical information about treatment options for a pregnant woman with a serious complication because he doesn't believe in ending pregnancies.
- Pharmacists in rural areas could refuse to fill prescriptions for daily birth control pills or HIV medications, leaving people without the medications they need.
- A health care provider could refuse to treat a pregnant woman who was unmarried.
- A pediatrician could refuse to provide medical care for a child of a gay or lesbian couple.

##### Discrimination

- A child services agency could decide to keep a child in foster care rather than place her with a loving, qualified lesbian couple who wants to adopt.
- A landlord could refuse to rent an apartment to an unmarried couple or a single mother.
- A business owner could refuse to serve a customer of a different faith—such as a Jewish customer or a Muslim customer—if they claim that doing so conflicts with their religious beliefs.
- An employer could refuse to allow family medical leave for a gay or lesbian employee to take care of a seriously ill spouse.



## TALKING ABOUT RELIGIOUS EXEMPTIONS & ADOPTION DISCRIMINATION

A growing number of states have introduced laws to create religious exemptions in taxpayer-funded adoption and foster care services. Such laws allow adoption agencies and child services agencies to make decisions for children in their care based on their religious beliefs, rather than the best interests of the child, with children being denied loving homes and left in government care as a result. This section provides guidance for effective conversations about these harmful laws.

### 1. Apply Overall Messaging Approach #1: Emphasize Shared Values

Start by establishing an overarching values-focused theme that ties together our shared belief in freedom of religion, the fact that it's already protected, and that it doesn't give agencies a right to harm kids and keep them in government group homes.

- *Freedom of religion is important; that's why it's already protected by the First Amendment to the Constitution. But freedom of religion does not give adoption or foster agencies the right to impose their beliefs on others or to deny loving homes to children in government care just because the prospective parents have different religious beliefs than the agency.*

Next, we emphasize why adoption, parents and loving homes matter to kids, keeping the focus on the best interests of children and how adoption decisions should be made:

- *Adoption and parenting should focus on ensuring loving, stable, forever homes for kids, and making sure children have the nurturing environment that allows them to thrive and succeed. These decisions should be made based on the best interests of the child, not based on religious beliefs of child services agencies.*

Finally, we can talk about how such bills create a taxpayer-funded license to discriminate that encourages agencies to impose religious tests on parents, harming kids and depriving them of homes:

- *This license to discriminate bill would let taxpayer-funded agencies keep kids in a government group home rather than allowing them to be with loving parents who don't pass the agency's religious test. This hurts children and deprives them of the loving homes they need.*

### 2. Apply Overall Messaging Approach #2: Focus on Broad Harms of Discrimination

Next we focus on how children are harmed by these laws. Please note that the harms below don't use "rights" language

or focus on how this discrimination hurts adults or parents, LGBT or otherwise. Instead, we emphasize how these laws harm children.

- *This bill would give adoption agencies a broad license to discriminate while providing government services with taxpayer money. Agencies could prevent adoption by any prospective parents who don't meet their religious test—from same-sex couples, to parents where one spouse was previously married, to parents who simply have different religious beliefs.*
- *This bill opens a can of worms. If child services agencies are encouraged to make placement and child care decisions based on their religious views as opposed to the best interests of the child, where will it end? Could qualified parents be rejected because they don't share an agency's belief that the Bible supports spanking?*
- *Taxpayer money shouldn't be used to fund child services agencies that reject prospective parents based on factors that have nothing to do with good parenting. This bill allows discrimination contrary to the best interests of children.*

### 3. Apply Overall Messaging Approach #3: Illustrate Harmful Consequences

Finally, illustrate the specific harmful consequences. As always, check with legal experts or state leaders to ensure accuracy given the specific legislation being discussed:

- *Under this law, an adoption agency could decide to keep a child in a government group home rather than with a loving, qualified couple who don't share the agency's religious beliefs.*
- *A Christian agency could refuse to do foster placements with Jewish parents, as recently happened in South Carolina.*
- *Agencies could refuse to allow an orphaned child to be adopted by an extended family member like a gay uncle or a lesbian grandparent.*
- *Agencies could refuse to place LGBT youth with accepting parents, but could instead place them with parents who intend to force them into harmful conversion therapy.*
- *An agency could refuse to take a seriously ill child to the doctor if they believe in faith healing rather than modern medical care.*
- *An agency could refuse to place a child with serious medical needs with a nurse who has the skills to care for her, just because that nurse is gay or of a different faith than the agency.*

# TALKING POINTS AT A GLANCE

## Talking About Religious Exemptions & Adoption Discrimination

Use these three approaches when talking about religious exemptions that allow adoption discrimination. For a more detailed explanation of these approaches, see Pages 2-3 of this guide. **Before using the messaging on this page, check with legal experts to ensure that the consequences align with the specifics of the policy being discussed.**

See Pages 3-7 for messaging guidance on opposing broad religious exemptions laws like RFRA.

See Pages 10-11 for messaging guidance on opposing religious exemptions and service discrimination.

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### Approach #1:

#### Emphasize Shared Values

- Freedom of religion is important; it's one of our nation's fundamental values. That's why it's already protected by the First Amendment to the Constitution.
- But that freedom does not give child services agencies the right to impose their beliefs on others or to deny loving homes to children in government care just because the prospective parents have different religious beliefs than the agency.
- Adoption and parenting should focus on ensuring loving, stable, forever homes for kids, and making sure children have the nurturing environment that allows them to thrive and succeed. These decisions should be made based on the best interests of the child, not based on religious beliefs of child services agencies.

### Approach #2:

#### Focus on Broad Harms to Children

- This bill would give child services agencies a broad license to discriminate while providing government services with taxpayer money. Agencies could prevent adoption by any prospective parents who don't meet their religious test—from Jewish parents, to same-sex couples, to parents where one spouse was previously married. This hurts children and deprives them of the loving homes they need.
- This bill opens a can of worms. If child services agencies are encouraged to make placement and child care decisions based on their religious views as opposed to the best interests of the child, where will it end? Could qualified parents be rejected because they don't share an agency's belief that the Bible supports spanking?
- Taxpayer money shouldn't be used to fund child services agencies that reject prospective parents based on factors that have nothing to do with good parenting. This bill allows discrimination that is contrary to the best interests of children.

### Approach #3:

#### Illustrate Harmful Consequences

Under this law:

- A child services agency could decide to keep a child in a government group home rather than with a loving, qualified couple who don't share the agency's religious beliefs.
- A Christian agency could refuse to do foster placements with Jewish parents, as recently happened in South Carolina.
- Agencies could refuse to allow an orphaned child to be adopted by an extended family member like a gay uncle or a lesbian grandparent.
- Agencies could refuse to place LGBT youth with accepting parents, but could instead place them with parents who intend to force them into harmful conversion therapy.
- An agency could refuse to take a seriously ill child to the doctor if they believe in faith healing rather than modern medical care.
- An agency could refuse to place a child with serious medical needs with a nurse who has the skills to care for her, just because that nurse is gay or of a different faith than the agency.

## TALKING ABOUT RELIGIOUS EXEMPTIONS & SERVICE DISCRIMINATION

Some states have proposed laws to allow businesses to discriminate against customers who don't conform to the specific religious beliefs that marriage should be restricted to a man and a woman, and that sex should be restricted to such marriages. These laws encourage discrimination against same-sex couples, unmarried couples, single parents, LGBT people and others. This section provides guidance for conversations about these license-to-discriminate policies.

### 1. Apply Overall Messaging Approach #1: Emphasize Shared Values

Start by rooting the conversation in an overarching theme that ties together our shared belief in freedom of religion, the fact that it's already protected, and that it doesn't mean a right to discriminate or impose religious beliefs on others:

- *Freedom of religion is important; that's why it's already protected by the First Amendment to the Constitution. But that freedom doesn't give any of us the right to impose our beliefs on others, or to discriminate.*

Next, we establish the core historical values at the heart of these discussions, while reminding people that this isn't just about wedding discrimination against same-sex couples:

- *This isn't just about bakeries refusing to sell products to same-sex couples. As a nation, we decided a long time ago that businesses that are open to the public should be open to everyone on the same terms. Businesses shouldn't be able to pick and choose who to serve based on their religious beliefs.*

We can also help calm some of our audience's concerns by reminding them that businesses serve the broader public without endorsing all of their customers' beliefs:

- *Local businesses play an important role in our economy and in our communities. Just because a business serves a customer doesn't mean they share or endorse all of that customer's beliefs. We all have different beliefs, but that doesn't mean it's OK to discriminate. Nobody should be turned away from a business simply because of who they are.*

If a law explicitly/solely targets LGBT people, bring the conversation back to shared values of treating others as we want to be treated and protecting people from discrimination:

- *Protecting people from discrimination is about treating others as we want to be treated. LGBT people are our friends, neighbors, family and co-workers. They work hard, serve in the military, and pay taxes. When they walk into a business that's open to the public, they should be treated like anyone else and not be discriminated against.*

### 2. Apply Overall Messaging Approach #2: Focus on Broad Harms of Discrimination

Next, focus on how harmful and shocking this kind of discrimination is. Such religious exemptions laws not only open a can of worms by allowing businesses to impose religious tests on their customers, but they also raise serious questions about why such discrimination is still being proposed and encouraged today.

- *Creating a license to discriminate would open a can of worms, lead to expensive lawsuits, and send a message to businesses that they have a right to impose a religious test on their customers before agreeing to serve them.*
- *We believe that all people should be treated fairly and equally. That's why it's shocking to realize that in this day and age, we are still debating whether it should be legal to discriminate against someone or turn them away from a business simply because of who they are.*

### 3. Apply Overall Messaging Approach #3: Illustrate Harmful Consequences

Finally, illustrate potential harmful scenarios that can help broaden people's understanding of the kinds of discrimination encouraged by these laws. These service discrimination laws aren't just about cakes and same-sex couples. For example, a law that gives businesses a broad license to discriminate based on beliefs about marriage would open the floodgates to discrimination not just against same-sex couples, but also against unmarried couples, single parents and others across a wide array of areas and businesses. As always, check with legal experts or state leaders to ensure accuracy given the specific legislation being discussed:

- *Under this law, a bakery could refuse to sell a cake for a Jewish wedding, or for an interfaith couple's marriage.*
- *An indoor playground could refuse to host a child's birthday party because the child's mother is unmarried.*
- *A florist could refuse to serve a gay man wishing to send flowers to his fiancé, or a lesbian who wanted to send Valentine's Day flowers to her wife.*
- *A pharmacist could refuse to fill a woman's birth control prescription unless the woman provided proof that she's married.*
- *A hotel could refuse to provide a room to any couple who didn't show a valid marriage certificate.*
- *A pediatrician could refuse to treat the child of a same-sex couple because of a belief that only opposite-sex married couples should be allowed to be parents.*

# TALKING POINTS AT A GLANCE

## Talking About Religious Exemptions & Service Discrimination

Use these three approaches when talking about religious exemptions that allow service discrimination. For a more detailed explanation of these approaches, see Pages 2-3 of this guide. **Before using the messaging on this page, check with legal experts to ensure that the consequences align with the specifics of the policy being discussed.**

See Pages 3-7 for messaging guidance on opposing broad religious exemptions laws like RFRA.

See Pages 8-9 for messaging guidance on opposing religious exemptions and adoption discrimination.

To re-download the full *Talking About Religious Exemptions* guide, visit [www.lgbtmap.org/messaging-guides](http://www.lgbtmap.org/messaging-guides).

### Approach #1:

#### Emphasize Shared Values

- Freedom of religion is important; it's one of our nation's fundamental values. That's why it's already protected by the First Amendment to the Constitution. But that freedom doesn't give any of us the right to impose our beliefs on others, or to discriminate.
- This isn't just about bakeries refusing to sell products to same-sex couples. As a nation, we decided a long time ago that businesses that are open to the public should be open to everyone on the same terms. Businesses shouldn't be able to pick and choose who to serve based on their religious beliefs.
- Local businesses play an important role in our economy and in our communities. Just because a business serves a customer doesn't mean they share or endorse all of that customer's beliefs. We all have different beliefs, but that doesn't mean it's OK to discriminate. Nobody should be turned away from a business simply because of who they are.

### Approach #2:

#### Focus on Broad Harms of Discrimination

- Creating a license to discriminate would open a can of worms, lead to expensive lawsuits, and send a message to businesses that they have a right to impose a religious test on their customers before agreeing to serve them.
- We believe that all people should be treated fairly and equally. That's why it's shocking to realize that in this day and age, we are still debating whether it should be legal to discriminate against someone or turn them away from a business simply because of who they are.
- *(If a policy is explicitly/solely targeting LGBT people for discrimination)* Protecting people from discrimination is about treating others as we want to be treated. Lesbian, gay, bisexual and transgender people are our friends, neighbors, family and co-workers. They work hard, serve in the military, and pay taxes. When they walk into a business that's open to the public, they should be treated like anyone else and not be discriminated against.

### Approach #3:

#### Illustrate Harmful Consequences

Under this law:

- A bakery could refuse to sell a cake for a Jewish wedding, or for an interfaith couple's marriage.
- An indoor playground could refuse to host a child's birthday party because the child's mother is unmarried.
- A florist could refuse to serve a gay man wishing to send flowers to his fiancé, or a lesbian who wanted to send Valentine's Day flowers to her wife.
- A pharmacist could refuse to fill a woman's birth control prescription unless the woman provided proof that she's married.
- A hotel could refuse to provide a room to any couple who didn't show a valid marriage certificate.
- A pediatrician could refuse to treat the child of a same-sex couple because of a belief that only opposite-sex married couples should be allowed to be parents.

## Talking About Refusals of Health Care in Non-RFRA Contexts

In recent years, there has been an alarming and growing number of cases where health care institutions have cited religious beliefs to deny patients the care they need. In some cases, these institutions claim a religious exemption—as a matter of public policy or institutional practice—in refusing to provide health care, including reproductive health care.

Effective approaches for talking about these kinds of refusals can be different from other religious exemptions. Advocates for women's health have collaborated to develop messaging recommendations specific to these issues. Among them:

- **Frame the conversation via shared values around women's health care.** A patient's health should always come first. Discussions about health care must center on what women need, what they should not be denied, and how they should and shouldn't be treated.
- **Focus on respect for patients' personal decision-making.** Women and their doctors should make their own health care decisions. No CEO, executive or board of directors should be able to put religious views ahead of medical standards or women's health.
- **Illustrate specific harmful consequences of being refused care.** For example: women can suffer long-term health complications if hospitals refuse them the care they need; women could be denied birth control if a pharmacy refuses to fill those prescriptions; and more.

There are a few other important messaging differences between refusals of care and other forms of harmful religious exemptions, including:

- **Unlike with RFRA, talking about refusals (of care) is helpful in this context.** While "refusals" should not be used in talking about harmful RFRA or adoption/service discrimination, it can be effective when talking about denial of health care.
- **Start with shared values around health care and personal decision-making when talking about refusals.** With other religious exemptions (e.g., RFRA, service discrimination), we start by focusing on the shared value of freedom of religion. But when talking about refusals of health care, focus instead on how a patient's health must always come first, how women and their doctors should make their own health care decisions, and how hospitals and pharmacies should not be able to put their religious views ahead of medical standards or a person's health.

Organizations interested in resources for talking about refusals of reproductive health care can contact the [COMS Project](#). To learn more about refusals of health care to transgender people, see [MAP](#) and the [National Center for Transgender Equality](#).

## Talking About a License to Discriminate and Religious Exemptions Laws

Unlike with RFRA, there are certain types of religious exemptions that are specifically focused on allowing businesses and non-profit service providers to pick and choose whom they will serve based on religious beliefs.

**For these more specific exemptions focused on service discrimination or adoption/foster care discrimination, talking about a license to discriminate (or describing them as license-to-discriminate bills) can be a powerful way to help people understand the harms.** It can clarify the effect and intent of these laws—that is, that these laws open the door to and encourage discrimination. (That said, avoid framing discussions about a license to discriminate in ways that incorrectly suggest religion itself is the problem; use the messaging in this guide instead.)

*License to discriminate* messaging can also help clarify how such laws can impact a state's economy. States that enact license-to-discriminate laws send a message that a wide range of people and workers are not welcome, which can have a devastating effect on a state's reputation, its tourism, and the willingness of businesses large and small to invest in that state.

In addition, the **Open to All** campaign features approaches for encouraging businesses to be welcoming to all people—regardless of race, ethnicity, national origin, sex, sexual orientation, gender identity and expression, immigration status, religion or disability—and to serve everyone on the same terms. To learn more, visit [www.OpenToAll.com](http://www.OpenToAll.com).

## Elevating Religious Voices

**Religious voices such as pastors and clergy are essential in conversations about harmful religious exemptions.** They can help ground the discussion in shared personal and faith values and elevate it above our opponents' efforts to divide and polarize. For example:

*"I've been a pastor for 22 years. Faith is at the center of my life, and the life of my family. My wife and I believe in treating others as we would want to be treated, and that's what we're teaching our kids. We are all God's children."*

*"Freedom of religion is deeply important to me. But this law would allow businesses to refuse to serve those who don't share their beliefs. That just doesn't sit right with me. Religion shouldn't be used to hurt people, to impose one's beliefs on others, or to discriminate."*

## THINGS TO AVOID

When talking about religious exemptions, don't raise consequences that are improbable, outdated or unrelated to a particular religious exemption. Focus on harms outlined in this guide instead. Also, avoid overwhelming people with too many examples of consequences; two or three examples are usually enough.

When it comes to RFRA, use caution in talking about a "license to discriminate." If the term needs to be used in the context of broad religious exemptions, talk about how a bill would open a can of worms and lead to an array of harms to safety, health and the rule of law—in addition to creating a license to discriminate." Avoid calling a RFRA a "license-to-discriminate bill."

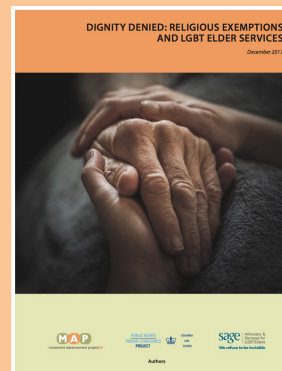
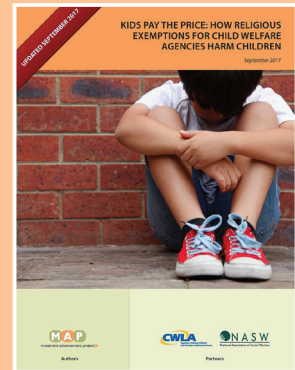
Don't focus on wedding-related discrimination against same-sex couples when talking about religious exemptions. It is much less compelling than other examples of harm.

Don't use polarizing language that can activate partisan divisions. Many people on both sides of the aisle share our commitment to freedom of religion and our concerns about how these kinds of exemptions are ripe for abuse. Talk about the issues in ways that create common ground based on those shared values and concerns.

Don't talk about "rights," "civil rights," or make direct comparisons between different kinds of discrimination, especially when it comes to discrimination based on race. Such comparisons can alienate many African Americans and others, creating unnecessary distance where there would otherwise be common ground.

Don't say things that our audience might view as argumentative or name-calling. Using terms like "bigotry" or "hate" can alienate those who are honestly wrestling with the issues. Instead, use measured, relatable language to help people understand the troubling consequences of harmful religious exemptions.

## ADDITIONAL MAP RESOURCES ON RELIGIOUS EXEMPTIONS



***LGBT Policy Spotlight: State and Federal Religious Exemptions and the LGBT Community*** provides an overview and analysis of state and federal religious exemptions and how they impact LGBT people.

***Kids Pay the Price: How Religious Exemptions for Child Welfare Agencies Harm Children***, developed in partnership with the National Association of Social Workers and the Child Welfare League of America, looks at how exemptions are used to harm children and deny them loving homes.

***Dignity Denied: Religious Exemptions & LGBT Elder Services*** explores how religious exemptions put the safety and security of vulnerable LGBT older adults at risk.

***Religious Refusals in Healthcare: A Prescription for Disaster*** examines how religious exemptions can be used to deny medical care to LGBT people, their children, and others.

For the most up-to-date data, MAP's **Equality Maps** are updated daily and provide state-by-state data on a wide range of laws and policies that affect LGBT Americans, including religious exemptions laws.

### TALKING ABOUT RELIGIOUS EXEMPTIONS

To download this and other MAP messaging resources for building effective conversations about lesbian, gay, bisexual and transgender (LGBT) people and the issues that affect their lives, visit [www.lgbtmap.org/messaging-guides](http://www.lgbtmap.org/messaging-guides). MAP gratefully acknowledges the contributions of Benenson Strategy Group and the Center for American Progress to the development of these recommendations. © 2015, 2016, 2019 Movement Advancement Project (MAP).