

LIFE MATTERS: OUR OBLIGATION TO PROTECT RELIGIOUS FREEDOM

Our Nation was founded on the principle that all people are “endowed by their Creator with certain unalienable rights.” As the Declaration of Independence explains, these rights are not gifts from a civil government, but inherent and God-given components of our humanity. The Constitution proclaims that the very purpose of government is to “secure the Blessings” of these liberties for “ourselves and our Posterity.”

To the Founders, foremost among these rights was the freedom of conscience—the freedom to hold, and live according to, one’s religious principles. James Madison deemed this right “the most sacred of all property,” and wrote protection for religious exercise into our First Amendment. General George Washington so respected the rights of religious believers that he refused to force pacifist Quakers to fight in his army, though he desperately needed men in the fight for independence.

Our Catholic Church defends the same conception of freedom, including in religious matters. Like our nation’s founding documents, the Church teaches that God gives people their natural rights. And like our Nation’s Founders, the Church views religious freedom for all people—Catholics, Protestants, Jews, Muslims, Hindus, atheists, agnostics and everyone else—as an inherent human right. The Church teaches that faith is an act of free will, and therefore all people should be free to live by their own religious views—even *wrong* religious views—“as long as the just requirements of public order are observed.”¹ Jesus did not force anyone to accept his message, and neither should anyone else.²

Both the Church and civil law therefore teach that the government generally should avoid forcing people to violate their religious beliefs. For example, by law our federal government can only force people to violate their religion in the rare instance when it has a truly compelling interest that can only be served by burdening the free exercise of their religion.³ Nor is this principle a partisan one: the federal religious liberty law was proposed by Senator Ted Kennedy, signed by President Bill Clinton, and passed the Senate with 97 votes.

Thus on the issue of religious freedom, American Catholics need not wonder what to render to Caesar and what to render to God. Both authorities ask the exact same thing: vigilance in the protection of religious liberty for all. And both establish the same general rule that a just and tolerant society should not force people to violate their religion unless there is an exceedingly important reason to do so.

Unfortunately, this broad commitment to religious freedom is increasingly under attack. In recent years, governments have taken a variety of steps designed to force religious people and institutions to give up their religious faith. For example, the federal government recently told the Supreme Court that it has the right to dictate to a church who should serve as its minister. State governments have tried to strip pharmacists of their licenses because of their religious obligations not to provide abortion-inducing drugs.



In Massachusetts, Catholic Charities was forced to stop finding adoptive homes for foster children because it could not place children with same-sex partners. The federal government has asserted that religious individuals forfeit *all* their religious liberty rights when they open a business to earn a living. Legislation has been considered to force religious institutions to collect and report information about immigrants to whom they minister.

Each of these measures is, in its own way, an attack on religious diversity, and an effort to use the coercive power of government to control or punish religious activities. When governments force people and institutions to give up their religious beliefs, everyone loses. The religious believers and institutions suffer because they are put to an

impossible choice: give up your religion, or close your doors and stop earning a living or serving those in need. In a liberal and diverse nation, that type of ultimatum is almost never acceptable. The proper course—as George Washington demonstrated with the Quakers—is to find ways to accommodate religious objections, so that people of all faiths are welcome.

It is not only religious believers who suffer when religious liberty is trampled. The people served by religious individuals and institutions also suffer from these threats to religious liberty. Consider the experience when Illinois tried to force all pharmacists to sell abortion-inducing drugs. Although the state claimed the rule was needed because religious objectors were interfering with access to the drugs, it eventually had to admit that no one, ever, had been unable to get the drug because of a religious objector. But the law still had a very real impact on access to healthcare—it caused at least one pharmacy to close, some pharmacists to leave the state, and presumably others not to join the profession—all at a time when the state had a well-documented shortage of pharmacists. By targeting religious objectors and pursuing government-enforced conformity without exceptions, the state made health care less available for everyone.

The same is true in the context of the HHS contraceptive/abortifacient mandate. Many religious people cannot in good conscience provide insurance coverage for abortion inducing drugs. Yet the government is pressuring these people with the threat of enormous fines—sometimes more than a million dollars *each day*—for the sin of providing health coverage that excludes abortion drugs. As a society, we should not accept a government’s decision to pressure people in this way to give up their religion. Particularly in troubled economic times, we should welcome and thank job creators, and we should work around religious differences rather than drive employers out of the public square.

Our history attests to the great benefits we all reap when religious people and institutions are free to bring their religious values into the public square, as they did in the abolition movement, the Civil Rights movement, and the labor movement.

Despite conscience protections in federal and New Jersey state law, nurses in the Same Day Surgery Unit of a large Newark hospital were stunned when supervisors told them of a policy change:

They would have to assist in abortions.

Nurse Beryl Ngoje explained: “I couldn’t do what they were asking me to do. ... You go against what you believe, what are you? What’s left? Just a shell of what you are.”

When more than a dozen nurses objected to the policy in writing, they were told they could be transferred out or even fired for refusing to comply. Fortunately, their lawyers won an injunction halting their mandatory abortion training and eventually convinced the hospital to agree to a court-approved settlement that protected the nurses’ religious convictions against taking part in abortions and allowed them to keep their jobs without fear of reprisal.

Having all benefited from these “blessings” of religious liberty, we have a common duty as Catholics and Americans to consider what we can do to ensure that we “secure” those blessings not just “to ourselves” but also “to our Posterity.” Possibilities abound, such as educating ourselves and our families, contacting elected representatives, praying, voting, and talking to our neighbors about why religious freedom is worth protecting. In short, we must remember that our religious diversity is a strength, and that religious differences should be accepted and accommodated, not stamped out by the government.

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¹ Second Vatican Council, Declaration on Religious Liberty (*Dignitatis Humanae*), no. 2, in *The Basic Sixteen Documents: Vatican Council II: Constitutions, Decrees, Declarations*, ed. Austin Flannery (Northport, NY: Costello Publishing, 1966).

² *Id.* at no. 11.

³ See 42 U.S.C. 2000bb.



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