

FREQUENTLY ASKED QUESTIONS ON RELIGIOUS LIBERTY -- USCCB Fact Sheet

What do we mean by religious liberty? -- Religious liberty is the first liberty granted to us by God and protected in the First Amendment to our Constitution. It includes more than our ability to go to Mass on Sunday or pray the Rosary at home. It also encompasses our ability to contribute freely to the common good of all Americans.

What is the First Amendment? -- The First Amendment of the U.S. Bill of Rights states the following: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

What does "shall make no law respecting an establishment of religion" mean? -- This phrase, known as the "Establishment Clause," started out as a prohibition on Congress' either establishing a national religion or interfering with the established religions of the states. It has since been interpreted to forbid state establishments of religion, to forbid governmental preference (at any level) of one religion over another, and to forbid direct government funding of religion.

What does "prohibiting the free exercise thereof" mean? -- This phrase, known as the "Free Exercise Clause," generally protects citizens and institutions from government interference with the exercise of their religious beliefs. It sometimes mandates the accommodation of religious practices when such practices conflict with federal, state, or local laws.

How do we define religious groups or those who work for religious groups when we are speaking about religious liberty? -- The U.S. Department of Justice (DoJ) recently attempted to require a Lutheran school to maintain employment of a teacher at a church school. The DoJ argued that what has been referred to, in legal precedents, as "the ministerial exemption," (that is, those workers for religious groups that must abide by the beliefs of the religious group without government interference) if it even exists, is exceedingly narrow, applying only to clergy whose duties are "exclusively religious," (and so, not applying to school teachers.) Justice lawyers insisted that the teacher's position as a Christian school teacher is not subject to the ministerial exemption. One cannot imagine a more obvious feature of an establishment of religion, or a clearer violation of free exercise, than the government dictating to a church that it must rehire a religious teacher. The Justice Department's position was voted down by the Supreme Court recently, 9-0, *Hosanna Tabor v. EEOC*, but underscores the kind of controversy, in our society today, over how government should interact with religious groups.

THE CURRENT DEBATE between the Department of Health and Human Services and Various religious organizations (including Catholics):

Why does the mandate to cover contraceptives, including abortion-causing drugs and sterilization, violate religious liberty? -- In short, it is the government government intruding into the ordering of Church institutions. As Archbishop William Lori of Baltimore, Chairman of the Ad Hoc Committee for Religious Liberty, testified to Congress: "This is not a matter of whether contraception may be prohibited by the government. This is not even a matter of whether contraception may be supported by the government. Instead, it is a matter of whether religious people and institutions may be forced by the government to provide coverage for contraception or sterilization, even if that violates their religious beliefs." (Oral Testimony Before the Judiciary Committee of the U.S. House of Representatives, Feb. 28, 2012.)

Under the Administration's 'compromise,' the Church does not have to pay for those services. Why does this not satisfy church concerns? -- The Administration's claim is that contraceptive services are "free" because they save money on childbirths that enrollees in the plan would otherwise have -- but that just means premiums paid by a

religious organization for live births will pay for contraception and sterilization instead. A proposed accommodation for religious organizations covered by the mandate, while not in final form, offers to have insurers or other third parties impose the objectionable coverage – but this still deprives the employer of the ability to provide coverage to its employees that is consistent with its values, and it disregards the conscience rights of insurers and employees.

Is this an effort to deny women access to fundamental reproductive services? Access to contraceptives is already widespread. The great majority of employer-sponsored health plans already include contraception, and even without coverage, birth control pills can be obtained at low cost. Our question is whether religious organizations should facilitate services that are in violation of their teachings.

Many young women say they can't afford to pay for birth control and these other medical services. Is the Church position discriminating against poor women? This issue is not about health coverage for the unemployed, or for those who must rely on the government for coverage (for example, by Medicaid). It is about people who are employed by the Catholic Church and its various ministries, which are typically generous in the health benefits they provide to their employees. Those who choose to work for the Catholic Church—and no one is forced to do so—know that they are working for a community with its own guiding mission and values, and many work for the Church precisely for that reason. It is unreasonable to expect the Church to violate its own teachings by facilitating and funding sterilization, abortion-inducing drugs, and contraception.

Many Catholics practice artificial birth control, doesn't this undermine the attempts of the Church with regard to this issue? The issue isn't whether individuals practice artificial birth control. Our teachings may not be universally practiced, but they are based on strongly held beliefs. And the State should not force us to violate them.

Some argue that the issue is about fairness and equity between men and women. Many of these insurance programs cover Viagra for men, but not protection for women. Isn't that hypocritical? Viagra is not a contraceptive for men, so it's not the same thing. In fact, the HHS doesn't mandate men's contraceptives or vasectomies. The issue is whether the State should be able to force the Church to violate its beliefs.

Aren't you making too much of this "religious freedom" issue? Aren't there bigger fish to fry out there? Isn't this a conservative agenda piece? The HHS mandate fundamentally alters the fragile balance between government and religious groups created by the framers of our Constitution.

What can you do to ensure the protection of religious freedom? Please visit www.usccb.org/freedom or go to www.mdccathcon.org

UPCOMING EVENTS:

June 14th at 7:30pm – Fortnight for Freedom Mass at Holy Family, Davidsonville. Sponsored by Fr. Andy and the Respect Life Committee

June 21st, 7pm, Fortnight for Freedom Mass at the Basilica in Baltimore with Archbishop Lori.

June 21- July 4: Fortnight for Freedom – Prayer and action (see websites above) to work for religious freedom.