



Backgrounder

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prepared by

Department of Communications

U.S. Conference of Catholic Bishops

3211 Fourth Street NE · Washington, DC 20017

202-541-3200 · 202-541-3173 fax · www.usccb.org

Concerns Raised in ‘Our First, Most Cherished Freedom’

On April 12, the Ad Hoc Committee on Religious Liberty of the U.S. Conference of Catholic Bishops (USCCB) issued a document, “Our First, Most Cherished Freedom,” outlining the bishops’ concerns over threats to religious liberty, both at home and abroad.

The issues prompting the document go back several years. Here is an overview:

The Health and Human Services mandate forcing all employers, including religious organizations, to pay for employees’ contraception, sterilization, and abortion-inducing contraceptives even when they have moral objections to them and defining which religious institutions are “religious enough” to merit protection of their religious liberty.

State immigration laws that forbid what the government deems “harboring” of undocumented immigrants—and what the Church deems Christian charity and pastoral care. For instance, an Alabama law makes it illegal for a priest to baptize, hear the confession of, celebrate the anointing of the sick with, or preach the word of God to, an undocumented immigrant – or even encourage the person to attend Mass or give them a ride to Mass.

The altering of Church structure and governance. In 2009, the Judiciary Committee of the Connecticut Legislature proposed to force Catholic parishes to be restructured according to a congregational model, prefiguring the federal government’s attempts to redefine for the Church “religious minister” and “religious employer” in the years since.

Denial of rights of Christian students. In its over-100-year history, the University of California Hastings College of Law has denied student organization status to only one group, the Christian Legal Society, because it required its leaders to be Christian and to abstain from sexual activity outside of marriage.

Driving Catholic foster care and adoption services out of business. Boston, San Francisco, the District of Columbia and Illinois have driven local Catholic Charities out adoption or foster care services—by revoking their licenses, by ending their government contracts, or both—because those Charities refused to place children with same-sex couples or unmarried opposite-sex couples who cohabit.

Discrimination against small churches. New York City enacted a rule that barred the Bronx Household of Faith and sixty other churches from renting public schools on weekends for worship services even though non-religious groups could rent the same schools for other uses.

Discrimination against Catholic humanitarian services. Despite years of excellent performance by USCCB’s Migration and Refugee Services in administering contract services for victims of human trafficking, the federal government changed its contract specifications to require USCCB to provide or refer for contraceptive and abortion services in violation of Catholic teaching. Religious institutions should not be disqualified from a government contract based on religious belief, and they do not lose their religious identity or liberty upon entering such contracts. Recently, a federal court judge in Massachusetts turned religious liberty on its head when he declared that such a disqualification is required by the First Amendment—that the government violates religious liberty by allowing Catholic organizations to participate in contracts in a manner consistent with their beliefs on contraception and abortion.

International religious freedom. Religious believers around the world face a much graver plight. Christians have been the target of assassinations, bombings of churches, torching of orphanages and other violent acts because of their faith. Systematic denials of basic human rights and acts of religious persecution are found in laws of several countries. If religious liberty is eroded at home, American defense of religious liberty abroad is less credible.

Limiting religious freedom to freedom of worship. The bishops write, “Religious liberty is not only about our ability to go to Mass on Sunday or pray the Rosary at home. It is about whether we can make our contribution to the common good of all Americans. Can we do the good works our faith calls us to do, without having to compromise that very same faith?”