

# EMPLOYMENT BILL STUMBLES

In November, the U.S. Senate passed the Employment Non-Discrimination Act (ENDA), legislation that is being touted as progress for gay rights. The House did not take the bill up immediately; its fate is uncertain.

The Catholic League raised serious questions about the consequences of ENDA in 2007, and while some aspects of the bill have improved, efforts to strengthen the religious liberty exemptions are badly needed. The bishops remain opposed to it. Their concerns are ours: the bill is open to abuse and may impinge on religious liberty interests. It either has to be fixed or scratched.

Workplace discrimination against those who are not heterosexual has decreased markedly, calling into question which organizations the advocates for ENDA want to blanket. Sexual orientation, unlike race or gender, is inseparable from behavioral issues, thus drawing the attention of religious organizations. If the proponents of ENDA are sincere in their stated objective not to unfairly burden churches and religious groups, then locking in the exemptions already provided should not act as a deterrent to their support. Yet there is resistance to amending the bill.

Americans have seen what happens when activist judges get their hands on religious liberty cases. The result is the imposition of law crafted by the judiciary, a condition that is as unwelcome as it is unconstitutional. No wonder the bishops have strong reservations.