

# EXECUTIVE ORDER ON RELIGIOUS LIBERTY WELCOMED

Catholic League president Bill Donohue comments on President Trump's executive order on religious liberty:

President Trump is to be commended for extending his support to religious liberty as the preeminent constitutional right. Regrettably, the executive order is lacking in the kind of teeth that we expected; the leaked draft that became available in February offered greater detail.

The most specific part of the executive order deals with the Johnson Amendment. This provision allows the IRS to challenge the tax-exempt status of churches and religious non-profit organizations if they endorse candidates for public office, or become directly involved in the political process. Evangelical leaders pushed to have this ban repealed.

Some observers note that the IRS rarely strips a religious organization of its tax-exempt status, so this issue is overblown. That misses the point—it seeks to intimidate these groups, often rather selectively. I know.

In 2008, right after Barack Obama was elected, the IRS sought to bully me: I was accused of violating its code on political activity. In fact, I did nothing of the sort, which is why its effort was a monumental failure. I stood my ground and nothing of any substance came of it. But the fact that the IRS tried to silence me (and others like me) cannot be dismissed as inconsequential.

It is up to the Congress to overturn the Johnson Amendment, though what Trump did is hardly meaningless. His initiative makes it clear that his Cabinet will not enforce this IRS code, thus vitiating its essence.

Moreover, he nicely teed this issue up for repeal by the Congress. In short, Trump did what he could, and for that we are grateful.

On the other hand, there is an underside to the repeal of the Johnson Amendment. Many of the faithful do not want to turn their churches into a venue for political theater, nor do religious leaders like myself want to be lobbied by Republicans and Democrats to get on board. Church should be about worship, not politics.

On the issues most important to Catholics—ensuring conscience rights, and allowing Catholic non-profit organizations to exercise their doctrinal prerogatives with impunity—the executive order does not provide the kind of detail that is needed. In comparison to the leaked draft version, it is considerably watered down. Nevertheless, it sends the right signal to executive agencies: religious liberty must be given a priority status when implementing legislation.

We certainly expect that the Trump administration will ensure that Catholic non-profits, such as the Little Sisters of the Poor, will finally be free of the pernicious pressures brought to bear on them by attorneys out to sunder their mission. The nuns should not have to comply with any mandate that forces them to be complicit in immoral acts.

At the heart of this controversy is something that transcends an executive order. To be exact, no government agency should have the right to strip Catholic organizations of their religious exemption merely because they hire and serve large segments of the population that are not Catholic. Catholic schools and social service agencies should be congratulated for not discriminating in their services, not condemned for doing so.

Much more is needed to guarantee religious liberty: the Congress must act, and the federal courts must uphold the

First Amendment rights of religious individuals and entities. But we can at least thank President Trump for pointing these branches of government in the right direction. His leadership is very much appreciated.