

# GAY MARRIAGE AND RELIGIOUS RIGHTS

Before homosexuals were given the right to marry in New York, the religious rights of those who conscientiously objected were being threatened. The threats came from two New York officials, both of whom identify themselves as Catholic: Gov. Andrew Cuomo and Nassau County District Attorney Kathleen Rice.

When Cuomo was asked about the right of clerks, invoking their religious rights, not to issue marriage licenses to gays, he said, "The law is the law. You enforce the law as is; you don't get to pick and choose those laws." (Ironically, this could be read as an indictment of President Obama: he is under oath to enforce federal legislation, yet he manifestly refuses to enforce the Defense of Marriage Act.)

Rice was even bolder. In a letter she wrote to municipal clerks, she warned that not complying "may constitute official misconduct, a Class A misdemeanor."

Cuomo and Rice are so committed to gay rights that they have little interest in religious liberty, even as defined by New York State law. Former Gov. Eliot Spitzer enthusiastically signed a law extending religious rights in the workplace, one that went beyond the "reasonable accommodation" provision of the 1964 Civil Rights Act. Indeed, under New York State law, the onus is on the employer to show that it would cause "undue hardship" if an employee were to exercise his "sincerely held" religious beliefs.

It is fatuous to say that it would cause an "undue hardship" in the workplace if clerks who do not have an issue with giving marriage licenses to homosexuals handled these matters for those who do. It cannot be said too strongly: Bullying

those who have religious objections is despicable.

There is an obvious hole in the New York legislation: religious exemptions need to be extended to lay people, not just the clergy.