League Enters Religious Freedom Case in Colorado

The Catholic League has joined a coalition of organizations filing a friend of the court brief in the United States Supreme Court supporting the constitutionality of Amendment 2, a constitutional amendment passed by popular referendum in the State of Colorado. Amendment 2 was approved by Colorado voters in response to municipal gay rights legislation banning discrimination on the basis of sexual orientation in employment, housing, and public accommodation.

Amendment 2 prohibits governmental entities in the state from giving homosexuals protected class status; it was passed in an effort to protect religious freedom which was substantially burdened by the gay rights ordmances. For example, Aspen's ordinance required churches to open their facilities to homosexual organizations if they opened them to any other community organization, and both the Aspen and Boulder ordinances prohibited churches from refusing to hire homosexuals.

Although the Supreme Court of Colorado agreed that protecting religious freedom is a compelling government interest, it asserted that Amendment 2 is not the least restrictive means of achieving that interest. The Court erroneously declared that religious exemptions from gay rights ordinances would adequately protect religious freedom. The League brief argues that applying such exemptions to religious organizations is extremely difficult often involving courts in an intrusive examination of a religious institution's doctrine and practice.

Concluding that Amendment 2 is an effective way of protecting religious liberty, the League's brief emphasizes that religious exemptions to gay rights ordinances do not

adequately protect the freedom of religious individuals and the autonomy of religious institutions. Signing the brief along with the Catholic League were the Christian Legal Society, the Christian Life Commission of the Southern Baptist convention, Focus on the Family, the Lutheran Church-Missouri Synod and the National Association of Evangelicals.