

League supports Massachusetts pair in “rental discrimination” suit

The Catholic League has filed a friend of the court brief with the Massachusetts Supreme Court in support of Catholic brothers who were sued for discrimination because they refused to rent an apartment to a unmarried heterosexual couple.

The brothers, Paul and Ronald Desilets, declined to rent their apartment to a cohabiting couple because they believed that to do so would be facilitating sin.

The Catholic League decided to speak out in this case because it involves the critical issue of weighing the rights of conscience against the mandates of anti-discrimination law. This is the first time the state’s high court has examined the question, and the court’s decision will have wide ranging consequences for the people of Massachusetts.

The brief argues that the Desilets are protected in their decision by the strong language in the Massachusetts constitution supporting the right of religious conscience. The Supreme Court of Massachusetts has interpreted the free exercise provision of the state constitution to mean that the “people of Massachusetts have absolute freedom in their religious practices subject only to preservation of public peace, the worship rights of others and the general obligation of good citizenship.”

In a balancing of interests, the brief states, the constitutional right to free exercise of religious conscience takes precedence over the right of unmarried cohabiting couples to be free from marital status discrimination. Although marital status is a protected class under Massachusetts housing anti-discrimination law, unmarried

cohabitation is not accorded the same weight as marriage in Massachusetts domestic relations and property law. There is, therefore, no justification for giving unmarried cohabitation equal status in anti-discrimination law.

Other groups signing the brief include the Christian Legal Society, Seventh-day Adventists, Concerned Women for America, Massachusetts Catholic Conference and the Southern Baptist Convention.