

NCAA OPPOSES RELIGIOUS LIBERTY

Below is a copy of a letter written by Bill Donohue to NCAA president Mark Emmert commenting on legislation signed on March 26 by Indiana Governor Mike Pence that affirms religious liberty.

March 27, 2015

Mr. Mark Emmert
President
National Collegiate Athletic Association
700 W. Washington St.
Indianapolis, IN 46206-6222

Dear Mr. Emmert:

I read with interest your concerns about the welfare of student-athletes who will compete in Indianapolis over next week's Final Four weekend. Your concerns are not noble—they are demagogic.

After Indiana Governor Mike Pence signed the state Religious Freedom Restoration Act (RFRA) yesterday, you said that you were concerned "how this legislation could affect our student-athletes and employees. We will work diligently to assure student-athletes competing in, and visitors attending, next week's Men's Final Four in Indianapolis are not impacted negatively by this bill."

Why the high alert? Do you expect that Christians will take to the street looking for homosexuals to taunt and assault simply because the religious liberties of store owners have been affirmed? If that is not what you mean, then be explicit: What kind of negative impact will you be looking to guard against?

When Governor Pence signed this law, he joined 30 states, and the federal government, in securing religious-liberty protections based on some version of RFRA. You know perfectly well that student-athletes who have competed in these states have *never* had their rights abridged because of such legislation. If anything, their rights have been expanded. So to say that things might be different in Indianapolis is nothing less than an invidious scare tactic. It also smacks of hostility to religion.

Governor Pence signed the state RFRA because without it, the federal law, which was passed in 1993, would not apply to Indiana (the U.S. Supreme Court stipulated in 1997 that it only applied to states that had adopted their own RFRA). Should the people of Indiana be denied the same coverage that affords most Americans? After all, 19 states have their own RFRA and another 11 have similar laws.

The federal RFRA, upon which all state variations are based, was sponsored by Rep. Nancy Pelosi in the House. Is she the enemy of gays? Sen. Edward Kennedy sponsored it in the Senate. Was he anti-gay? President Bill Clinton signed it. Did he seek to create a hostile environment for gays? Is President Barack Obama also an anti-gay bigot? He voted in favor of the Illinois RFRA when he was in the state senate.

Is there any evidence that RFRA has subsequently fostered a negative milieu for gays, or anyone else? If so, please share it with the rest of us. It is hardly controversial to say that what these aforementioned Democrats did was to merely affirm our First Amendment right to religious liberty. That is what Governor Pence is doing now.

Have you actually read RFRA? Or are you relying solely on politically correct, and factually bogus, interpretations? For example, nowhere in the federal legislation, or in any of the state versions, is there any mention of sexual orientation. RFRA simply ensures that the government cannot “substantially

burden" a person's exercise of religious liberty unless there is a "compelling government interest," and that it is the "least restrictive means" available. It doesn't create a hostile environment for anyone.

When Governor Pence signed this law, he stressed that it does not apply to disputes between private parties unless there is some government involvement. He is correct. So much for the hype about business owners running roughshod over an individual's constitutional rights.

I want to make it clear that I am not writing to you at the behest of Governor Pence. I have never met, nor had any contact with, either him or anyone on his staff. Furthermore, I am neither a Republican or a Democrat. I am the president of the nation's largest Catholic civil rights organization, and as such I am concerned about real-life threats to religious liberty (e.g, the Health and Human Services mandate of the Affordable Care Act that would force Catholic non-profit entities to fund abortion-inducing drugs, contraception, and sterilization in their health plans). It is because of such draconian bills that states are adopting RFRA protections. They are not doing so as a pretext to abridge anyone's rights.

It would be such a relief to learn that you are reconsidering your threat to pull future NCAA events from Indianapolis. But if you do not reverse your position, then you have a moral obligation to raze all of the lavish buildings that comprise the NCAA headquarters in Indianapolis and set up shop someplace else. This would include bulldozing your brand new 130,000 square-foot addition to the NCAA's national office in White River State Park. Don't forget to level the Hall of Champions as well.

Surely you could set up shop in one of the minority of states that do not support RFRA. Were you to stay put, someone might think you are a phony, among other things.

Sincerely,

William A. Donohue, Ph.D.

President