

RELIGIOUS LIBERTY IN THE CROSSHAIRS

FROM THE PRESIDENT'S DESK

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"We have been in the throes of the culture war for the past half-century, but never has it been more imperative to buckle your seat belts until now. Quite frankly, the culture war is about to explode." I wrote those words in *Catalyst* after Barack Obama won the 2008 presidential election. My predications are not always right, but this one was spot on.

"Please don't misunderstand me—I am not blaming Barack Obama for all of what is about to happen," I said. So who was I speaking about? "Many work in Hollywood, the media, the universities, the arts and in the non-profit sectors of the economy. They are fundamentally unhappy with themselves, God, nature, the U.S. and Western civilization." These secular modernists saw in Obama's victory, I pointed out, "a golden opportunity to wage war on traditionalists." That they have.

Nearly three years into the Obama administration, it is clear that religious liberty is in the crosshairs of the culture war: on one side are the so-called progressives, assisted by the weight of the federal government; on the other side are the traditionalists, absent government assistance. As is often the case, most of the issues touch on sexuality: abortion, contraception and same-sex marriage.

A culture war cannot be mitigated without a modicum of respect for the conscience rights of all parties to it. Obama won the election fair and square and he is entitled to staff the executive branch with people of his own choosing. But he is not entitled to run roughshod over our "First Freedom"—the right of Americans to exercise conscience rights, especially

those liberties grounded in our Judeo-Christian tradition.

On May 17, 2009, President Obama pledged his support for conscience rights before the graduating class at the University of Notre Dame. Five days later, Cardinal Francis George of Chicago, then the head of the bishops' conference, released a public statement commending the president. Unfortunately, Obama's policies never matched his rhetoric. Want proof? During the debate over Obamacare, we were told over and over again that conscience rights would be respected. It is now painfully obvious that we were had.

Just read this issue of *Catalyst* alone to find evidence of the mounting threats to religious liberty that are being waged by the Obama administration. And because the "progressives" have been energized beyond the Beltway, states with highly liberal-left populations have waged their own assault on conscience rights.

There is something refreshing about candor, even when it hurts, but don't expect intellectual honesty from these people. They will tell you how much they love diversity, but "live and let live" is not what they believe: they believe in ramming their politics down our throats.

The Obama administration, citing a religious exemption, defends itself by saying it is not true that Catholic healthcare providers are being forced to allow contraceptive and sterilization services. But the exemption is a fraud: to qualify, Catholic institutions must hire and service mostly Catholics. Of course, if they did that, they would no longer be worthy of the name Catholic, and would indeed be branded as bigots by the very people offering up this functionally meaningless exemption.

In other words, all that talk we heard about how Obamacare would not violate religious liberty was flatulent. But the good news is that some of those who trusted the Obama

administration are now pressing it to make good on its initial pledge. Sr. Carol Keehan, president of the Catholic Health Association, and Father John Jenkins, president of Notre Dame, have expressed their concerns about the disrespect shown for conscience rights.

As disturbing as anything is the determination of the Obama administration to do away with the legal provision called the "ministerial exception." This provision protects religious institutions in its hiring practices, keeping the government properly at bay when it comes to making decisions affecting such things as criteria for the clergy. In a case before the U.S. Supreme Court, which involves a teacher at a Lutheran school who was relieved of her duties because of an extended disability, the Obama administration did not seek some narrow ruling which respected the overarching religious right; rather, it took the occasion to excise this civil liberty altogether.

Fortunately, the lawyer who represented the Obama administration was so extreme in her undisguised contempt for religious liberty that it appears to have backfired. In the oral arguments that were recently completed, Obama appointee Justice Elena Kagan took the attorney to task for her extremism. While the case will not be decided until next year, it looks like the Obama administration's secular zealotry may have boomeranged.

Another issue that is fraught with religious-liberty implications is homosexual marriage. Already, the conscience rights of those who object to this absurdity are being trampled upon in states that have legalized this condition. Thus does it show that opt-out clauses are not satisfactory to this one-size-fits-all crowd. They like mandates.

Look for this fight to go down to the wire.