

# WORKPLACE RELIGIOUS EXEMPTION THREATENED

According to House Speaker Nancy Pelosi, the House is slated to vote on the Employment Non-Discrimination Act sometime this fall (hearings on the bill were held beginning September 5). The bill would prohibit workplace discrimination on the basis of sexual orientation. Included in the latest version is a narrowing of the exemption typically afforded religious institutions.

The Catholic League strongly opposes tampering with the wording of the religious exemption section of this bill. Previous versions have simply said that "This Act shall not apply to a religious organization;" in the current version of the bill, the wording is conditional.

For example, the current version holds that this exemption would only apply to religious organizations which "have as its primary purpose religious ritual or worship or the teaching or spreading of religious doctrine or belief." Would Catholic schools in the inner city that service a mostly black Protestant population not be exempt any longer? It is unclear what would happen, though it is a sure bet that such questions would wind up in the courts, costing a fortune.

Then there is the section which says that religious institutions must identify "which of its religious tenets are significant" enough to warrant an exemption. So now judges will be asked to decide what constitutes a "significant" religious tenet. Isn't this why we have First Amendment religious-liberty rights? To stop this kind of encroachment?

There is another problem with this bill. It states that when it comes to enforcement, the 1964 Civil Rights Act should be operative (even though sexual orientation was never mentioned

in that bill). Worse, if the workplace bill passes, it could mean that religious organizations would have to develop an affirmative action plan for hiring gays. Why? Because even though the 1964 Civil Rights Act expressly prohibits preferential treatment on the basis of race, the courts have nonetheless cited this law as justification for exactly that.

Bill Donohue wrote to every member of the House asking that the original language regarding religious exemption be maintained.