

Civil Rights and Religious Liberty

by Archbishop William E. Lori

The passage of the Civil Rights Act of 1957 marked a turning point in the epic struggle for racial justice in the United States, and the U.S Civil Rights Commission was established “as an independent, bipartisan, fact-finding federal agency.” The commission’s vitally important mission is to strengthen and develop civil rights legislation and policy and to investigate alleged discrimination “based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice.” Its members are appointed by the president of the United States, and past members have included Holy Cross Father Theodore Hesburgh, then president of Notre Dame, and our own supreme knight, Carl Anderson.

The findings of this commission are not merely academic; they reflect and inform the national debate as well as policy and legislation. In its earliest years, for example, the commission found that blacks were denied their voting rights in a number of southern states, and its work helped to shape the Civil Rights Acts of 1964 and 1968.

Some time ago, the commission announced that it was doing a study that would attempt to balance religious liberty with other perceived rights. That study was recently published under the title *Peaceful Coexistence: Reconciling Nondiscrimination Principles with Civil Liberties*. Unfortunately, this report and the chairman of the commission fail to strike a balance or point the way to peaceful coexistence. Instead they undermine the constitutionally guaranteed and God-given gift of religious freedom.

Stigmatizing Faith

Peaceful Coexistence purports to examine how the courts have handled requests for religious exemptions from generally applicable laws that are designed to prohibit discrimination. Should religious groups be granted exemptions from recent laws that allow for marriage between two people of the same sex? Should a church run school with conscientious objections have the freedom not to hire a teacher in a same-sex relationship or a person who has undergone a transgender procedure?

The report concludes that religious organizations “use the pretext of religious doctrine to discriminate.” With this assertion, the U.S. Civil Rights Commission stigmatizes tens of millions of religious Americans, their communities and their faith-based institutions, and threatens the religious freedom of all our citizens. The chair of the commission, Martin Castro, went so far as to say, “The phrases ‘religious liberty’ and ‘religious freedom’ will stand for nothing except hypocrisy so long as they remain code words for discrimination, intolerance, racism, sexism, homophobia, Islamophobia, Christian supremacy or any form of intolerance.”

In essence the chairman is claiming that Catholic, Evangelical, Orthodox, Jewish, Mormon, and Muslim communities are all comparable to fringe segregationists from the civil rights era. Such statements painting those who support religious freedom with the broad brush of bigotry are reckless and reveal a profound disregard for the religious foundation of the commissions own work.

People of faith have often been the ones to carry the full promise of America to the most forgotten peripheries when other segments of society judged it too costly. Can we imagine the civil rights movement without Rev. Martin Luther King Jr., Father Hesburgh and Rabbi Abraham Joshua Heschel? In places like St. Louis and Washington DC Catholic schools were integrated seven years before the Supreme Court decision in *Brown v. Board of Education*.

Jesus taught us to serve and not count the cost. The one God, Maker of heaven and earth, calls each and every person into being, loves us, and commands believers to love and show mercy to all. The idea of equality, which the chairman treats as a kind of talisman, is incomprehensible apart from the very faith that he seeks to cut off from main-stream society.

Freedom to Serve

The Church’s record is not perfect. We could have always done more. Nevertheless, Catholic priests, religious and laity serve our most struggling communities in places abandoned by a “throw away culture” that has too often determined that quick profits matter more than communities. We are there offering education, health care, social services and hope, working to serve as the “field hospital” Pope Francis has called us to be. We advocate for the dignity of all persons, a dignity that includes a life free from violence and persecution and that includes fair access

to good jobs and safe housing. Rest assured, if people of faith continue to be marginalized, it is the poor and the vulnerable who will suffer.

Catholic social service workers, volunteers and pastors don't count the cost in financial terms or even in personal safety. However, we must count the cost to our own faith and morality. We do not seek to impose our morality on any one, but neither can we sacrifice it in our own lives and work. The vast majority of those who speak up for religious liberty are merely asking for the freedom to serve others as our faith asks of us.

A tobacco control organization would not hire an advocate for smoking, and an animal rights group may wish to hire only vegetarians. In a similar way, we ask that the work of our institutions be carried out by people who believe in our mission and respect our Christian witness. A pluralistic and religiously diverse society should make room for people of faith, who are a source of American strength. But the chairman's statement, suggesting that the U.S. Civil Rights Commission no longer sees the United States as a pluralistic society, may well be a harbinger of dire challenges to religious freedom.

Let us keep this in mind as we join with fellow citizens in shaping our nation's future. We respect those who disagree with what we teach. Can they respect us?

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