

February 16, 2017

US House of Representatives  
Committee on the Judiciary  
Subcommittee on the Constitution and Civil Justice  
H2-362 Ford House Office Building  
Washington, DC 20515

Dear Chairman King, Ranking Member Cohen and Members of the Subcommittee:

I write today to add perspective to your hearing on the important subject, "State of Religious Liberty in America."

For more than 40 years, Catholics for Choice has served as a voice for the great majority of Catholics who believe that the Catholic tradition supports a woman's moral and legal right to follow her conscience on matters of important personal decisions, including reproductive health decisions. Throughout the world, we strive to be an expression of Catholicism as it is lived by ordinary people. We represent those who believe that Catholic teachings on conscience mean that every individual must follow his or her own conscience and that it is wrong to impede another's conscience-based decision-making. While religious voices and traditions are a vital part of public discourse, religious views cannot be given disproportionate weight in public policy discussions nor can government favor a particular set of religious beliefs. We believe in a world where all voices—the voices of the religious and of the secular, of Catholics and non-Catholics alike—are heard in discussions of public policy.

Catholic tradition also upholds the right of employees to work in environments that respect their dignity as human beings and that are free from discrimination. Denying a woman healthcare coverage simply because of where she works is discriminatory and despicable. Firing an employee because they love a same sex partner or received in vitro fertilization to start their family is contemptible. Using religion as a tool to single out and control the behavior of those whose beliefs are different from ours is wrong and antithetical to our long-standing tradition of protecting human dignity. As Catholics, we are called by our faith to follow our consciences in all matters of moral decision-making and to respect the right of others to do the same.

True religious freedom is an expansive rather than restrictive idea. It has two sides, freedom of religion and freedom *from* religion. Protecting religious liberty is not about telling people what they can and cannot believe or practice, and it is not a license to practice one's beliefs in ways that diminish other's practice of their beliefs. True religious freedom protects the right of all members of society—no matter their beliefs—to live their lives free of religious interference. The protections in place to preserve religious freedom and protect religious expression do not—and cannot be considered to—permit religious institutions or individuals to obstruct or coerce the exercise of another's conscience.

**PRESIDENT**

Jon O'Brien

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Recent decisions and policies threaten to warp the cherished notion of religious freedom into either the freedom to impose one's beliefs on another or the enshrinement of specific religious beliefs into the fabric of law. The Supreme Court's decisions on *Hobby Lobby v. Burwell* and their indecision on *Zubik v. Burwell* spelled disaster for all those who would seek to live their lives protected by the strong separation of church and state. The wider battle we now must fight is against the gross distortion of religious freedom that lies at the heart of these decisions. For it is incredible to suggest that an "institution" has a conscience. Institutions do not have consciences—individuals do. Those perpetuating this false notion of religious liberty are simply wrong, and certainly do not have the support of the majority of the American people.

The United States Conference of Catholic Bishops (USCCB), the lobbying arm of the bishops, celebrated the *Hobby Lobby* ruling with a promise "to redouble our efforts to build a culture that fully respects religious freedom." However, the bishops' version of religious liberty does not reflect what the vast majority of Americans, both Catholics and non-Catholics, believe—that corporations don't have "religious liberty" rights. The USCCB and their allies seem more intent on protecting religious business interests than the conscience rights of individuals.

We need Congress to protect our individual religious liberty. From women's reproductive health coverage, to civil liberty rights for gay, lesbian and transgendered individuals, to safeguarding the rights of workers, patients and clients, it is critical that our elected officials stand against religious intolerance and discrimination. For protecting the freedom of conscience for each and every American regardless of what their beliefs may be—for the atheist, for the LGBTQ employee of a Catholic institution, for the sexual assault victim who seeks care at a Catholic hospital—is indeed the job of the government.

Religious freedom is not a partisan issue. It is not the exclusive property of the left or the right, or the singular province of the powerful. It belongs to each of us, and each of us is called to defend it for ourselves and our neighbor. Lawmakers of all political hues must come together to support an approach to individual conscience rights that furthers the common good. It makes sense for all those who want to provide more options to women seeking to decide when and whether to have a child. It makes sense for those who want to keep the government's involvement in healthcare to a minimum. It makes sense for those who, like Catholics adhering to our social justice tradition, want to care for the vulnerable. And it makes sense for those who think that it is the government's role to facilitate and not dictate the healthcare decisions that people want to make. Above all, it makes sense for a society that believes in freedom of religion—a right one can't claim without extending it to one's neighbor.

The bottom line is that protecting conscience rights and preserving individual religious liberty are fundamental responsibilities of our government. Protecting individual conscience, ensuring access to affordable, quality care, preserving the rights of LGBTQ individuals and ensuring that human dignity and equality before the law is continued—these are not just ideals, they are basic tenets of our society and the right thing to do. It is imperative that Congress uphold the true ideals of religious liberty and not allow religion to be forged into a tool of discrimination.

We are grateful to this Subcommittee for exploring this important subject, and appreciate the opportunity to submit testimony on behalf the majority of Catholics who disagree with the USCCB on what religious liberty means, and whose conscience matters.

Sincerely,

A handwritten signature in blue ink that reads "Jon O'Brien". The signature is written in a cursive, flowing style.

Jon O'Brien  
President