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Why a religious exemption would not open the floodgates

Kirsten Powers USA Today Religion News Service | Jul. 11, 2014
Commentary

Fourteen religious leaders set off a firestorm last week when they sent President Barack Obama a letter [1] requesting a religious exemption in his planned executive order banning discrimination by government contractors against employees on the basis of sexual orientation or gender identity.

The National Center for Lesbian Rights' Kate Kendell said, "This would be a catastrophic erosion of non-discrimination protections." Activist John Becker wrote, "We *must* tell President Obama loud and clear: no special rights for religious bigotry!!!"

On her July 2 show, Rachel Maddow asserted the letter was just part of "the floodgates ... already opening" from the Supreme Court's Hobby Lobby decision. The genesis of the letter, she said, was about conservatives grabbing "every other conceivable advantage ... by calling what they want to do that's otherwise against the law a variety of religious freedom." Supporters of lesbians, gays, bisexuals and transgenders -- from Think Progress to Daily Kos -- echoed the claim that the Hobby Lobby decision had ushered in Armageddon for gay rights.

But a few facts get in the way:

- The letter isn't exactly a conservative manifesto. Michael Wear, a former Obama campaign aide who worked in his White House for three years, rounded up the signatories. Many of the signers are close to the president, including pastor Joel Hunter, who prays regularly with the president; Fr. Larry Snyder, the head of Catholic Charities who served on the president's faith-based council; and Stephen Schneck, co-chair of Catholics for Obama in 2012.
- It has nothing to do with the Hobby Lobby ruling. This should have been obvious. There is no scenario in which 14 diverse leaders of anything would sign off on a letter within hours of a Supreme Court ruling. Wear told me, "The letter was in the works weeks before."
- Religious organizations have long enjoyed exemptions for their hiring practices. Hobby Lobby didn't change that. Indeed, a religious exemption was included in the Employment Non-Discrimination Act supported by Senate Democrats and gay rights groups.

Exemption opponents claim it would relegate gays to second-class citizens. But religious institutions in the U.S. already enjoy exemptions to discriminate in hiring, including refusing to hire women in senior leadership. Somehow, 51 percent of the population has managed to survive in the face of this alleged atrocity.

Without an exemption in Obama's executive order, we could see many religious organizations that provide social services to the most needy losing government contracts because they act on the dictates of their faith. Century-old Catholic Charities, which serves more than 10 million Americans a year, could lose critical government funding to help people in desperate need. This disregard for the poor who are served by religious organizations is astounding.

The letter's signatories made a simple request: that "religious organizations will not be automatically

disqualified or disadvantaged in obtaining contracts because of their religious beliefs." Sounds reasonable. Too bad the reaction wasn't.

[Kirsten Powers writes for *USA Today*.]

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