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Connecticut fight a lesson for religious freedom campaign

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Archbishop William Lori following the opening Mass for the U.S. bishops' Fortnight for Freedom,outside the Basilica of the National Shrine of the Assumption of the Blessed Virgin Mary in Baltimore June 21 (CNS/Catholic Review/Tom McCarthy Jr.)

Analysis

In April, the bishops' Ad Hoc Committee on Religious Liberty released the document "Our First, Most Cherished Liberty," which calls attention to a host of recent threats to religious freedom. One of the items mentioned was a 2009 effort in Connecticut to rewrite the laws by which Catholic churches are incorporated under state law. The bishops, and all Catholics, are well-advised to examine the kerfuffle in Connecticut in 2009, but not necessarily for the reasons Baltimore Archbishop William Lori, head of the ad hoc committee and, in 2009, bishop of Bridgeport, Conn., suggests.

In 2009, two state legislators announced their intention to re-examine the incorporation laws for churches in the state of Connecticut. "For reasons that are unclear," Connecticut has "laws on the books singling out particular religions and treating them differently from other religions in our statutes," State Sen. Andrew McDonald and State Rep. Michael Lawlor said at the time. "That doesn't seem right. In fact, many of our existing corporate laws dealing with religious groups appear to us to be unconstitutional under the rights guaranteed by the First Amendment of the U.S. Constitution."

McDonald, who has since left the legislature, also indicated that he was responding to concerns raised by constituents in his district: Parish priests in Stamford and Greenwich, both in

Lori's diocese, had absconded with hundreds of thousands of dollars from church coffers and parishioners wanted to know what could be done about it.

Lori tends not to mention that complicating factor when narrating the 2009 events.

McDonald and Lawlor drafted a proposal that would more closely approximate Connecticut incorporation statutes from the 19th century, statutes that provided for significant lay oversight of church finances. McDonald and Lawlor conceded that their proposal was likely unconstitutional, but they argued that any special treatment of different religious organizations was likely unconstitutional.

There was widespread sentiment in the legislature that the proposals would not go anywhere; State Sen. Andrew Maynard, who disagreed with the proposal, told NCR, "If you want to give your money to an organization with no meaningful oversight, that's your business, and you can't expect the legislature to save you." Still, a hearing was scheduled before the Senate Judiciary Committee.

The Connecticut Catholic Conference, with Lori in the lead, organized one of the largest protests in the history of the state. The state capitol building was "flooded" with people, Maynard said. He received hundreds of emails and phone calls. The activism "left a bad taste in our mouths," Maynard recalled.

In six years in the legislature, Maynard said, the Connecticut Catholic Conference has never personally lobbied him on any social justice issue. "They send letters" about helping the poor, he said. "It would be nice if the Catholic Conference showed up at the Appropriations Committee where we are trying to do what we were taught is the work of the Gospels."

The proposed rewrite of the incorporation statues never had a hearing and, in fact, the Catholic rally on the capital steps occurred after the legislation was withdrawn.

There are two narratives about the 2009 struggle and they are not mutually exclusive. "It was frivolous," said Paul Lakeland of Jesuit-run Fairfield University in Fairfield, Conn. "I don't think [McDonald] ever thought it would go anywhere."

But it was also payback. The Catholic church had been prominent in the effort to defeat same-sex marriage in the state legislature and McDonald is openly gay. "The bishops had played so dirty in the same-sex marriage debate," Lakeland said. One legislator told NCR the debate had become "highly personal" between Lori and McDonald. In his public statements about the incorporation rewrite, Lori consistently mentioned McDonald and Lawlor by name and both men received death threats.

"Come to think of it, Senator McDonald might have done a little homework before launching his bill," Lori wrote in April 2009, indicating the kind of biting, snarky attacks Lori has unleashed during the current debate about the Obama administration's contraception mandate.

Indeed, the nastiness of the fight spilled over into the general public. A middle-school teacher whose father was a deacon was arrested on account of a vitriolic, anti-gay email he sent to the legislators that threatened violence. A white supremacist in New Jersey, Hal Turner, who hosted an Internet radio show from his prison cell where he was doing time for threatening judges, posted a blog entry that read: "It is our intent to foment direct action against these individuals personally. These beastly government officials should be made an example of as a warning to others in government: Obey the Constitution or die." Politics does not get much uglier.

Lakeland concluded, "The whole effort by Sen. McDonald was intended to embarrass the bishop, but it didn't embarrass him. It gave him the opportunity to grandstand."

What then, are the lessons of the 2009 Connecticut showdown? Clearly, the lesson Lori has learned is that a pugnacious public attitude works. But a more nuanced understanding shows why the Connecticut struggle mostly indicates what the church must avoid. Few would dispute that the church has the right to instruct Catholics and people of goodwill about the common good. But in an emotionally laden issue like same-sex marriage, if the church throws hard political elbows, calls out legislators by name, allocates scarce resources for ad campaigns and protests, and otherwise behaves more like a political action committee than a church, church leaders should not be surprised to find they will make enemies. To those who do not share the church's views of what the common good demands, such hardball tactics seem like the church is trying to force its morality on the rest of society.

The Catholic church also claims that it should be exempt from laws that are passed when the commonwealth decides that it has a different understanding of the common good. But the bishops will have a hard time getting exemptions if they have spent the previous six months behaving like politicians, not pastors, making enemies and alienating friends.

The current Connecticut statutes on religious incorporation were adopted in 1949 and have been altered over time, and they contain specific provisions for Catholics, Methodists, Episcopalians and two others. Section 33-280 reads: "Property rights of Roman Catholic church. Such corporation may receive and hold all property conveyed to it for the purpose of maintaining religious worship according to the doctrine, discipline and ritual of the Roman Catholic church, and for the support of the educational or charitable institutions of that church."

Unfortunately, Connecticut's archives do not have what we would call "legislative histories," so it is not clear how that wording came about. But those interviewed for this agreed that in the late '40s and early '50s, the governor or the majority leader probably called up the bishop of Hartford, or spoke to him after a round of golf, and asked, "How do you want this to read?"

That spirit of accommodation was a function of the time, and those times are past. Liberal activist groups are not interested in doing any special favors for a church they find reactionary on issues like same-sex marriage. But whatever political activists do, the lesson to be drawn from 2009 is that when bishops act like politicians, they are going to be treated as politicians.

[Michael Sean Winters writes about religion and politics on his Distinctly Catholic blog on the NCR website, at NCRonline.org/blogs/distinctly-catholic.]

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