

*The* **BOISI CENTER** *for*  

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**RELIGION *and* AMERICAN PUBLIC LIFE**

**Symposium on Religion and Politics**

**RELIGIOUS DIVERSITY AND THE  
COMMON GOOD**

**“On the Free Exercise of Religion”**

**Reading Packet 2**

**Fall 2013**



# BOSTON COLLEGE

BOISI CENTER  
FOR RELIGION AND AMERICAN PUBLIC LIFE

## Symposium on Religion and Politics

### RELIGIOUS DIVERSITY AND THE COMMON GOOD

#### “On the Free Exercise of Religion”

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REDISCOVERING

# George Washington

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## Other Documents

### Letter to the Hebrew Congregation in Newport

**George Washington****August, 1790**

Gentlemen:

While I received with much satisfaction your address replete with expressions of esteem, I rejoice in the opportunity of assuring you that I shall always retain grateful remembrance of the cordial welcome I experienced on my visit to Newport from all classes of citizens.

The reflection on the days of difficulty and danger which are past is rendered the more sweet from a consciousness that they are succeeded by days of uncommon prosperity and security.

If we have wisdom to make the best use of the advantages with which we are now favored, we cannot fail, under the just administration of a good government, to become a great and happy people.

The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy—a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship.

It is now no more that toleration is spoken of as if it were the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights, for, happily, the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.

It would be inconsistent with the frankness of my character not to avow that I am pleased with your favorable opinion of my administration and fervent wishes for my felicity.

May the children of the stock of Abraham who dwell in this land continue to merit and enjoy the good will of the other inhabitants—while every one shall sit in safety under his own vine and fig tree and there shall be none to make him afraid.

May the father of all mercies scatter light, and not darkness, upon our paths, and make us all in our several vocations useful here, and in His own due time and way everlastingly happy.

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## Washington's Farewell Address 1796

1796

Friends and Citizens:

The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most

constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and, while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same governments, which their own rival ships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations, Northern and Southern, Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event, throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi; they have been witnesses to the formation of two treaties, that with Great Britain, and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliance, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the [Constitution](#) which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put, in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests.



However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foment occasionally riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit, which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked: Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it, avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertion in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves

ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be, that good policy does not equally enjoin it - It will be worthy of a free, enlightened, and at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another a habitual hatred or a habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation), facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils. Such an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop. Europe has a set of primary interests which to us have none; or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government. the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing (with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them) conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to

nation. It is an illusion, which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But, if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the twenty-second of April, 1793, is the index of my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

Geo. Washington.

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## Jefferson's Letter to the Danbury Baptists

### The Final Letter, as Sent

To messers. Nehemiah Dodge, Ephraim Robbins, & Stephen S. Nelson, a committee of the Danbury Baptist association in the state of Connecticut.

Gentlemen

The affectionate sentiments of esteem and approbation which you are so good as to express towards me, on behalf of the Danbury Baptist association, give me the highest satisfaction. my duties dictate a faithful and zealous pursuit of the interests of my constituents, & in proportion as they are persuaded of my fidelity to those duties, the discharge of them becomes more and more pleasing.

Believing with you that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church & State. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his social duties.

I reciprocate your kind prayers for the protection & blessing of the common father and creator of man, and tender you for yourselves & your religious association, assurances of my high respect & esteem.

Th Jefferson  
Jan. 1. 1802.

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## The Virginia Act For Establishing Religious Freedom

Thomas Jefferson, 1786

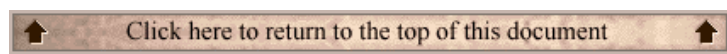
Well aware that Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, hath established and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporal rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labors for the instruction of mankind; that our civil rights have no dependence on our religious opinions, more than our opinions in physics or geometry; that, therefore, the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to the offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow citizens he has a natural right; that it tends also to corrupt the principles of that very religion it is meant to encourage, by bribing, with a monopoly of worldly honors and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles, on the supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency, will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them.

Be it therefore enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burdened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in nowise diminish, enlarge, or affect their civil capacities.

And though we well know this Assembly, elected by the people for the ordinary purposes of legislation only, have no powers equal to our own and that therefore to declare this act irrevocable would be of no effect in law, yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.

### Comment:

Thomas Jefferson drafted *The Virginia Act for Establishing Religious Freedom* in 1779 three years after he wrote the *Declaration of Independence*. The act was not passed by the General Assembly of the Commonwealth of Virginia until 1786. Jefferson was by then in Paris as the U.S. Ambassador to France. The Act was resisted by a group headed by Patrick Henry who sought to pass a bill that would have assessed all the citizens of Virginia to support a plural establishment. James Madison's *Memorial and Remonstrance Against Religious Assessments* was, and remains, a powerful argument against state supported religion. It was written in 1785, just a few months before the General Assembly passed Jefferson's religious freedom bill. Both the draft version of the [Virginia Act for Establishing Religious Freedom](#) and the [Memorial and Remonstrance Against Religious Assessments](#) are available on this site.



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**Memorial and Remonstrance  
Against Religious Assessments**

**James Madison**

[1785]

**To the Honorable the General Assembly of the Commonwealth of Virginia  
A Memorial and Remonstrance Against Religious Assessments**

**We the subscribers**, citizens of the said Commonwealth, having taken into serious consideration, a Bill printed by order of the last Session of General Assembly, entitled "A Bill establishing a provision for Teachers of the Christian Religion," and conceiving that the same if finally armed with the sanctions of a law, will be a dangerous abuse of power, are bound as faithful members of a free State to remonstrate against it, and to declare the reasons by which we are determined. We remonstrate against the said Bill,

1. **Because** we hold it for a fundamental and undeniable truth, "that religion or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable, because the opinions of men, depending only on the evidence contemplated by their own minds cannot follow the dictates of other men: It is unalienable also, because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governour of the Universe: And if a member of Civil Society, do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of Religion, no man's right is abridged by the institution of Civil Society and that Religion is wholly exempt from its cognizance. True it is, that no other rule exists, by which any question which may divide a Society, can be ultimately determined, but the will of the majority; but it is also true that the majority may trespass on the rights of the minority.

1.

2. **Because** Religion be exempt from the authority of the Society at large, still less can it be subject to that of the Legislative Body. The latter are but the creatures and vicegerents of the former. Their jurisdiction is both derivative and limited: it is limited with regard to the co-ordinate departments, more necessarily is it limited with regard to the constituents. The preservation of a free Government requires not merely, that the metes and bounds which separate each department of power be invariably maintained; but more especially that neither of them be suffered to overleap the great Barrier which defends the rights of the people. The Rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are Tyrants. The People who submit to it are governed by laws made neither by themselves nor by an authority derived from them, and are slaves.
3. **Because** it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of Citizens, and one of the noblest characteristics of the late Revolution. The free men of America did not wait till usurped power had strengthened itself by exercise, and entagled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much soon to forget it. Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? that the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?
4. **Because** the Bill violates the equality which ought to be the basis of every law, and which is more indispensable, in proportion as the validity or expediency of any law is more liable to be impeached. If "all men are by nature equally free and independent," all men are to be considered as entering into Society on equal conditions; as relinquishing no more, and therefore retaining no less, one than another, of their natural rights. Above all are they to be considered as retaining an "equal title to the free exercise of Religion according to the dictates of Conscience." Whilst we assert for ourselves a freedom to embrace, to profess and to observe the Religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offence against God, not against man: To God, therefore, not to man, must an account of it be rendered. As the Bill violates equality by subjecting some to peculiar burdens, so it violates the same principle, by granting to others peculiar exemptions. Are the quakers and Menonists the only sects who think a compulsive support of their Religions unnecessary and unwarrantable? can their piety alone be entrusted with the care of public worship? Ought their Religions to be endowed above all others with extraordinary privileges by which proselytes may be enticed from all others? We think too favorably of the justice and good sense of these demoninations to believe that they either covet pre-eminences over their fellow citizens or that they will be seduced by them from the common opposition to the measure.

5. **Because** the Bill implies either that the Civil Magistrate is a competent Judge of Religious Truth; or that he may employ Religion as an engine of Civil policy. The first is an arrogant pretension falsified by the contradictory opinions of Rulers in all ages, and throughout the world: the second an unhallowed perversion of the means of salvation.
6. **Because** the establishment proposed by the Bill is not requisite for the support of the Christian Religion. To say that it is, is a contradiction to the Christian Religion itself, for every page of it disavows a dependence on the powers of this world: it is a contradiction to fact; for it is known that this Religion both existed and flourished, not only without the support of human laws, but in spite of every opposition from them, and not only during the period of miraculous aid, but long after it had been left to its own evidence and the ordinary care of Providence. Nay, it is a contradiction in terms; for a Religion not invented by human policy, must have pre-existed and been supported, before it was established by human policy. It is moreover to weaken in those who profess this Religion a pious confidence in its innate excellence and the patronage of its Author; and to foster in those who still reject it, a suspicion that its friends are too conscious of its fallacies to trust it to its own merits.
7. **Because** experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation. During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy, ignorance and servility in the laity, in both, superstition, bigotry and persecution. Enquire of the Teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect, point to the ages prior to its incorporation with Civil policy. Propose a restoration of this primitive State in which its Teachers depended on the voluntary rewards of their flocks, many of them predict its downfall. On which Side ought their testimony to have greatest weight, when for or when against their interest?
8. **Because** the establishment in question is not necessary for the support of Civil Government. If it be urged as necessary for the support of Civil Government only as it is a means of supporting Religion, and it be not necessary for the latter purpose, it cannot be necessary for the former. If Religion be not within the cognizance of Civil Government how can its legal establishment be necessary to Civil Government? What influence in fact have ecclesiastical establishments had on Civil Society? In some instances they have been seen to erect a spiritual tyranny on the ruins of the Civil authority; in many instances they have been seen upholding the thrones of political tyranny: in no instance have they been seen the guardians of the liberties of the people. Rulers who wished to subvert the public liberty, may have found an established Clergy convenient auxiliaries. A just Government instituted to secure & perpetuate it needs them not. Such a Government will be best supported by protecting every Citizen in the enjoyment of his Religion with the same equal hand which protects his person and his property; by neither invading the equal rights of any Sect, nor suffering any Sect to invade those of another.

9. **Because** the proposed establishment is a departure from the generous policy, which, offering an Asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy? Instead of holding forth an Asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the Legislative authority. Distant as it may be in its present form from the Inquisition, it differs from it only in degree. The one is the first step, the other the last in the career of intolerance. The magnanimous sufferer under this cruel scourge in foreign Regions, must view the Bill as a Beacon on our Coast, warning him to seek some other haven, where liberty and philanthropy in their due extent, may offer a more certain repose from his Troubles.
10. **Because** it will have a like tendency to banish our Citizens. The allurements presented by other situations are every day thinning their number. To superadd a fresh motive to emigration by revoking the liberty which they now enjoy, would be the same species of folly which has dishonoured and depopulated flourishing kingdoms
11. **Because** it will destroy that moderation and harmony which the forbearance of our laws to intermeddle with Religion has produced among its several sects. Torrents of blood have been split in the old world, by vain attempts of the secular arm, to extinguish Religious discord, by proscribing all difference in Religious opinion. Time has at length revealed the true remedy. Every relaxation of narrow and rigorous policy, wherever it has been tried, has been found to assuage the disease. The American Theatre has exhibited proofs that equal and compleat liberty, if it does not wholly eradicate it, sufficiently destroys its malignant influence on the health and prosperity of the State. If with the salutary effects of this system under our own eyes, we begin to contract the bounds of Religious freedom, we know no name that will too severely reproach our folly. At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the Bill has transformed "that Christian forbearance, love and chairty," which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased. What mischiefs may not be dreaded, should this enemy to the public quiet be armed with the force of a law?
12. **Because** the policy of the Bill is adverse to the diffusion of the light of Christianity. The first wish of those who enjoy this precious gift ought to be that it may be imparted to the whole race of mankind. Compare the number of those who have as yet received it with the number still remaining under the dominion of false Religions; and how small is the former! Does the policy of the Bill tend to lessen the disproportion? No; it at once discourages those who are strangers to the light of revelation from coming into the Region of it; and countenances by example the nations who continue in darkness, in shutting out those who might convey it to them. Instead of Levelling as far as possible, every obstacle to the victorious progress of Truth, the Bill with an ignoble and unchristian timidity would circumscribe it with a wall of defence against the encroachments of error.
13. **Because** attempts to enforce by legal sanctions, acts obnoxious to go great a proportion of Citizens, tend to enervate the laws in general, and to slacken the



bands of Society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case, where it is deemed invalid and dangerous? And what may be the effect of so striking an example of impotency in the Government, on its general authority?

14. **Because** a measure of such singular magnitude and delicacy ought not to be imposed, without the clearest evidence that it is called for by a majority of citizens, and no satisfactory method is yet proposed by which the voice of the majority in this case may be determined, or its influence secured. The people of the respective counties are indeed requested to signify their opinion respecting the adoption of the Bill to the next Session of Assembly." But the representatives or of the Counties will be that of the people. Our hope is that neither of the former will, after due consideration, espouse the dangerous principle of the Bill. Should the event disappoint us, it will still leave us in full confidence, that a fair appeal to the latter will reverse the sentence against our liberties.
15. **Because** finally, "the equal right of every citizen to the free exercise of his Religion according to the dictates of conscience" is held by the same tenure with all our other rights. If we recur to its origin, it is equally the gift of nature; if we weigh its importance, it cannot be less dear to us; if we consult the "Declaration of those rights which pertain to the good people of Virginia, as the basis and foundation of Government," it is enumerated with equal solemnity, or rather studied emphasis. Either the, we must say, that the Will of the Legislature is the only measure of their authority; and that in the plenitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred: Either we must say, that they may controul the freedom of the press, may abolish the Trial by Jury, may swallow up the Executive and Judiciary Powers of the State; nay that they may despoil us of our very right of suffrage, and erect themselves into an independent and hereditary Assembly or, we must say, that they have no authority to enact into the law the Bill under consideration.

**We the Subscribers say**, that the General Assembly of this Commonwealth have no such authority: And that no effort may be omitted on our part against so dangerous an usurpation, we oppose to it, this remonstrance; earnestly praying, as we are in duty bound, that the Supreme Lawgiver of the Universe, by illuminating those to whom it is addressed, may on the one hand, turn their Councils from every act which would affront his holy prerogative, or violate the trust committed to them: and on the other, guide them into every measure which may be worthy of his [blessing, may re]dound to their own praise, and may establish more firmly the liberties, the prosperity and the happiness of the Commonwealth.

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**Comment:**

"Madison's Memorial and Remonstrance was written in opposition to a bill, introduced into the General Assembly of Virginia, to levy a general assessment for the support of teachers of

religions. The assessment bill was tabled, and in its place the legislature enacted Jefferson's Bill for Religious Liberty." ( Source: Hensel, Jaye B., Ed., *Church, State, and Politics* Washington D.C. Final Report of the 1981 Chief Justice Earl Warren Conference on Adovcacy in the United States)

Thomas Jefferson had drafted *The Virginia Act for Establishing Religious Freedom* in 1779 three years after he wrote the *Declaration of Independence*. The act was not passed by the General Assembly of the Commonwealth of Virginia until 1786. Jefferson was by then in Paris as the U.S. Ambassador to France. The Act was resisted by a group headed by Patrick Henry who sought to pass a bill that would have assessed all the citizens of Virginia to support a plural establishment. James Madison's *Memorial and Remonstrance Against Religious Assessments* was, and remains, a powerful argument against state supported religion. It was written in 1785, just a few months before the General Assembly passed Jefferson's religious freedom bill.

Both the final version of the [\*Virginia Act for Establishing Religious Freedom\*](#) and the 1779 [draft](#) are available on this site.

[http://religiousfreedom.lib.virginia.edu/sacred/madison\\_m&r\\_1785.html](http://religiousfreedom.lib.virginia.edu/sacred/madison_m&r_1785.html)



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U.S. NEWS

# Some Businesses Balk at Gay Weddings

*Photographers, Bakers Face Legal Challenges After Rejecting Jobs on Religious Grounds*

By NATHAN KOPPEL and ASHBY JONES

Updated Oct. 3, 2013 3:29 p.m. ET



Colorado baker Jack Phillips declines on religious grounds to work on gay weddings. *Matthew Staver for The Wall Street Journal*

As more states permit gay couples to marry or form civil unions, wedding professionals in at least six states have run headlong into state antidiscrimination laws after refusing for religious reasons to bake cakes, arrange flowers or perform other services for same-sex couples.

The issue gained attention in August, when the New Mexico Supreme Court ruled that an Albuquerque photography business violated state antidiscrimination laws after its owners declined to snap photos of a

lesbian couple's commitment ceremony.

Similar cases are pending in Colorado, Illinois, New York, Oregon and Washington, and some experts think the underlying legal question—whether free-speech and religious rights should allow exceptions to state antidiscrimination laws—could ultimately wind its way to the U.S. Supreme Court.

Religious-rights advocates argue that the Constitution affords people the right to abstain from a ceremony that violates their religious beliefs. "It's an evisceration of our freedom of association," said John Eastman, the chairman of the National Organization for Marriage, a group opposed to legalizing same-sex marriage.



David Mullins, right, with Charlie Craig *Associated Press*

## Laws in Conflict

Same-sex marriages have highlighted tensions between antidiscrimination and free-speech measures:

Laws in many states ban businesses from discriminating against people based on their sexual orientation.

### *versus*

The free-speech clause in the First Amendment may protect people from being compelled to speak in favor of issues with which they disagree.

The First Amendment also protects the right to 'freely exercise' one's religion.

Laws in some states restrict the government from hindering the free exercise of religion.

Supporters of gay marriage argue that the businesses objecting to working on same-sex ceremonies face an uphill battle, as courts are likely to view the cases as a matter of civil rights. They say the U.S. Supreme Court has already addressed the issues in question on several occasions when it rejected arguments against laws requiring businesses to serve African-Americans.

"This really isn't a new fight," said Jennifer Pizer, a director with Lambda Legal, a nonprofit civil-rights organization that advocates on behalf of same-sex couples seeking the right to marry.

In the New Mexico case, the state Supreme Court rejected a claim by Jonathan and Elaine Huguenin, the owners of Elane Photography, who argued that they shouldn't be forced to create images that tell "a positive and approving" story about a ceremony they find objectionable.

The couple declined to discuss the case. Jordan Lorence, their lawyer, said he would appeal to the U.S. Supreme Court. "Americans are now on notice that the price of doing business is their freedom," he said.

Vanessa Willock, who filed a discrimination complaint after learning that Elane Photography wouldn't photograph her commitment ceremony, said in a statement that she was grateful that the New Mexico Supreme Court "has ensured

that we may all walk with dignity."

In Colorado, baker Jack Phillips, the owner of Masterpiece Cakeshop in Lakewood outside Denver, is facing state sanctions for refusing to work on same-sex weddings, after he acknowledged telling about a half-dozen patrons that his Christian beliefs prevented him from baking wedding cakes for such

ceremonies.

"We were mortified by the experience," said David Mullins, a gay man whose offer of business was declined by Mr. Phillips last year and subsequently filed a discrimination complaint.

Mr. Phillips declined to be interviewed. In an email he sent to friends earlier this year, which his lawyer confirmed was authentic, he wrote that his refusal to bake cakes for same-sex weddings is not motivated by a "hatred of gays" but rather "a desire to live my life in obedience to [God] and His Word."

In Oregon, bakery owners Aaron and Melissa Klein learned in August that a state complaint had been filed against them because they had refused to bake a wedding cake for a lesbian couple. A lawyer for the Kleins, who declined to comment, said the couple has done business with gay people for years, but didn't want to be forced to participate in an event contrary to their Christian beliefs, especially given that same-sex marriage still isn't legal in Oregon.

"My clients are simply saying that we have the right to live, work and operate our business according to our principles," said the lawyer, Herb Grey.

The lesbian couple who filed a complaint against the Kleins declined to comment. Their lawyer, Paul Thompson, said his clients "were humiliated and treated unlawfully."

In Washington, the state attorney general sued florist Barronelle Stutzman after she declined to provide wedding floral arrangements for a gay couple. The couple, Robert Ingersoll and Curt Freed, sued as well, despite having been loyal customers of the Richland, Wash., business, Arlene's Flowers, for years.

"We had to do something," said Mr. Freed. "No one should have to go through the kind of hurt, disappointment and embarrassment that we went through."

Ms. Stutzman countersued Washington in August, claiming the U.S. and state constitutions protect her from being forced to perform actions contrary to her "religious beliefs and her conscience." She also argued that the state, in forcing her to "use her artistic skill to personally craft expressive floral arrangements" for a same-sex wedding, violated her free-speech rights.

"There are plenty of florists who could provide arrangements for same-sex weddings," said her lawyer, Dale Schowengerdt. "The state has no good reason to cause my client to violate her own conscience."

**Write to** Nathan Koppel at [nathan.koppel@wsj.com](mailto:nathan.koppel@wsj.com) and Ashby Jones at [ashby.jones@wsj.com](mailto:ashby.jones@wsj.com)

### **Corrections & Amplifications**

An earlier version of this article incorrectly referred to Paul Thompson, a male lawyer quoted in the article, by the pronoun "her."

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## BUSINESS

# Religious-Discrimination Claims on the Rise

## *Complaints Include Dress Codes, Working on the Sabbath, Handling Alcohol*

By MELANIE TROTTMAN

Oct. 27, 2013 7:36 p.m. ET



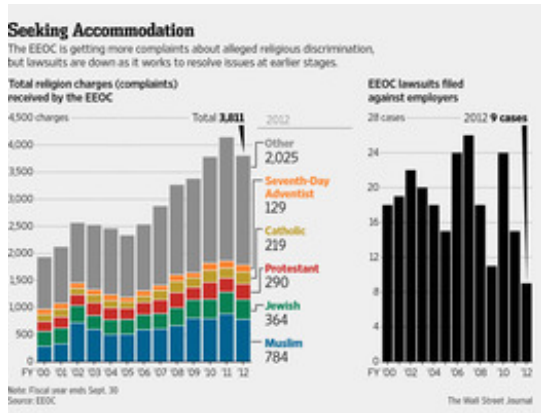
Umme-Hani Khan was fired from Abercrombie after a manager said her hijab violated the 'Look Policy.'  
*Lori Eanes for The Wall Street Journal*

Employee claims of religious discrimination have climbed as the U.S. and workers' expressions of faith have grown more diverse, creating legal headaches for companies and exposing the complexities of managing religion on the job.

Companies big and small are being affected by the complex intermixing of work and faith. The trend toward a seven-day workweek sometimes treads on the Sabbath. Religious garb and grooming clash with dress codes. Job duties that intersect with changing public policies—for instance, issuing a marriage



license to a gay couple—test some workers' adherence to their religious beliefs.



The claims workers file with the Equal Employment Opportunity Commission can be surprisingly wide ranging. One recent EEOC lawsuit based on a worker claim involves a trucking company with Muslim drivers who objected to delivering alcohol because of their Islamic faith. Another suit, filed last month, involves biometric hand-scanning technology: An evangelical Christian employee at a mine opposed the scanning based on a Bible passage stating that the antichrist will force people to receive his mark on their hand or forehead.

Experts on religion and the law attribute the rising conflict to immigration, a more open discussion of religion and workers' growing assertiveness. Diversity combines with "an increasing willingness of people to raise an issue" when, for instance, they believe an employer won't let them practice their religion, says Joyce Dubensky, chief executive of the Tanenbaum Center for Interreligious Understanding, a secular organization in New York that studies diversity.

Compared with claims of age, sex, race and disability discrimination, religion-based complaints are still a small portion of the workplace-bias complaints, known as charges, that the Equal Employment Opportunity Commission receives. But they have more than doubled over the past 15 years and have grown at a faster clip.

The EEOC received 3,811 religion-based complaints in fiscal 2012, the second-highest level ever and just below the record 4,151 in 2011. By comparison, complaints involving race or sex each totaled more than 30,000 in 2012. The agency says it tries to resolve the complaints before filing suits on a worker's behalf.

While the overall numbers are relatively low, Ms. Dubensky says she believes religious discrimination is underreported. "Many people are afraid that reporting it will negatively affect their careers and others are unaware of their rights," she says.

The religion-based disputes can be complex, says Jeanne Goldberg, senior attorney adviser with the EEOC. "There are endless twists and turns."

Part of the surge comes from employees—Muslims, Christians, Seventh-Day Adventists and others—who were denied requests to avoid work on Sabbath days. Conflicts also have erupted over workers' appearance, particularly in jobs requiring uniforms, involving food preparation and in image-focused fashion retailing.

Workers say managers have unlawfully told them not to wear hijabs, which are the head scarves worn by many Muslim women; long skirts prevalent among Christian Pentecostal women; beards or turbans often worn by Sikhs; and religious piercings and tattoos.

## Audio

Melanie Trottman tells WSJ's Mathew Passy about the rise in religious discrimination claims

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Over the past several years, the EEOC has filed religious-discrimination lawsuits against companies in the fast-food, hair-salon, aviation, hotel, retail, medical and health-services industries. Many employers have settled, including Wal-Mart Stores Inc. and clothing chain Abercrombie & Fitch Co., generally paying tens of thousands of dollars to a worker and conducting religious discrimination training even if they deny wrongdoing.

Last month Abercrombie agreed to pay \$71,000 to two Muslim women to settle EEOC lawsuits involving their hijabs. One case involved a woman, Umme-Hani Khan, who was fired after a manager said her hijab violated the company's "Look Policy" dress code. The other suit alleged that Abercrombie refused to hire an applicant who wore a hijab. The combined settlement followed separate rulings against Abercrombie in federal court in California.

The EEOC doesn't win every fight. In a separate EEOC case alleging that Abercrombie didn't hire an applicant because she wears a hijab, a federal court sided with the EEOC, but the federal appeals court in Denver overturned the ruling. The appeals court said the applicant, who wore a hijab to her interview, hadn't told Abercrombie she wore the scarf because of religious beliefs and hadn't informed the company she would need an accommodation because the scarf conflicted with the dress code.

EEOC spokeswoman Kimberly Smith-Brown said, "we are disappointed over the ruling and considering our next steps."

Abercrombie said it is "pleased" the court agreed that "in this case we believed that no request was ever made." In a written statement, Abercrombie said, "We are happy that all of the hijab cases have now been resolved." It said the company "does not discriminate based on religion," and grants "reasonable accommodations when they are requested, including requests to wear hijabs."

Under the settlement, it will establish an appeals process for accommodation requests that are denied, inform applicants that exceptions to its "Look Policy" may be available, and discuss head scarves during manager training, the EEOC said. Abercrombie must also regularly review its religious accommodation decisions to ensure they are consistent and report to the EEOC twice a year, the agency said.

The overall rise in complaints is raising questions about how far religious liberties should extend. Hiram Sasser, litigation director for the conservative Liberty Institute, a Plano, Texas, organization that defends religious freedom, said the law is clear: "Your religious liberty extends all the way to the point of it creating an 'undue hardship' in business."

Title VII of the Civil Rights Act of 1964 generally forbids considering religion in making employment decisions and requires employers to reasonably accommodate workers' religion-based requests—as long as it doesn't cause an undue hardship.

But when it comes to defining undue hardship, Mr. Sasser and other lawyers say, the details are tricky

and the burden of proof is on the employer. It is loosely defined as resulting in more than minimal costs or burden to accommodate a worker, which includes causing drops in efficiency or safety, burdening other employees or incurring certain expenses, according to federal regulations and EEOC guidelines.

However, the EEOC's guidelines lack specifics. Decisions "must be made by considering the particular factual context of each case," the guidelines say.

In May, the EEOC sued Star Transport Inc. alleging that the trucking company fired two Muslim employees who refused to deliver alcohol. The agency said its investigation showed the two could have been assigned to deliver other products without undue hardship. The suit is pending. Star Transport, a closely held company in Morton, Ill., didn't respond to requests for comment.

Accommodations can include flexible schedules, shift swapping or reassignment to another job or department. The costs of rearranging schedules and occasionally paying overtime generally don't constitute hardship. Regularly paying overtime or a need to hire more workers generally do constitute hardship.

The size of a business can matter. In its guidance, the EEOC says an employer with multiple facilities might be more able to accommodate a worker who requests a transfer to a location with a nearby place of worship to attend during lunch.

Cost isn't always the issue. Sometimes workers ask employers to designate space or time to pray at the office.

What is clear is that employers' concern about customer reactions isn't a legal defense, though some companies mistakenly think so, said Ms. Goldberg, of the EEOC. "It's a 40-year-old legal precedent," she said.

She also said that in trying to be fair, managers might be breaking the law because "from a nondiscrimination standpoint, a lot of managers have been taught: Treat everybody the same." Employees must also be flexible, and their beliefs must be genuine, which could be hard to prove or disprove.

Some experts believe that often there must be a substantial cost or inconvenience for a company to refuse to accommodate an employee. "If you are a company that has a 10-person department and they all want to take off for their Sabbath, and it would put your business under, you can tell them it's an undue hardship," said Mr. Sasser.

Late last month, the EEOC sued Consol Energy Inc. and its Consolidation Coal unit in Canonsburg, Pa., in the case involving the worker who objected to biometric hand scanning based on a Bible passage warning against the mark of the antichrist. The scanner was used to track workers' time, the EEOC said. In the suit, the EEOC alleged that the company didn't accommodate the employee and said that he was pushed to retire, even though the company had made exceptions for two others with missing fingers.

Consol Energy wouldn't comment specifically on pending litigation but said the company respects "our

employees' rights to their sincerely held religious beliefs." The company said it installed the scanners at several mines to ensure accurate compensation of workers, and makes "reasonable accommodations" when it is "appropriate."

Last year, Wal-Mart agreed to pay \$70,000 and to train human-resource staff to settle an EEOC lawsuit alleging that Richard Nichols, a Mormon and an assistant manager at Wal-Mart's Colville, Wash., store, was disciplined and threatened with firing for refusing to work on Sundays, his Sabbath.

For 14 years, the company, based in Bentonville, Ark., had granted Mr. Nichols Sundays off but stopped in 2009 when Wal-Mart revised its scheduling system, the EEOC said. The company started logging him absent on the Sundays when he didn't show up because he was unable to swap shifts with others, the agency said.

Spokesman Randy Hargrove said Wal-Mart "has a long-standing practice of accommodating our associates' religious beliefs and practices" and followed EEOC guidance. He said Mr. Nichols stopped trying to swap shifts and didn't show up when scheduled on Sundays.

"We refute that we disciplined him or threatened to terminate him," Mr. Hargrove said.

Mr. Nichols said Wal-Mart made it difficult for him to swap and that he gave advance notice when he wasn't able to switch. "I couldn't swap with a cart pusher," said Mr. Nichols, now 68, who no longer works for Wal-Mart.

Despite a rise in complaints, the EEOC has filed fewer religion-based lawsuits in the past few years as it pushes to resolve complaints at earlier stages and educate employers. The agency filed nine lawsuits in fiscal 2012, which ended Sept. 30, 2012, the latest annual statistics available. That was down from 15 the year before and 24 in fiscal 2010. The suits and the settlements, which often require training, serve "as a teaching example for other employers," Ms. Goldberg said.

Religious charges involving Muslims remain relatively high after surging following the Sept. 11 terrorist attacks. Complaints doubled in fiscal 2002 from the year before, jumping to 28% of the total religious complaints from 15.5%. Muslims represent less than 1% of U.S. residents. The EEOC has accused some employers of illegally ignoring harassment, including physical abuse and taunts, such as "camel jockey" and "terrorist."

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## HOUSES OF WORSHIP

# The Constitution Protects My Snake-Handling

*It's an exotic religious practice to many, yes, but no less deserving of protection.*

By JAMIE COOTS

Oct. 3, 2013 7:20 p.m. ET

When riots broke out in France this summer over the country's prohibition on Muslim veils, many Americans looked on in disbelief. Such a violation of religious liberty would never be tolerated in the United States, a nation founded as a place where victims of religious persecution could worship freely. I once thought the same thing.

That changed in 2008, when I was arrested for observing my faith. My crime? Possessing snakes.

As pastor at the Full Gospel Tabernacle in Jesus Name, a Pentecostal church in Middlesboro, Ky., I and my congregants regularly handle venomous snakes such as copperheads and rattlesnakes as part of our services. This might seem strange, but it's no less worthy of legal protection than the more common traditions observed by Jews, Muslims and mainstream Christians. In fact, as members of a small and unpopular religious minority, congregants of serpent-handling churches are precisely the sort of worshipers that the Constitution was designed to protect.

In many ways, serpent-handling churches are no different from other religious communities. Members of my church gather to seek guidance, give thanks and, more than anything, worship God. While the snakes attract the most attention, serpent handling is just one aspect of our services—and a tradition that has been observed in churches throughout Appalachia, from southern New York to northern Alabama, for more than a century.

The inspiration for serpent handling comes from the Bible. In Mark 16:18, Jesus commands his disciples to "take up serpents" without fear. In Luke 10:19, Jesus gives his followers the "power to tread on serpents" and assures us that "nothing shall by any means hurt you." For us, this commandment is no less important than any other.

Unlike members of other religious communities, however, I have found that fulfilling my duties as a church leader has repeatedly landed me in trouble with the law.

In 2008, I was arrested in my home after Kentucky officials found 74 snakes on my property. This year, in February, I was sentenced to a year's probation after driving through Tennessee with snakes. Although they were purchased legally in Alabama, Tennessee permits only zoos and educational institutions to possess venomous snakes.

Because these snakes can pose a health threat, handling them publicly is virtually prohibited in every state except West Virginia. So practicing my faith remains a crime across the country. In my home state of Kentucky, using "any kind of reptile in connection with any religious service" is prohibited.

While the risk of arrest hasn't weakened my religious conviction, it has forced me to question America's commitment to religious liberty.

Consider Christian Science. An adult who practices the religion is well within his rights to refuse medical treatment, even if doing so endangers his life. Shouldn't my congregants have the right to handle snakes, even if the behavior is risky? (Just as today's Christian Scientists recognize that they must accept medicine for their children, my church bars children from handling snakes.)

Imagine if child services intervened every time Jewish parents withheld food and water from their teenage children during Yom Kippur. This would never happen, just as authorities would never dream of shutting down a Catholic church for serving wine without a license during Mass.

For those who belong to churches like mine, charging a pastor with a crime for transporting and possessing snakes is just as outrageous.

The only difference between these examples is that, unlike fasting on Yom Kippur or accepting wine during Mass, the religious use of snakes is uncommon. What's more, the Pentecostal churches that practice serpent handling are mostly found in places like Middlesboro, a small Appalachian city racked by widespread drug abuse and economic hardship.

This makes our church an easy target for mistreatment by authorities. It's also why protecting worshipers like me and my congregants from religious intolerance is essential.

As even schoolchildren know, religious freedom has been central to America's identity since the pilgrims fled religious persecution in Europe to establish the Plymouth Colony. It's a principle that is codified in the Constitution, and one that Americans have sought to uphold even when they find it inconvenient or distasteful.

When President Obama declared his support for the construction of a mosque and Islamic community center near Ground Zero in 2010, he framed the argument as a defense of "the principle that people of all faiths are welcome in this country and that they will not be treated differently by their government." The comments were laudable. And they're exactly what Americans are taught to expect.

But the freedom to worship isn't afforded equally. In many cases, it's a luxury reserved solely for the most well-known faiths. Until the rights of all peaceful religious groups are recognized equally under the law, the U.S. will continue to fall short of its founding ideals.



*Mr. Coots is pastor of the Full Gospel Tabernacle in Jesus Name and is featured in the National Geographic Channel series "Snake Salvation."*

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## HOUSES OF WORSHIP

# Jews and Muslims Unite—Over Meat

*A battle to protect the legality of kosher and halal slaughter in Poland.*

By BEN COHEN

Oct. 10, 2013 7:12 p.m. ET

Leave it to Poland to bring together Jews and Muslims. Despite having only 20,000 Jews, the Eastern European country has a booming kosher-slaughter industry worth an annual \$350 million, one-third of all of the country's beef exports. Yet the industry has been slowed for a year amid a controversy over the legality of ritual slaughter. Now, a coalition of Jews and Muslims—whose halal meat is slaughtered in a similar fashion to kosher meat—is anxiously awaiting a ruling from the Polish High Court over whether ritual slaughter will remain legal.

Since Poland's constitution explicitly guarantees religious freedom, Jews and Muslims should be at liberty to slaughter and consume animals in accordance with their ancient beliefs. But in 2002, parliament passed a law requiring, on humane grounds, that all animals be stunned before slaughter. Given that religious laws governing both kosher and halal slaughter forbid such stunning, the Polish agricultural ministry issued a directive in 2004 exempting the Jewish and Muslim communities.

A drawn-out legal and political battle with animal-rights activists ensued. Among them was the celebrated Polish actress Maja Ostaszewska, who bombastically compared ritual slaughter to performing surgery on a human being without anaesthetic. Last November the High Court ruled that stunning animals before slaughter was necessary—regardless of religious belief. And three months ago, a government-sponsored bill to override the High Court and protect ritual slaughter was defeated in parliament, 222 to 178.

The contradiction between the country's constitution and the parliamentary vote has left the legal status of ritual slaughter in limbo. Absent a definitive High Court ruling about whether animal welfare trumps religious freedom—the 2012 decision only addressed stunning—many of Poland's kosher and halal food manufacturers have erred on the side of caution, halting production after last year's ruling.

Michael Schudrich, who has served as Poland's chief rabbi for almost a decade, said that his attempt to slaughter animals for the last Passover holiday in March was prevented by a Warsaw veterinarian, who referred the case to the local prosecutor. (Fortunately for the rabbi, the lack of clarity over the law meant that the prosecutor didn't pursue him.)



A box with vacuum-sealed beef meat is pictured at the Biernacki Meat Plant slaughterhouse. *Reuters*

The ban also has had significant economic costs. When the government's attempt to rescue ritual slaughter in parliament failed this summer, large abattoirs, like the Biernacki slaughterhouse in western Poland, cut the prices they were paying for cattle by as much as 13%. Meanwhile, the Polish Meat Association has warned of significant job losses among the country's more than 500,000 livestock producers if ritual slaughter is permanently banned.

Given the history of persecution suffered by Jews in Poland, it was inevitable that attempts to curb ritual slaughter would generate charges of anti-Semitism. Indeed, Jewish leaders

inside and outside the country have reminded Poles that the Nazis banned ritual slaughter in Germany three months after Adolf Hitler came to power in 1933.

Still, those leading the battle to protect ritual slaughter don't believe their opponents are driven by anti-Jewish bigotry. "This has more to do with ignorance," said Jonathan Ornstein, a former New Yorker who heads the Jewish Community Center in Krakow.

Mr. Ornstein and Rabbi Schudrich both described a relentless campaign by animal-rights activists, inundating members of parliament with dozens of emails and phone calls each day. The protestors regularly make false claims, including that kosher slaughter is outlawed in the U.S. This pressure, along with support from a rebel faction of the ruling Civic Platform party, caused the defeat of the government's pro-ritual slaughter bill in July.

With the High Court ruling on the horizon—Rabbi Schudrich expects it to be delivered by the end of this year—advocates for ritual slaughter want to ensure that the decision goes their way. To avoid reducing the controversy to one about anti-Semitism, Messrs. Schudrich and Ornstein are emphasizing the idea that ritual slaughter is predicated on the importance of animals suffering as little as possible. The message is buttressed by the fact that both men are vegetarians.

They've also mobilized Poland's normally reserved community of 30,000 Muslims. "Right now, it's very hard for Muslim people to find halal meat. We have to buy it from Germany, which is very expensive," said Mohammed Munir Hussein, a student from Bangladesh who has been living in Krakow for the past five years. The issue has brought Muslims and Jews together. "I didn't know any Jews before, now I've made Jewish friends," Mr. Hussein told me.

Jews and Muslims in Poland—which is 90% Catholic—have found an ally in the Polish Episcopal Conference, the nation's top Catholic body, which last week issued a robust statement in support of ritual slaughter, noting "Poland's long tradition of religious freedom."

Poland isn't the only country in Europe where there is hostility toward Jewish and Muslim religious practices. Similar moves against ritual slaughter in the Netherlands and the circumcision of infant boys in Germany attracted strong public support before eventually being defeated.

But earlier this month, the Council of Europe, a 47-nation body that controls the European Court of Human Rights, passed a resolution challenging "traditional methods" in performing circumcision, urging greater state regulation of the practice. What this suggests is that even if Poland's High Court does decide in favor of ritual slaughter, voices in Europe will continue urging restrictions of religious liberty.

*Mr. Cohen is a writer based in New York.*

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**United for Religious Freedom**  
**A Statement of the Administrative Committee**  
**Of the United States Conference of Catholic Bishops**  
**March 14, 2012**

The Administrative Committee of the United States Conference of Catholic Bishops, gathered for its March 2012 meeting, is strongly unified and intensely focused in its opposition to the various threats to religious freedom in our day. In our role as Bishops, we approach this question prayerfully and as pastors—concerned not only with the protection of the Church’s own institutions, but with the care of the souls of the individual faithful, and with the common good.

To address the broader range of religious liberty issues, we look forward to the upcoming publication of “A Statement on Religious Liberty,” a document of the Ad Hoc Committee for Religious Liberty. This document reflects on the history of religious liberty in our great Nation; surveys the current range of threats to this foundational principle; and states clearly the resolve of the Bishops to act strongly, in concert with our fellow citizens, in its defense.

One particular religious freedom issue demands our immediate attention: the now-finalized rule of the U.S. Department of Health and Human Services that would force virtually all private health plans nationwide to provide coverage of sterilization and contraception—including abortifacient drugs—subject to an exemption for “religious employers” that is arbitrarily narrow, and to an unspecified and dubious future “accommodation” for other religious organizations that are denied the exemption.

We begin, first, with thanks to all who have stood firmly with us in our vigorous opposition to this unjust and illegal mandate: to our brother bishops; to our clergy and

religious; to our Catholic faithful; to the wonderful array of Catholic groups and institutions that enliven our civil society; to our ecumenical and interfaith allies; to women and men of all religions (or none at all); to legal scholars; and to civic leaders. It is your enthusiastic unity in defense of religious freedom that has made such a dramatic and positive impact in this historic public debate. With your continued help, we will not be divided, and we will continue forward as one.

Second, we wish to clarify what this debate is—and is not—about. This is not about access to contraception, which is ubiquitous and inexpensive, even when it is not provided by the Church’s hand and with the Church’s funds. This is not about the religious freedom of Catholics only, but also of those who recognize that their cherished beliefs may be next on the block. This is not about the Bishops’ somehow “banning contraception,” when the U.S. Supreme Court took that issue off the table two generations ago. Indeed, this is not about the Church wanting to force anybody to do anything; it is instead about the federal government forcing the Church—consisting of its faithful and all but a few of its institutions—to act against Church teachings. This is not a matter of opposition to universal health care, which has been a concern of the Bishops’ Conference since 1919, virtually at its founding. This is not a fight we want or asked for, but one forced upon us by government on its own timing. Finally, this is not a Republican or Democratic, a conservative or liberal issue; it is an American issue.

So what is it about?

**An unwarranted government definition of religion.** The mandate includes an extremely narrow definition of what HHS deems a “religious employer” deserving exemption—employers who, among other things, must hire and serve primarily those of

their own faith. We are deeply concerned about this new definition of who we are as people of faith and what constitutes our ministry. The introduction of this unprecedented defining of faith communities and their ministries has precipitated this struggle for religious freedom. Government has no place defining religion and religious ministry. HHS thus creates and enforces a new distinction—alien both to our Catholic tradition and to federal law—between our houses of worship and our great ministries of service to our neighbors, namely, the poor, the homeless, the sick, the students in our schools and universities, and others in need, of any faith community or none. *Cf. Deus Caritas Est*, Nos. 20-33. We are commanded both to love and to serve the Lord; laws that protect our freedom to comply with one of these commands but not the other are nothing to celebrate. Indeed, they must be rejected, for they create a “second class” of citizenship within our religious community. And if this definition is allowed to stand, it will spread throughout federal law, weakening its healthy tradition of generous respect for religious freedom and diversity. All—not just some—of our religious institutions share equally in the very same God-given, legally-recognized right not “to be forced to act in a manner contrary to [their] own beliefs.” *Dignitatis Humanae*, No. 2.

**A mandate to act against our teachings.** The exemption is not merely a government foray into internal Church governance, where government has no legal competence or authority—disturbing though that may be. This error in theory has grave consequences in principle and practice. Those deemed by HHS not to be “religious employers” will be forced by government to violate their own teachings within their very own institutions. This is not only an injustice in itself, but it also undermines the effective proclamation of those teachings to the faithful and to the world. For decades, the Bishops



have led the fight against such government incursions on conscience, particularly in the area of health care. Far from making us waver in this longstanding commitment, the unprecedented magnitude of this latest threat has only strengthened our resolve to maintain that consistent view.

**A violation of personal civil rights.** The HHS mandate creates still a third class, those with no conscience protection at all: individuals who, in their daily lives, strive constantly to act in accordance with their faith and moral values. They, too, face a government mandate to aid in providing “services” contrary to those values—whether in their sponsoring of, and payment for, insurance as employers; their payment of insurance premiums as employees; or as insurers themselves—without even the semblance of an exemption. This, too, is unprecedented in federal law, which has long been generous in protecting the rights of individuals not to act against their religious beliefs or moral convictions. We have consistently supported these rights, particularly in the area of protecting the dignity of all human life, and we continue to do so.

Third, we want to indicate our next steps. We will continue our vigorous efforts at education and public advocacy on the principles of religious liberty and their application in this case (and others). We will continue to accept any invitation to dialogue with the Executive Branch to protect the religious freedom that is rightly ours. We will continue to pursue legislation to restore the same level of religious freedom we have enjoyed until just recently. And we will continue to explore our options for relief from the courts, under the U.S. Constitution and other federal laws that protect religious freedom. All of these efforts will proceed concurrently, and in a manner that is mutually reinforcing.

Most importantly of all, we call upon the Catholic faithful, and all people of faith, throughout our country to join us in prayer and penance for our leaders and for the complete protection of our First Freedom—religious liberty—which is not only protected in the laws and customs of our great nation, but rooted in the teachings of our great Tradition. Prayer is the ultimate source of our strength—for without God, we can do nothing; but with God, all things are possible.