



# THE MOST SACRED OF ALL PROPERTY: RELIGIOUS FREEDOM AND THE PEOPLE OF MARYLAND

November 2011

## Introduction

*The Bishops of Maryland have written a statement on religious liberty which reviews the history and role of religious freedom in our society, highlights present-day threats to this freedom, and offers ways to get involved.*

*Copies of the complete statement are available at your parish, on diocesan websites and on the Maryland Catholic Conference website at [www.mdccathcon.org](http://www.mdccathcon.org).*

The Greater Baltimore Center for Pregnancy Concerns has a simple mission: to help expectant mothers in need, assisting over 1,000 women each year with support, parenting classes, furniture, and more.

The Center is the kind of charitable organization that public officials should promote. Yet Baltimore tried to curtail its mission and free speech rights simply because it is pro-life. No similar restrictions were placed on abortion clinics.

Efforts to restrict the rights of individuals and institutions because of their religious or moral beliefs are on the rise here in Maryland and around the nation. Religious liberty – a right rooted in our human dignity and protected by the First Amendment – is being silently and subtly eroded.

We know that religious liberty is a foundational element of a vibrant democracy and helps guarantee those other precious freedoms we Americans enjoy. The only way to preserve it, is through the vigilance of concerned citizens and their willingness to stand up for this right.

## History

Religious liberty began in the New World with the founding of Maryland. It is one of our state's greatest

contributions to the nation and the world.

In 1634, settlers arrived at St. Clement's Island in Southern Maryland at the invitation of the Catholic Lord Baltimore, who had been granted Maryland by the Protestant King Charles I of England. While Catholics and Protestants were killing each other in Europe, Lord Baltimore imagined Maryland as a society where people of different faiths could live together peacefully.

But Maryland's early history teaches us that, like any freedom, religious liberty requires constant vigilance and protection, or it will disappear.

Maryland's experiment in religious toleration ended within a few decades. The royal charter was revoked and the Church of England became the established religion. Discriminatory laws, including the loss of political rights, were enacted against those who refused to conform. Catholic chapels were closed. The Catholic community lived under these conditions until the American Revolution.

When the framers of our Constitution adopted a Bill of Rights, religious freedom was given the distinction of being at the forefront of the First Amendment, which guarantees that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." This amendment provides the foundation for our pluralistic society, in which people of different faiths and beliefs can live and worship in peace.

## A Natural Right

Religious freedom is not merely a civil right afforded us by our government, but, more fundamentally, it is a natural right due each person because of his human dignity.

Each person is made in the image and likeness of God. He offers us His love

but He does not force us to accept it. The Lord respects our freedom to accept Him or to reject Him; so too must government and society.

Religious freedom is an essential element of the human person and a basic human right. It protects the ability to practice any faith or no faith. It preserves the right to follow one's conscience, in acts both internal and external, in private and public, as an individual and as a member of a community.

## A Contribution to the Common Good

Religious freedom is so fundamental to our nature that not only does it uphold individual human dignity, but it is also integral to the establishment of a good and just society. Individuals who are free to exercise religious liberty are free to live out their faith in service to others and to build up the common good.

Faith groups and religious organizations often are the largest providers of private social services, including hospitals and health clinics, schools and universities, shelters and food pantries.

Religious liberty also enables religious groups to provide a voice for the voiceless. At the dawn of our nation, the Quakers led the charge in publicly challenging our new national government to abolish slavery.

Religious individuals and groups have played a key role in reminding society of their intrinsic value and worth. Those who suffer from mental or physical disabilities are often ignored or, at times, even outright rejected by society. The Church here in Maryland was a leader in successful efforts in 1989 to ban the execution of those with an intellectual disability.

But perhaps the most striking example of the good fruits of religious liberty is

the civil rights movement. Led by a Baptist minister, it expressed an explicitly religious call for the equal treatment of African Americans. It is in this context that Rev. Dr. Martin Luther King, Jr. wrote from a Birmingham jail to his fellow ministers about the difference between just and unjust laws – a concept that presupposes a higher law. While Rev. King argued that there is a legal and moral responsibility to obey just laws, he cited St. Augustine for the principle that “an unjust law is no law at all.”

### Subtle Threats

Americans are blessed to enjoy freedoms for which many in our world can only hope. But in recent years there has been a subtle promotion of the idea that religious liberty should be restricted to Sunday morning worship. The right to exercise our faith and follow our conscience in all aspects of our lives are rights that are increasingly viewed with hostility.

A healthy democracy can function only when its citizens are able to freely engage in public debate. That includes the freedom to approach the public debate through the lens of faith and moral values.

Sadly, some view the Church’s very presence in the public square as an act of imposition. They claim that our identification as persons of faith disqualifies us from participation in the public debate.

**Conscience Rights of Health Care Workers:** Luke Vander Bleek owns a small-town pharmacy in Illinois that sells almost every drug – except the “morning after pill,” to which he has religious objections. Though a public hospital just a few blocks away sells it, the state of Illinois threatened to close his business and end his career. Mr. Vander Bleek was forced to retain an attorney and sue for his right to practice his profession in accordance with his religious beliefs. Thankfully, an Illinois trial court ruled in Mr. Vander Bleek’s favor.

**Conscience Rights in Health Care Debate:** As part of the U.S. Department of Health and Human

Services efforts to enact the *2010 Patient Protection and Affordable Care Act*, the department is mandating that all private health insurance plans cover surgical sterilization procedures and birth control, including IUD, ‘morning-after’ pills and abortion-inducing drugs, in addition to ‘education and counseling’ for women and girls of reproductive age. What is missing is any genuine exemption for the Catholic Church and other religious institutions to not offer health insurance with these mandates. Furthermore, individuals are given no protection against contributing to these procedures.

**Same-Sex Marriage:** Religious institutions and society in general are not the only ones at risk if same-sex marriage passes in Maryland. Religious business owners like florists, bakers, and musicians would be forced to work at same-sex marriage ceremonies. This violation is not hypothetical. A Christian photographer in New Mexico was found to have engaged in illegal discrimination after the company declined to photograph a same-sex ceremony. A Methodist church in New Jersey lost its tax-exempt status for declining to allow a same-sex couple to marry in a pavilion it owned.

### Defending Religious Freedom

What do we do to preserve and strengthen the great gift of religious liberty?

**Prayer:** Prayer is the most powerful tool we have. Conversation with Our Lord opens up wellsprings of grace that enable us to become effective instruments in His hands and that assist others in making prudent decisions.

**Education:** Religious liberty and the right of conscience will be further eroded unless the Catholic community stays informed about the challenges these rights face and the reasons why they are integral to a just society.

**Action:** The most basic way for us to participate in the political process is through our votes in local, state, and federal elections. Our Maryland Catholic Advocacy Network, run by the Maryland Catholic Conference,

provides updates on public policy issues and provides pre-drafted e-mails to send to lawmakers. Register online at [www.mdccathcon.org](http://www.mdccathcon.org). There are also opportunities to advocate for religious liberty in person.

We call on all Marylanders to reaffirm the basic, foundational principles upon which our democratic society is built. Everyone has the right to freedom of thought, conscience, and religious belief. No one should be subject to coercion because of those beliefs.

These are the principles that those first Marylanders brought with them. These are the principles embraced by our founding fathers and by our Church. These are the principles that are indeed the most sacred of all property.

### *Our call as Christians*

*Conscience is the most sacred of all property; other property depending in part on positive law, the exercise of that, being a natural and unalienable right.*

– James Madison, 1792

*Our rulers can have authority over such natural rights only as we have submitted to them. The rights of conscience we never submitted, we could not submit.*

– Thomas Jefferson,

**Notes on Virginia**

*Religious freedom expresses what is unique about the human person, for it allows us to direct our personal and social life to God, in whose light the identity, meaning and purpose of the person are fully understood.*

– Pope Benedict XVI,

**Message for the World Day of Peace, January 1, 2011**