

# Deseret News

## **In our opinion: Banishing free exercise of religion from the public square**

Published: Thursday, Feb. 27 2014 12:00 a.m. MST

### Summary

In controversies over same-sex marriage and contraception, those motivated by religious convictions are being pressured to leave the public square — to put religious convictions out of sight, sequestered from public debate about vital moral issues.

A federal district judge on Wednesday struck down a Texas law defining marriage as between a man and a woman, although the judge stayed it pending appeal.

In Arizona, there is mounting pressure on Gov. Jan Brewer to veto a bill, passed by the Legislature on Monday, that makes minor changes to the state's existing religious freedom statute. The existing law protected religious institutions from burdens on their free exercise of religion. The amendment would permit individuals and businesses to assert religious belief as a defense against the state or in a lawsuit.

On the federal level, whether the individuals that compose a business retain their right to the free exercise of religion will be front and center as the U.S. Supreme Court next month considers *Sebelius v. Hobby Lobby Stores*. Health and Human Services Secretary Kathleen Sebelius and the Obama administration are requiring all businesses (except religious institutions) to provide abortion-inducing contraceptives as part of the Affordable Care Act.

In all of these controversies, those motivated by religious convictions are being pressured to leave the public square — to put their religious convictions out of sight, sequestered from public debate about vital moral issues.

As a first principle, our nation's Declaration of Independence and Constitution established a political and legal framework that minimizes conflicts and helps resolve disputes. The right to life, liberty and property permit a wide range of freedoms. These enable individuals and communities to chart their own definition of the good. Our republic benefits from a diversity of values in the public square.

For many — even a majority — of the nation's citizens, religious convictions inform the definition of the good. Faith motivates individuals to action, both public and private.

In the cauldron of our nation's fiercest moral debates, secularists insist that religious beliefs and viewpoints be made private.

Take the debate about whether a state may continue to define marriage as between a man and woman. Principles of federalism give states sovereign power in marriage laws. In cases of dispute, states debate and change laws as their people see fit. But our nation is ill-served when federal judges impose a definition of marriage — one that is not sanctioned by the Constitution — on states like Utah, Oklahoma, Virginia and Texas.

In Arizona, the dispute isn't about same-sex marriage. But some of the controversy is inspired by the fear that individuals and business owners will be required to respect a conception of the good with which they disagree.

“The prototypical scenario [the Arizona law] is meant to prevent is the case of the New Mexico wedding photographer who was fined for declining to work a same-sex commitment ceremony. This photographer doesn't refuse to provide services to gay clients, but felt that she couldn't participate in the celebration of a gay wedding,” wrote Ilya Shapiro, senior fellow in constitutional studies at the libertarian Cato Institute. He concluded: “Why should these people be forced to engage in activity that violates their religious beliefs?”

A similar issue of conscience will be addressed at the federal level when Hobby Lobby goes to the Supreme Court.

"There's a feeling that this administration is aggressively trying to restrict religious liberty in the United States," Gary Bauer, a prominent social conservative, was quoted by NPR. "There's just a pattern here that has led a lot of people of faith to believe that this is a period of the most severe legal challenges to what had previously been seen in this country as a fairly broad right."

The largest mystery is why so many people are falling prey to the siren song of the secularists. There needn't be any controversy: the free exercise of religion is the plainest of rights, in the very First Amendment to the Constitution.