

# NATIONAL REVIEW

## Protecting Religious Adoption Agencies Won't Stop LGBT People from Adopting

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On July 12, the House Appropriations Committee passed a funding bill with an amendment protecting religious adoption agencies from state laws that force them to place children with same-sex couples. House Minority Leader Nancy Pelosi (D., Calif.) denounced the congressional Republicans who voted for the bill, charging that they had fallen to a “sickening new low.” She insisted that the amendment could deny “tens of thousands of vulnerable children the opportunity to find a loving and safe home.” Representative Mark Pocan (D., Wis.) took his outrage to Twitter, insisting that “denying kids loving parents is wrong.”

There's no reason for Democrats to be so upset. The amendment won't stop me (or any other LGBT person) from adopting a child — but it will enable religious child-welfare agencies to help needy kids find a home. Religious people should be able to live by their convictions, just as I wish to honor mine.

Private adoption agencies have First Amendment rights, and their freedom of conscience should be respected, even when their beliefs are politically incorrect or downright discriminatory. Allowing a small number of religious agencies to operate within their belief system doesn't restrict the ability of gay Americans to adopt, because there are LGBT-friendly agencies all across the country, and there's no shortage of kids looking for new families.

Government figures reveal that roughly 440,000 children live in foster-care programs while waiting for adoption. On average, it takes two years for a child to be adopted. Toddlers and babies usually are adopted sooner than older children. Opponents of the GOP's religious-freedom initiative point to the high number of children in foster care and argue that by letting adoption agencies decline same-sex couples, the GOP denies at-risk children the chance to find a loving home. But the new rule proposed by Republicans would only let religious adoption agencies that were shut down under old anti-discrimination laws to operate again, with the result that more kids would be placed in loving and safe homes.

Representative Robert Aderholt (R., Ala.), who introduced the religious-freedom amendment, says that under previous policies “several states and localities across the country are not allowing religious organizations, such as Catholic Charities and Bethany Christian Services, to operate child welfare agencies.” Backing up Aderholt’s claims, the Heritage Foundation reports that “in Massachusetts, Illinois, California, D.C., and Philadelphia, adoption agencies such as Catholic Social Services have lost contracts with local governments or have been forced to shut down entirely.”

It’s worth looking at specific examples to see just how destructive well-intentioned liberal adoption policies have been. In Illinois, Catholic Charities closed the doors of their adoption services after 40 years, in the face of a state law stripping the agency of funding if it continued to turn away prospective adoptive parents who were in same-sex relationships. Under similar circumstances, Catholic Charities ceased offering adoption services in Massachusetts, D.C., and San Francisco.

The GOP’s new rule wouldn’t magically erase the countless other adoption agencies open to prospective LGBT parents, but it would permit more Christian agencies to operate, thereby increasing our ability to find homes for disadvantaged children.

At *The American Conservative*, Liz Wolfe reports on Catholic Social Services in Philadelphia, a religious agency that takes care of more than 100 at-risk kids daily. It would decline to place a child with a same-sex couple but gave them referrals to one or more of the other 26 agencies nearby that would accept their application. For such policies, the city of Philadelphia turned on Catholic Social Services and the nearby Bethany Christian Services, preventing both from making further foster-care referrals.

With hundreds of thousands of kids in foster care, waiting to be adopted, it’s hard to see how rules that shut down child-welfare agencies make sense. The GOP’s new rule wouldn’t magically erase the countless other adoption agencies open to prospective LGBT parents, but it would permit more Christian agencies to operate, thereby increasing our ability to find homes for disadvantaged children.

Ian Thompson of the American Civil Liberties Union (ACLU) criticizes the religious-freedom amendment on different grounds. Many of the adoption providers in question receive taxpayer dollars. For them to turn away same-sex couples, Thompson argues, would be a violation of the 14th Amendment’s equal-protection clause, which prohibits discrimination by government. But Matthew Larosiere, a constitutional lawyer at the Cato Institute, tells me that “the 14th Amendment simply does not apply” to private agencies. It’s easy to see why he finds the ACLU’s argument so ludicrous; does the receipt of taxpayer funds really transform a private agency into an arm of the government?

That is a standard we apply almost nowhere else. When viewed in context, the idea that taxpayer funding strips a private organization of its First Amendment rights is absurd. Private women’s colleges, for example, receive federal funds but aren’t required to admit male students, as they’ve been given an exception under Title IX, a law mandating gender equality for colleges that receive federal funds. Why shouldn’t religious agencies enjoy similar latitude?

After all, progressive think tanks and organizations such as the ACLU and the Center for American Progress often benefit from tax-exempt status but are not made to cater to clientele they disagree with or to advance causes that contradict their agenda. If progressives want discretion for themselves, they have to apply that principle universally — even to people they find “deplorable.”

The Left doesn't understand this. The website LGBTQnation ran a headline suggesting that Republicans voted “to make it legal nationwide to ban gays & lesbians from adopting.” Gay people are perfectly fit to be parents, so if that were true, it would be tragic. But all that Republicans have done through this amendment is vote to protect the rights of religious agencies. That won't stop gay people from adopting children, but it will mean that more faith-based agencies can operate and help find homes for kids in need.