

Executive order prohibits firing of gays by U.S. government, contractors

By Mark Pattison

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UPDATED JULY 23, 2014 — WASHINGTON - President Barack Obama's executive order of July 21 has installed workplace rules forbidding the firing of employees based on sexual orientation and gender identity by the federal government and federal contractors - a key provision in the Employment Non-Discrimination Act languishing in Congress.

The U.S. bishops have opposed the bill, known as ENDA, which was passed by the Senate last November but was never scheduled for a vote in the House. The bill, aimed at protecting gay, lesbian, bisexual and transgender workers, has been introduced in almost every Congress since 1994.

"Today's executive order is unprecedented and extreme and should be opposed," said Archbishop William E. Lori of Baltimore, chairman of the U.S. bishops' Ad Hoc Committee for Religious Liberty, and Bishop Richard J. Malone of Buffalo, New York, chairman of the Committee on Laity, Marriage, Family Life and Youth.

"In the name of forbidding discrimination, this order implements discrimination," they said in a joint statement. "With the stroke of a pen, it lends the economic power of the federal government to a deeply flawed understanding of human sexuality, to which faithful Catholics and many other people of faith will not assent. As a result, the order will exclude federal contractors precisely on the basis of their religious beliefs."

Archbishop Lori and Bishop Malone and two bishops in an earlier posting July 21 on the U.S. Conference of Catholic Bishops' blog, addressed their opposition to the changes put in place by the executive order because it does not include a religious exemption and could keep Catholic agencies from getting federal contracts.

"To dismiss concerns about religious freedom in a misguided attempt to address unjust discrimination in the workplace is not to advance justice and tolerance. Instead, it stands as an affront to basic human rights and the importance of religion in society," the four bishops said.

They included Archbishop Salvatore J. Cordileone of San Francisco, chair of the USCCB Subcommittee for the Promotion and Defense of Marriage, and Archbishop

Thomas G. Wenski of Miami, chair of the Committee on Domestic Justice and Human Development.

"The U.S. legacy of religious freedom has enabled the Catholic Church and other faith communities to exercise their religious and moral convictions freely and thus contribute to the good of all in society. No good can come from removing this witness from our social life," they added in the blog posting.

"Eliminating truly unjust discrimination — based on personal characteristics, not sexual behavior — and protecting religious freedom are goals that we all should share. The current political climate makes it very difficult to maintain a reasonable dialogue on these contentious issues, but we must keep trying."

Fourteen other religious leaders July 1 had asked Obama to include a religious exemption in his executive order. "We are asking that an extension of protection for one group not come at the expense of faith communities whose religious identity and beliefs motivate them to serve those in need," said the letter.

Among the signatories were Father Larry Snyder, president of Catholic Charities USA, and Stephen Schneck, director of the Institute for Policy Research & Catholic Studies, at The Catholic University of America, Washington.

Schneck, in a July 19 analysis anticipating the executive order, said: "The executive order does not offer the nuanced exemption for religious positions that was sought. But, it does retain the 2002 George Bush executive order language that prohibits religious discrimination in the receipt of federal contracts and allows contracting religious organizations to prefer members of their own faith in some personnel matters."

He added, "President Obama's executive order will end discrimination against LGBT citizens in federal contracts while at the same time allowing religious organizations to ensure that key personnel positions in their organizations reflect the values of their faith. ... By retaining the Bush order, the administration is recognizing the importance of religious organizations in providing for well-spent federal dollars to the neediest."

In a statement July 21, Father Snyder said Obama's executive order "upholds already existing religious exemptions that will allow us to maintain fidelity to our deeply held religious beliefs."

"As has always been the case, Catholic Charities USA supports the rights of all to employment and abides by the hiring requirements of all federal contracts," the priest said.

"Specifically, we are pleased that the religious exemption in this executive order ensures that those positions within Catholic Charities USA that are entrusted with maintaining our Catholic identity are to be held exempt," Father Snyder said.

At a White House ceremony shortly before signing the executive order, Obama said,

“Today in America, millions of our fellow citizens wake up and go to work with the awareness that they could lose their job, not because of anything they do or fail to do, but because of who they are — lesbian, gay, bisexual, transgender. And that’s wrong.

“We’re here to do what we can to make it right — to bend that arc of justice just a little bit in a better direction.”

The president added, “Congress has spent 40 years — four decades — considering legislation that would help solve the problem. That’s a long time. And yet they still haven’t gotten it done.”

Lawmakers first drafted a measure similar to ENDA in 1974. The Senate vote last fall on ENDA was 64-32 for passage, with no vote schedule in the House.

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