

Q&A with Archbishop Lori on religious liberty: Part II

By Sean Gallagher

Courtesy The Criterion

Editor's Note: Archbishop William E. Lori will open the fifth annual Fortnight for Freedom June 21 at the Basilica of the National Shrine of the Assumption of the Blessed Virgin Mary in Baltimore. A native of New Albany, Ind., the archbishop talked to The Criterion, which serves the Archdiocese of Indianapolis, about religious liberty.

Second of two parts. Read part one [here](#).

The Church in the U.S. is readying for the fifth annual Fortnight for Freedom, a period of prayer, advocacy and education related to religious liberty enshrined in the First Amendment of the U.S. Constitution.

The bishops in this country established the Fortnight in 2012 in part because of the mounting threats to religious freedom both in the U.S. and around the world.

In the four years since the first Fortnight, those threats have in some ways only increased. The Islamic State has killed many Christians in the Middle East for their faith and driven many more from their ancestral homes.

In America, the pressure on religious liberty has been seen in recent years in such wide-ranging issues as care for immigrants to implications of the legal redefinition of marriage in the U.S. Supreme Court's 2015 *Obergefell v. Hodges* ruling.

At the same time, religious freedom has been successfully defended in the judicial system.

Two years ago, the Supreme Court ruled in *Burwell v. Hobby Lobby* that the freedom of expression of religion of the owners of closely held businesses was protected by the federal Religious Freedom Restoration Act.

Last month, the Supreme Court in its *Zubik v. Burwell* decision paved the way to a mutually agreeable negotiated settlement between the federal government and many Catholic and Christian organizations that were opposed in conscience to the Affordable Care Act's abortifacient, sterilization and contraceptive mandate.

In an interview with *The Criterion*, Baltimore Archbishop William E. Lori reflected on this decision by the high court, other challenges to religious liberty, and the role this freedom should play in political considerations leading up to the presidential election in November.

Archbishop Lori serves as chairman of the U.S. bishop's Ad Hoc Committee for Religious Liberty. The following is an edited version of this part of the interview with

Archbishop Lori.

Q. What was your reaction when you learned that the court in *Zubik v. Burwell* had vacated the lower court rulings and remanded them back to those courts? Many of those lower court rulings had been in favor of the federal government and against various Church organizations.

Archbishop Lori: I was hopeful.

As we looked at the possible outcomes, we had to naturally pray hard that we didn't have an out-and-out defeat. And we did not have that. We have lived for another day. That's for the good.

So, I'm cautiously optimistic. And I hope that the negotiations will now proceed apace.

Q. Did you feel any frustration over the fact that these cases, which came about through the issuing of the abortifacient, sterilization and contraceptive mandate more than four years ago, could have so easily been avoided as the Supreme Court's ruling suggests?

Archbishop Lori. Well, naturally. But I'll put it this way. The Little Sisters (of the Poor, a petitioner in the *Zubik* case) have been very inspiring. It is true that this issue has dragged on for a very long time. All of us are tempted to feel uneasy.

But, in fact, I think they have helped us to see the importance of persevering. And they've done this because of their joyful witness. They manifest the joy of religious life, the joy of serving, and the desire to use their freedom for service in all that they say and do.

They are helping all of us in this struggle to keep our chin up and to keep going. So, I'm very, very grateful for them.

Q. While the *Zubik* decision by the Supreme Court appears to be at least a partial victory for the supporters of religious liberty, is there at least part of you that wishes that the Supreme Court could have ruled on the merits of the case, as it did in the *Burwell v. Hobby Lobby* case?

Archbishop Lori: I don't know. I don't know enough about the inner workings of the court to know if that would have been a good thing or not. It is what it is. Now we have to move ahead and go back to the lower courts.

We're happy that the unfavorable decisions were vacated and we now have the opportunity to live for another day. We should be grateful to the dear Lord; gather up our resources and move ahead.

Q. There may be cases in the coming years in which the Supreme Court will have another chance to rule on the questions about religious liberty raised in the *Zubik* case. How do the current presidential campaign and the cultural trends swirling around it either encourage you or make you

concerned about the future makeup of the Supreme Court and how that might affect its decisions on religious liberty cases?

Archbishop Lori: Obviously, one has to look with concern with regard to the future appointment to the high court. And that certainly is one of the things that, as faithful citizens and conscientious voters, ought to be in our minds as we go to the polls and vote for a president.

Q. The federal departments of justice and education recently issued a letter of guidance to school districts across the nation that notified them that the Obama administration considers Title IX to require schools receiving federal funding to accommodate transgender students in their use of bathroom facilities and in school-sponsored activities.

How might this step by the Obama administration affect future religious liberty concerns for Catholic colleges, universities, high schools and grade schools that, either directly or indirectly, receive federal funding?

Archbishop Lori: The letter is of concern, I think, to Catholic higher education, because Catholic colleges and universities often receive (federal) research grants.

It's also true that our other schools receive other sorts of public funding. There is also an exemption (for faith-based organizations), and I think we have to look very carefully to see how that applies to us and to what extent it can help us.

It's also important to know that this is being challenged in many states and probably will be challenged in even more states than is currently the case.

Q. Given the presumptive nominees for president for the two major political parties in the U.S., it is plausible that the steps taken against religious liberty by the Obama administration might very well continue in other forms in the future, no matter who is elected in November.

How should Catholics in the U.S. keep religious liberty in their minds and hearts in the months leading up to the election as they continue to form their consciences and consider how best to contribute to the common good by their participation in this important part of our political process?

Archbishop Lori: One of the things that we need to do during this election year is to pray for our country, pray that wisdom will prevail. I think that's a very important thing.

We need to pray for our country and not just for its prosperity, but also that it would be a beacon of justice and a force for good in the world. We have to think about that as we go to the polls.

We also have to raise our voices and express our expectations to candidates that we do expect our nation to champion those who are being persecuted abroad and to keep our fundamental freedoms burning brightly in our own country.

Sometimes, I think we're a little timid about saying things like that. But we shouldn't be.

Q. Overarching these specific concerns on culture, politics and religious liberty, how might you encourage Catholics in the U.S. to continue defending this first of freedoms at a time when it seems more challenged than ever?

Archbishop Lori. It seems to me that not only do we need to be informed about the Church's teaching and our country's heritage with regard to religious freedom, but we also need to understand how those freedoms are impacted by the cultural issues that are before us, whether it's potential restrictions on religious institutions following Obergefell or whether it is the fate of religious freedom restoration laws at the state level, or whether it's very local, such as city ordinances that sometimes restrict religious liberty or the suppression of free speech and religious liberty on college campuses.

Awareness of these things is important. When most people are complacent or unaware of these things, then they proceed unabated. When they're raised up for discussion and light is shined upon them, they often do not withstand scrutiny.

We also have to work within whatever political party we belong to, to raise these issues. That won't always be popular or well received. But I think that it's really the work of lay people to create a just and a tranquil culture.

Priests and bishops teach and provide encouragement and support. But it is really lay people who shape the culture. So this is principally the work of the Catholic laity. This is one of the ways that the hour of the laity must be made manifest.

It might be as simple as being a part of a legislative network of one's state Catholic conference. It might be getting updates from the USCCB (United States Conference of Catholic Bishops) or from the Becket Fund or any one of these other groups. There are a lot of ways that we can be engaged and a lot of ways that we can instantly make our voices heard. We should do that.

We shouldn't just say that other people are opinion makers. We should make a few opinions ourselves, don't you think?

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