



THE CATHOLIC UNIVERSITY OF AMERICA

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COUNCIL OF THE DISTRICT OF COLUMBIA

TESTIMONY OF LAWRENCE J. MORRIS, GENERAL COUNSEL, THE CATHOLIC UNIVERSITY OF AMERICA SEPTEMBER 29, 2014

Thank you for the opportunity to appear before you on behalf of The Catholic University of America. We are the national university of the Catholic Church and have made our home in Northeast D.C. since our founding by the American bishops in 1887. As a major research institution, we educate students from all over the country and many foreign nations in a wide variety of disciplines, leading to degrees from the baccalaureate to the doctoral level.

I am sure we all agree that education, especially college education, involves much more than what occurs in the classroom. Like so many institutions Catholic University offers a rich co-curricular life of student activities, support services, sports, sacraments, and fun. As the national university of the Catholic Church we are unique in that we are "committed to being a comprehensive Catholic ... institution of higher learning, faithful to the teachings of Jesus Christ as handed on by the Church." As such, the University "seeks to discover and impart the truth through excellence in teaching and research, all in service to the Church, the nation and the world." The faith of the Catholic Church permeates all of our activity, just as you would expect Jewish faith to permeate life at Yeshiva, the LDS faith at Brigham Young, and Evangelical Christianity to be central to the experience at Wheaton College or Liberty University.

Therefore, it is important that, as a university community grounded in the teachings of the Catholic Church, we have the freedom to shape all aspects of the Catholic University experience. We have given particular emphasis to the shared sense of community in recent years, introducing a Community Pledge a couple of years ago, which calls on our members "to create a culture of light and love," "[t]o pursue a life of virtue", "faithful to the Church's teaching that...each person is created in God's image and likeness." Each person. A great number of our students, faculty, and staff have signed the pledge, joining in the promise to "reject and witness against" mistreatment based on a variety of factors, including race, creed, and sexual orientation (copy attached) – and it has been reinforced this year with a campaign

that encourages our students who live off campus to be the best of neighbors to our friends in Brookland, Pleasant Hills, and Edgewood.

This pledge is more positive and more challenging than a promise not to discriminate. It is an active commitment “[t]o reject and witness against” those who would mistreat people based on race, sexual orientation, or disability. That is putting into action the teachings of the Church. Those teachings are just as clear on matters of sexuality, on which the Church proclaims that sexual activity is reserved to the exclusive married relationship of a man and a woman. The Church should not be seen as teaching merely or mainly on matters of sexuality – but when it does speak on these matters it is clear, charitable, and unchanging. And when acting in fidelity to that teaching, we could be called, as a university, to make decisions regarding which organizations to permit on campus, as well as matters such as the extension of benefits to our employees.

We make a statement about ourselves every time that we extend recognition to a student group, so we only sponsor organizations whose overall principles are consistent with the Church’s teaching. In that regard our university regulation regarding student organizations is plainly written: “All proposed student organizations must adhere to the goals and mission of Catholic University and the principles of the Roman Catholic Church.” This does not mean that the university endorses everything that each of its 80 student organization stands for – after all, we have Republicans and Democrats, and organizations for rugby players and women engineers – but it does mean that in granting them approval to operate on campus we know that they are not fundamentally at odds with the Church’s teaching. Our stand is important to us because we take seriously our role in the development of the souls entrusted to us – again, for all of the activity that occurs both in and outside the classroom.

The Human Rights Act in section 2-1402.41 currently recognizes the settled constitutional principle that a private organization like ours – in the words of the Act an “educational institution that is affiliated with a religious organization” – has the freedom to decide when to offer “endorsement, approval, or recognition” to a group organized to promote or condone homosexual activity. It also recognizes such a university’s freedom not to fund or provide facilities or other benefits to such persons or groups. This provision of the Act recognizes the diversity of our City and the freedom of religious organizations truly to practice what they preach. To remove this protection suggests that there is a role for government in determining how a private, religious, educational institution carries out its mission, the sort of intrusion that flouts our Constitution and our civic traditions.

This measure is fundamentally about the freedom of a religious institution to operate in accord with its deeply held beliefs. The right exercise of a person’s sexuality is a part – a part – of the Church’s teaching and that of so many religions. But from the perspective of Catholic University this proposal is about our freedom, and our freedom includes the right – we would consider it not just the right but our responsibility and our obligation – to teach through our words and actions consistent with our faith. If the government required us to provide recognition and funding to

an organization that contradicted Church teaching, we would be acting contrary to our faith and, at a minimum, confuse or mislead a community to which we owe clarity and fidelity. The University welcomes and cares for all people. The language we are debating – the protection you are considering whether to remove in §2-1402.41 – recognizes the University’s freedom to expend institutional resources consistent with its mission and faith.

Freedom to so act consistent with your faith is long-recognized by the courts, which prize the free exercise of religion and the rights of most any peaceable people to gather together and to speak. The Supreme Court has been steadfast in according a wide and deferential berth to freedom of religion and freedom of association, and the government cannot abridge them but for the highest of justifications. You – *any* government or council – might disagree with a teaching or viewpoint of a certain faith, as this is the price and wonder of our robust and pluralistic democracy. But government surely cannot be the arbiter of how a religious faith carries out its beliefs, for faith is exercised not just by individuals as they choose to think, pray, or worship, but by groups and organizations – such as our university, whose mission proclaims fidelity to the Catholic Church. And that right of association means not just the right to band together but the right not to be forced into associational relationships with persons whose views are incompatible.

Our society’s recognition of our University’s clear rights in this area trace to our Framers, to the first clauses of the First Amendment and, two centuries later, the reinforcing language of the Religious Freedom Restoration Act. Congress added extra illumination to the First Amendment in making clear in RFRA that a government may not abridge our deeply held religious beliefs unless it has a compelling interest that is exercised in the least restrictive manner. Repeal of this section of the Human Rights Act would take away our freedom to exercise our beliefs.

In light of these principles and our long history of operating in accordance with our faith, I appreciate the opportunity to explain why The Catholic University of America opposes section 3 of the Human Rights Amendment Act of 2014. We believe that repeal of section 2-1401.03(b) of the Human Rights Act would take away our freedom, as a religious institution, to educate our students as we choose, in line with the teachings of the Catholic Church. The Constitution guarantees us this right, and prudence counsels your continuing to honor it.

We have been faithful and engaged citizens of the District of Columbia for 127 years and we are grateful for the opportunity to continue to contribute to the rich diversity of this City. We cannot yield on our freedom to create the community that we feel called to nurture at The Catholic University of America, and hope you see that removing the protection that the law currently provides would implicate the District in intruding into an area that our Founders rightly reserved to us.