

REPORT FROM THE Center

Spring Program to Examine ACA's Contraception Mandate



In the spring of 2013, the Center will feature a program examining the religious freedom issues raised by the Patient Protection and Affordable Care Act's requirement that employer health care plans include a range of preventive services for women, including contraception. The program,

entitled "Contraception, Religious Freedom, and the Affordable Care Act," will be held Thursday, March 7, 2013, at 12 p.m. in the Pearce Hospitality Suite.

The program features a panel of Virginia Wesleyan faculty, including Sharon Payne, Batten Professor of Health and Human

Services, Dr. Sue Larkin, Batten Associate Professor of English, and Dr. Leslie Caughell, Assistant Professor of Political Science, as well as Center Director Paul Rasor. Panelists will take an interdisciplinary approach to the issues raised by the contraceptive mandate. Among other things, they will discuss the women's health care concerns that led to the mandate and its social, political, and constitutional implications.

The program is co-sponsored by the VWC Women's Resource Center and is part of the Center's celebration of Women's History Month during March 2013.



Pictured from left to right: Sharon Payne, Dr. Leslie Caughell and Dr. Sue Larkin

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REFLECTIONS FROM THE DIRECTOR



Religious Freedom and the Affordable Care Act

The Patient Protection and Affordable Care Act (ACA) requires that employers who offer health insurance must cover a range of preventive services for women, including contraception.

Since November 2011, dozens of lawsuits have been filed against the ACA, charging that the contraception mandate violates the religious freedom of certain religiously affiliated employers. These cases are unaffected by the Supreme Court's ruling in June 2012 upholding the constitutionality of the ACA.

What's going on here? Does the ACA constitute a serious threat to religious freedom, as some religious employers have charged? Or do the lawsuits create a threat to women's preventive health care, as others have claimed?

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Center Sponsors New Work by VWC Composer Michael Trotta

The Center is sponsoring an original musical composition by Dr. Michael John Trotta, Assistant Professor of Music and Director of Choral Activities at Virginia Wesleyan. The new work, entitled “Behold, How Good,” a setting of Psalm 133, was composed for a concert commemorating the 150th anniversary of the Emancipation Proclamation. The work was written for the combined choirs of Virginia Wesleyan College and the University of Alabama Birmingham, and will be performed in concert at the Virginia Beach United Methodist Church on April 8, 2013 (See calendar on back cover details). The Virginia Beach performance concludes a concert series that began on Martin Luther King Jr. day in Birmingham, AL.



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It will help understand the issues if we keep in mind the deeper concerns of those on both sides. First, there is widespread agreement among medical professionals and health care experts that contraception is an essential part of comprehensive health care for women. Contraception reduces the rate of unwanted pregnancy and lowers health risks unrelated to pregnancy. It also lowers overall health care costs. More than this, access to contraception is a fundamental

constitutional liberty and a critical component of women's well-being. As the Supreme Court itself has recognized, “The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.”

On the other side, some employers have sincerely-held religious objections to contraception and see the mandate as a serious infringement of their religious freedom. Catholic institutions have argued that the mandate forces them to act contrary to Church teaching on contraception. Some Evangelical Christian institutions and private employers object that the mandate includes FDA-approved forms of emergency contraception, such as the morning-after pill, which they consider to be abortion-inducing drugs.

Finally, in an effort to accommodate these concerns, the ACA exempts from the mandate employers such as churches,

mosques, synagogues, and other religious institutions that primarily employ and serve people of their own faith. However, religiously affiliated institutions that employ and serve people of many different faiths – such as hospitals, schools, and social service providers – are not exempt. It is primarily these institutions that have challenged the contraceptive mandate.

The lawsuits are based on the religious freedom guarantees of the First Amendment and the federal Religious Freedom Restoration Act (RFRA). Ironically, perhaps, the First Amendment claim is the weaker of the two. The Supreme Court has ruled that the Free Exercise clause does not provide a religious exemption from neutral laws of general applicability. There is no question that the ACA's contraception mandate is of this type. It applies to the vast majority of employers in the U.S., and its goals are entirely secular in nature – enhancing women's health and reducing health care costs. The RFRA, in contrast, does create

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RELIGIOUS FREEDOM

in the News

religious exemptions to laws of general applicability, but only if they impose a “substantial burden” on the exercise of religion, and then only if the government cannot demonstrate that the law furthers a “compelling governmental interest” using the “least restrictive means.” It is questionable whether the mandate imposes a substantial burden on religious exercise. The ACA does not require anyone, employer or employee, to use or endorse the use of contraception. Decisions about contraception are made by individual employees, many of whom will not share the employer’s faith. Indeed, allowing employers to exclude contraception from their plans would mean imposing the employer’s religious values onto their female employees. The right of free exercise does not go this far. As one prominent First Amendment scholar has observed, “Religious liberty simply does not entail a right in religious employers to force their employees to observe and to pay the costs of anti-contraception beliefs that the employees do not share.”

At the same time, several compelling interests are furthered by the contraception mandate. These include improving the health of pregnant women and newborn children, lowering the cost of employer health care plans, and reducing inequalities in the workplace and in health care costs between men and women.

The Supreme Court has yet to consider these important issues. However, the vast majority of lower federal courts that have ruled on the matter have upheld the contraceptive mandate against these challenges, concluding that the ACA does not present a serious threat to religious freedom. In my judgment, these rulings are correct.

A program examining the ACA will be held on March 7, 2013. See the story on page 1 and the calendar on back cover. ■

All items are from the Religion Clause blog unless otherwise noted.

First Hindu Member of Congress Elected

Former Honolulu Councilwoman Tulsi Gabbard won the race for U.S. House of Representatives in Hawaii’s 2nd Congressional district in the general election on November 6, 2012, becoming the first Hindu member of the U.S. Congress. Gabbard joined the Hawaii National Guard in 2003, and in 2004 was deployed to Baghdad as a medical operations specialist. After completing officers’ training she deployed to Kuwait in 2008 to train the country’s counter-terrorism units. Gabbard also spoke at the 2012 Democratic National Convention, appearing with U.S. Rep. Nancy Pelosi. [Reported by IndiaWest.]

Director’s Note: Gabbard, a Democrat, succeeds Mazie Hirono (D-HI), who won election to the U.S. Senate, becoming the first Buddhist member of the Senate. Hirono and Rep. Hank Johnson (D-GA) became the first Buddhist members of Congress in 2007. There are two Muslim members of Congress, Keith Ellison (D-MN), elected in 2006, and Andre Carson (D-IN), elected in 2008. Also in the 2012 election, Rep. Kyrsten Sinema (D-AZ) became the first member of Congress to publicly describe her religion as “none.”

Naturist’s *Free Exercise Rights* Not Violated by Fencing of Nude Beach

In an opinion issued on August 31, 2012, a Florida federal district court dismissed without prejudice a plaintiff’s claim that defendants violated his free exercise rights by limiting nude sunbathing to an area of a Florida beach they fenced in. Thomas Wittbold alleged religious discrimination because he could not practice his religion of Naturism outside the fenced area, and claimed that forcing him to worship in an artificially created restrictive area amounts to false imprisonment. The court concluded, however, that “Plaintiff can exercise his religion within the nude beach. Plaintiff does not allege how the fence or signs prevent him from exercising his religion.”



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RELIGIOUS FREEDOM

in the News

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Virginia Grants over 7,000 Religious Exemptions from Compulsory Education

The Virginia law generally requiring school attendance by children exempts “any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school.” The Charlottesville Daily Progress reported on September 11, 2012, that a study by the Child Advocacy Clinic at the University of Virginia law school found that 7,296 children were granted exemptions under this provision in the 2010-11 school year. This is up from 5,479 in the previous year. While the student's views, as well as those of his or her parents are supposed to be considered by the local school board in granting exemptions, the study found that the schools had contact with the students involved in only 10% of the cases, and in less than 1% had direct contact with the student. Almost 95% of the school boards said they had never denied a request for exemption. Virginia is only one of four states that has a specific religious exemption, and is the only state that has no explicit alternative educational requirement for those granted an exemption.

11th Circuit: Limits on Carrying Guns in House of Worship do not Violate Free Exercise Rights

In *GeorgiaCarry.org, Inc. v. State of Georgia*, decided on July 20, 2012, the U.S. 11th Circuit Court of Appeals rejected constitutional challenges to a Georgia law restricting the right to freely carry handguns, knives or long guns in eight specific locations, including any place of worship. After holding that plaintiffs who hold weapons carry licenses and regularly attend church services have standing to challenge the law, the court held that the law violates neither the free exercise clause of the First Amendment nor the right to bear arms protected by the Second Amendment. It rejected plaintiff's free exercise complaint because plaintiff failed to show how the law burdens a sincerely held religious belief. It is not enough to merely allege that the law prohibits activities in a place of worship that are generally permitted elsewhere throughout the state. The court rejected plaintiff's Second Amendment claim because the law merely vindicates the right of a private property owner – here a place of worship – to decide whether to allow firearms on its premises.

Wiccan Priestess to Officiate at Weddings

On October 22, 2012, officials in Arlington County, Virginia relented on an earlier refusal and issued an order permitting a Wiccan high priestess to officiate at wedding ceremonies. Literata Hurley was ordained by the Order of the White Moon, a non-profit organization. Initially the clerk of court refused to approve her because her congregation has no permanent location, but meets in members' homes or outdoors.

The Rose Ensemble presents “*Land of Three Faiths*”



At once a sacred, secular, folk, and classical concert, “Land of Three Faiths” is a fascinating exploration of language, spirituality, and cultural exchange. Co-sponsored by the Center for Sacred Music and the Center for the Study of Religious Freedom, the program highlights the Hispano-Arabic Middle Ages in Judaic, Christian, and Islamic history through laments of Sephardic Jews mingled with Arab-Andalusian dances and Spanish court songs, while Hebrew cantillation and Gregorian chant meet the mystical world of Sufi poetry. An entertaining and enlightening program steeped in the rich history of the Abrahamic faiths.



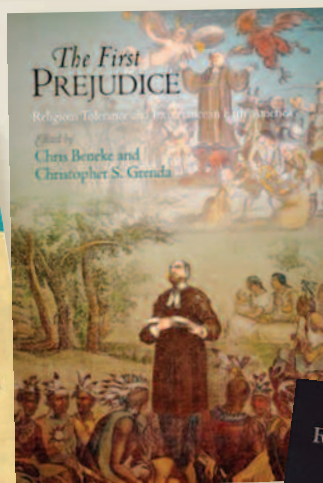
Tuesday, April 23, 2013
7:30 pm, Hofheimer Theatre
(See calendar on back cover for details.)

RASOR'S *Recommended* READING

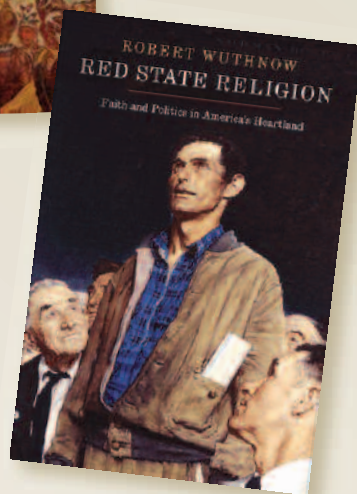


Jonathan Dudley
Broken Words: The Abuse of Science and Faith in American Politics (2011)

Robert Wuthnow
Red State Religion: Faith and Politics in America's Heartland (2011)



Chris Beneke and Christopher S. Grenda, eds.
The First Prejudice: Religious Tolerance and Intolerance in Early America (2010)



BOOKS RECEIVED

A few of the new titles in the Center's collection:

Akyol, Mustafa, *Islam without Extremes: A Muslim Case for Liberty* (W.W. Norton, 2011)

Bellah, Robert N., *Religion in Human Evolution: From the Paleolithic to the Axial Age* (Belknap, 2011)

Beneke, Chris, and Christopher S. Grenda, eds., *The First Prejudice: Religious Tolerance and Intolerance in Early America* (University of Pennsylvania Press, 2010)

Bernstein, R. B., *The Founding Fathers Reconsidered* (Oxford University Press, 2011)

Budler, Judith, et al., *The Power of Religion in the Public Sphere* (Columbia University Press, 2011)

Clayton, Philip, *Religion and Science: The Basics* (Routledge, 2011)

Dalai Lama, *Toward a True Kinship of Faiths: How the World's Religions Can Come Together* (Doubleday, 2010)

Ernst, Carl W., *How to Read the Qur'an: A New Guide, with Select Translations* (University of North Carolina Press, 2011)

Fenton, Elizabeth A., *Religious Liberties: Anti-Catholicism and Liberal Democracy in Nineteenth-Century U.S. Literature and Culture* (Oxford University Press, 2011)

Goldford, Dennis J., *The Constitution of Religious Freedom: God, Politics, and the First Amendment* (Baylor University Press, 2012)

Haddad, Yvonne Yazbeck, *Becoming American? The Forging of Arab and Muslim Identity in Pluralist America* (Baylor University Press, 2011)

Sayyid, S., and AbdoolKarim Vakil, eds., *Thinking Through Islamophobia: Global Perspectives* (Columbia University Press, 2011) (HarperOne, 2008)

Kimball, Charles, *When Religion Becomes Lethal: The Explosive Mix of Politics and Religion in Judaism, Christianity, and Islam* (Jossey-Bass, 2011)

Lubin, Timothy, Donald R. Davis Jr., and Jayanth K. Krishnan, eds. *Hinduism and Law: An Introduction* (Cambridge University Press, 2010)

Borrowing Policy

All books in the CSRF collection are included in the college library's online catalog, and most are available to VWC faculty, students, and other interested users. If you would like to borrow a book, come to the Center offices, Clarke Hall 108, during normal college business hours. If you are unable to come to the Center during these hours, please call the office at 455.3129, and we can make other arrangements. *Specific policies can be found on the Center's website under the "Education" button on the Center's home page.*



NEXUS *Interfaith Dialogue Series 2012-2013 continues*

The Nexus of Religion and Sacred Art



A strong relationship between religion and art has been present since the earliest times and is expressed in countless ways. These include incorporating art into worship, such as through sacred music or liturgical dance; religiously inspired artistic expression through poetry, sculpture and architecture; and depictions of religion in novels and film. The 2012-2013 NEXUS *Interfaith Dialogue Series* will explore several dimensions of this relationship by looking at five modes of artistic expression from the perspective of two different religious traditions.

P A N E L S

February 11, 2013

MUSIC: Judaism and Christianity

Sacred music in the Jewish and Christian traditions

Panelists: **Sandra Billy**, Director of the Center for Sacred Music, Virginia Wesleyan, and **Cantor Wally Schachet-Briskin**, Ohel Shalom Temple, Norfolk

March 18, 2013

ARCHITECTURE: Islam and Buddhism

Panelists: **Dr. Ahmed Noor**, Director of Advanced Research at NASA Langley and trustee of the Mosque and Islamic Center of Hampton Roads, and **Rick Mateo**, ordained Zen priest and leader of the Seva SGI-USA Nichiren Buddhist organization.

April 15, 2013

DANCE: Hindu and Native American

Panelists: **Lynette Allston**, Council Chair and Chief of the Nottoway Indian Tribe of Virginia; and **Malini Srirama**, artistic director of *Malini's Dances of India* and award-winning performer, teacher and choreographer of classical Indian dance.

DIRECTOR'S ACTIVITIES

Center Director Paul Rasor had several off-campus speaking engagements and other activities during 2012.

SPEAKING ENGAGEMENTS & PRESENTATIONS

February 1: "Religious Pluralism, Religious Freedom, and Multicultural Policy: Lessons from Three Tolerant Societies," public lecture, University of Victoria Centre for Studies in Religion and Society, Victoria, BC, Canada.

February 10: "Embracing Our Unitarian Universalist Identity or Identities," keynote address, International Council of Unitarians and Universalists (ICUU) Council Meeting and Conference, Dumaguete, The Philippines.

February 28: "The International Context of Liberal Ministry," presentation at the annual ministers meeting of the Vrijzinnige Geloofsgemeenschap NPB, a Dutch liberal denomination, Lunteren, Netherlands.

October 10: "Do We Need A New Story?" keynote address, annual Fall Conference of the Liberal Religious Educators Association (LREDA), Williamsburg, VA.

October 26: "Unitarian Universalist Theology and Our Identity as a Religious People Informing Social Action," presentation at the Unitarian Universalist Fellowship of Topeka, KS.

October 27: "Liberal Idealism and the Quest for Justice," public lecture, First Unitarian Universalist Church of Wichita, KS.

October 27: "Social Justice and Unitarian Universalist Identity: What's Our Story," workshop for the First Unitarian Universalist Church of Wichita, KS.

October 28: "Who We Could Be," sermon given as guest preacher, First Unitarian Universalist Church of Wichita, KS.

PUBLICATIONS

New book: *Reclaiming Prophetic Witness: Liberal Religion in the Public Square* (Boston: Skinner House Books, 2012).

Book chapter: "Covenant and Unitarian / Universalist Identity," in Jill K. McAlister, ed., *Belonging: Our Unitarian Identities and the Nature of Our Relations* (London: International Council of Unitarians and Universalists, 2012): 69-91.

Article in denominational magazine: "Democracy and Empire," *UU World* (Summer 2012): 31-35.

MISCELLANEOUS

Named to the International Advisory Board for the Centre for Religion, Conflict and the Public Domain, University of Groningen, The Netherlands.

Attended the annual meeting of the General Assembly of Unitarians and Free Christian Churches, Great Britain, April 10-13, 2012.

Performed in the play "Noises Off," presented by the Virginia Wesleyan College Theatre Department, October 3-7.

FALL PROGRAM RESCHEDULED

SUPPORT THE CENTER

Founder of Blackfeet School to Speak at Virginia Wesleyan



Brother Paul Ackerman, founding president of the De La Salle Blackfeet School in Browning, Montana, will speak on “**Christian Schools and Tribal Traditions: Education on the Blackfeet Reservation**” at Virginia Wesleyan on Thursday, March 14, at 12 p.m. in the Pearce Hospitality Suite.

The Blackfeet School is operated by the De La Salle Christian Brothers for middle school age boys and girls who live on the Blackfeet Indian Reservation. Serving a predominantly at-risk population, the school is open to all faiths and cultures. Brother Paul’s presentation is co-sponsored by the Center and the VWC Education Department.



VWC students may spend a week visiting the Reservation and volunteering at the school through a winter session travel course taught by Dr. Hilve Firek, INST 304: “Life and Education on a Montana Reservation.” More information can be found on the school’s website, www.dlsbs.org.

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for the Study
of Religious
Freedom needs
your support*

You can support the Center in many ways: by attending Center programs, by sharing news of the Center’s work with others, and by your financial contributions. Please share this newsletter with your family and friends, and encourage them to come to Center events.

If you would like to make a financial gift to support the Center, you may use the form below, or you may make a gift through our website: www.vwc.edu/csrf.

Your gifts allow us to improve our programs, strengthen our library and other resources, and continue our work of promoting religious freedom.

Financial Gift to The Center for the Study of Religious Freedom

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Calendar OF EVENTS

FEBRUARY

Monday, February 11

Nexus Interfaith Dialogue: The Nexus of Religion and Sacred Art



Music: Judaism and Christianity – Sacred music in the Jewish and Christian traditions

Panelists: Sandra Billy, Director of the Center for Sacred Music, Virginia Wesleyan College, and Cantor Wally Schachet-Briskin, Ohel Shalom Temple, Norfolk
7:30 p.m., *Monumental Chapel*



MARCH

Thursday, March 7

Contraception, Religious Freedom, and the Affordable Care Act

Sharon Payne, Batten Professor of Health and Human Services; Dr. Sue Larkin, Batten Associate Professor of English; Dr. Leslie Caughell, Assistant Professor of Political Science; Dr. Paul Rasor, Joan P. and Macon F. Brock Jr. Director of the Center
12 p.m., *Pearce Hospitality Suite*

Thursday, March 14

Christian Schools and Tribal Traditions: Education on the Blackfeet Reservation



Brother Paul Ackerman, founding president of the De La Salle Blackfeet School in Browning, Montana. Co-sponsored by the VWC Education Department
12 p.m., *Pearce Hospitality Suite*

Monday, March 18

Nexus Interfaith Dialogue: The Nexus of Religion and Sacred Art

Architecture: Islam and Buddhism

Panelists: Dr. Ahmed Noor, Director of Advanced Research at NASA Langley and trustee of the Mosque and Islamic Center of Hampton Roads, and Rick Mateo, and leader of the Seva SGI-USA Nichiren Buddhist organization.

7:30 p.m., *Monumental Chapel*

APRIL

Monday, April 8

The Emancipation Project: New Music Celebrating Freedom

University of Alabama Birmingham Choirs and Virginia Wesleyan Choirs, Dr. Brian Kitteredge and Dr. Michael

John Trotta, conductors
7:30 p.m., *Virginia Beach United Methodist Church, 212 19th Street*



Monday, April 15

Nexus Interfaith Dialogue: The Nexus of Religion and Sacred Art

Dance: Hindu and Native American

Panelists: Lynette Allston, Council Chair and Chief of the Nottoway Indian Tribe of Virginia; and Malini Srirama, artistic director of *Malini's Dances of India*, teacher and choreographer of classical Indian dance.
7:30 p.m., *Monumental Chapel*

Tuesday, April 23

Concert: Land of Three Faiths

The Rose Ensemble

7:30 p.m., *Hofheimer Theatre*



Reservations at 757.455.2101, \$15-adults; \$8-seniors/military/students. No charge for VWC students, faculty and staff

Unless otherwise noted, all events are free and open to the public. Reservations not required.

For more information, call 757.455.3129.



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