



**CCA West Virginia State Chapter
STATEMENT OF OPPOSITION TO STATE HB 4012**

“[I]n God’s grand story, everyone must find a place,
and everyone’s story, including the story of Earth,
must be welcomed and honored in its telling.”

– *The Telling Takes Us Home* (p. 59)

Catholic Committee of Appalachia’s West Virginia Chapter strongly opposes the State’s House Bill # 4012, Religious Freedom Restoration Act (RFRA), and its license to discriminate.

We appreciate the background of 1993 federal act with the same name, and the history leading up to it, with its pertinence to protecting Native American sacred lands and religious practices from governmental infringement. With the U.S. Supreme Court’s decision that RFRA would only be applicable to federal actions, we can recognize, also, the value of an argument for versions of a law to be passed at the local level. However, the primary motivation behind West Virginia’s bill #4012, and others like it, seems not to be the protection of legitimate religious exercises, but securing the ability of religious groups to discriminate against marginalized populations on the basis of religious convictions.¹ As CCA’s People’s Pastoral states, “[W]e must honestly acknowledge that even mainstream churches have served as havens of discrimination and hatred” (p. 24).²

We oppose the bill because, first, we see no need for religious freedom to be “restored” in West Virginia because, as a fundamental value written into the U.S. Constitution and protected by law, it is a freedom which has never been lost here. Our state has a rich diversity of religious faiths, practices and expressions,³ including traditions with small populations like the B’hai, and fringe ones, like snake-handling churches, which have been either outlawed or only permissible with a permit in every other state in Appalachia. Even misunderstood or feared religions are free to practice here. The Church and School of Wicca, located in Hinton, West Virginia, was the first federally recognized church of that religion. All West Virginians are legally entitled to their religious beliefs no matter how distasteful they may be to others, and if they are the unfortunate victims of discrimination, they are already entitled to their day in court by federal law.

In addition, HB 4012 would be detrimental for the economy of the mountain state when it is already struggling with a lack of economic diversity due to the dominance of the extractive industry. Of all 50 states in the Union, West Virginia has the dubious distinction of having the lowest percentage of employed adult civilians, less than half.⁴ One of the largest percentages of those jobs is in the public service sector of “leisure and hospitality” (hotels, convention centers,

restaurants, etc.).⁵ An unfortunate result from the passing of the bill in the state of Indiana has been the loss of \$60 million in one week for those industries, as potential customers have not felt welcomed to utilize those types of services in the state. This is why even West Virginia's largest industries are opposed to HB 4012.⁶ With labor force participation so low and still in decline, this house bill combined with the plummeting demand for coal will only increase joblessness and decrease income into our state.

Finally, Catholics are called by God to oppose discrimination in all of its forms.⁷ No religious conviction justifies our treatment of anyone as a second-class citizen. All are made in the image and likeness of God. Therefore, religious freedom does not trump civil rights, as both are important and should be protected equally. Unfortunately, though, there is a correlation to be made between white privilege and Christian privilege in the United States. In a Gallup poll in December of 2015, it was reported 75% of Americans identify with a Christian religion.⁸ A Cadell Poll, also conducted last year, reported that Americans valued "religious freedom" over gay civil rights by a margin of 4 to 1.⁹ With the recent legalization of gay marriage, many Christians, including Catholics, are uncomfortable recognizing this right. It follows that the perceived need for fortification of religious freedom has been most emphasized by those with Christian privilege.

Our Roman Catholic Church is one of the most powerful institutions in the nation and the state of West Virginia, commanding a tremendous amount of wealth and influence. It also teaches that marriage is between a man and a woman. Whereas **the First Amendment** protects our Church's privilege and teaching, we do not believe the legalization of gay marriage threatens either. We cannot claim social victimization, thus, reinforcement for freedom of religion by a state law is not necessary.

We take issue with this bill, and the Diocese of Wheeling Charleston's support of it, because the use of our privilege to secure our own interests would endanger the civil rights of those most excluded in our midst. Roman Catholicism has historically fallen short in practicing equality and the protection of the dignity of the human person especially when that person has happened to be female or has had a sexual orientation other than that of the majority. When our Church has failed in these ways, it has often done so on the grounds of our religious beliefs. We would only be exacerbating this trend if we supported HB 4012, and affirming that the "Church is the cross on which Christ was crucified."¹⁰

Regardless of any stance on gay marriage, CCA, along with many other West Virginia Catholics, stands with women, our gay and lesbian brothers and sisters, and all victims of discrimination, especially those who are targeted in the name of religion. Catholics can proudly and confidently demonstrate faithfulness to church teaching on discrimination

precisely by opposing this bill. As one of our members who advocates for youth said, “We don’t need [HB 4012] and, on a very practical level, it would make it easier for people to make gay rural kids’ lives hell.”

For these reasons, Catholic Committee of Appalachia says “No” to HB 4012 on behalf the vulnerable and excluded people in our Diocese who would be most adversely affected if this bill were to pass: those facing joblessness, women, children and the LGBT community.

¹ For the history and current context, see The Leadership Conference Education Fund report *Striking a Balance: Advancing Civil and Human Rights While Preserving Religious Liberty* (2016), available at <http://civilrightsdocs.info/pdf/reports/2016/religious-liberty-report-WEB.pdf>.

² The People’s Pastoral is available at <http://www.ccappal.org/thetellingtakesushome2015.pdf>.

³ Chett Pritchett, “Religion.” e-WV: The West Virginia Encyclopedia. 22 October 2010. Web. 30 January 2016.

⁴ <http://www.marketwatch.com/story/this-is-the-only-state-where-less-than-half-its-citizens-work-2015-01-13>

⁵ http://www.wvpolicy.org/downloads/SWWV2012_091912.pdf

⁶ <http://www.wvgazette.com/article/20160129/GZ01/160129494>

⁷ See *Catechism of the Catholic Church*, no. 2358.

⁸ <http://www.gallup.com/poll/187955/percentage-christians-drifting-down-high.aspx>

⁹ <http://bigstory.ap.org/article/de486b3d64154d0baae9f04fba0a4094/ap-norc-poll-religious-rights-us-christians-most-valued>

¹⁰ “The Church is the Cross on which Christ was crucified” is a quotation from 20th century priest and theologian Romano Guardini which Dorothy Day cited throughout her life.