



ISSUE BRIEF

POLITICAL CORRECTNESS THREATENS RELIGIOUS FREEDOM

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The following are recent cases illustrating the threat to religious liberty. Several of these cases are from abroad, including Canada. Because of its radical "Human Rights Commissions" which enforce censorship in the name of "tolerance," Canada serves as a portent of what may lie ahead for the United States.

Canada: Mark Steyn

Popular columnist Mark Steyn and Maclean's magazine are under investigation by Canada's Human Rights Commission (HRC) after a complaint brought by the Canadian Islamic Congress (CIC). The CIC filed the complaint after Maclean's published an excerpt, headlined "The Future Belongs to Islam," from Steyn's bestselling book "America Alone," in which he predicts a coming clash between an increasingly aggressive Islamic minority in Europe and the shrinking remnants of European post-Christian social values.

The CIC alleged that Steyn and Maclean's were guilty of "exposing Canadian Muslims to hatred and Islamophobia." A representative of the group claims the complaint is intended to "protect Canadian multiculturalism and tolerance."

In an unusual display of backbone, the Canadian press has spoken out in defense of Steyn. Rebecca Walberg of the *Calgary Herald* wrote that the Commissions must be "shut down," and the *National Post* protested that the Steyn case is one of "censorship in the name of 'human rights.'" The *Chilliwack Times* ran an editorial calling the Commissions and their tribunals "a powerful ally" in the efforts of some to "further restrict our right to free speech."

Source: Pete Vere, "Canada Goosed," *Washington Times* (1/9/2008).

Canada: *Catholic Insight* magazine

The religious magazine *Catholic Insight* faces legal attack and censorship after a gay activist accused the magazine of making derogatory remarks about homosexuals. The activist filed a nine-point complaint alleging that the

magazine made "negative generalizations" about homosexuals; portrayed them as preying upon children, as dangerous and "devoid of any redeeming qualities and ... innately evil." *Catholic Insight* responded that its editorial policy adheres very strictly to Catholic Church teaching, which is careful to distinguish the deviant behavior and disordered inclination of homosexuality from the individual.

Previous HRC rulings indicate that it has become a powerful tool available to homosexual activists to silence critics of their lifestyle and opponents of their political agenda. The complainant's expenses are fully paid by public funds, and there is no requirement to follow normal judicial rules for evidence or due process. As a result, in virtually every case (Steyn claims in every case), the HRC Tribunals have found in favor of homosexuals who have made charges against those who espouse traditional Christian moral values.

Source: "Canadian Catholic Magazine Faces Legal Attack for Criticizing Homosexuals," *Catholic News Agency* (1/15/2008).

Canada: Christian Activist Fined and "Banned for life" for Criticizing Homosexuality

The Saskatchewan Court of Queens Bench has upheld in its entirety a ban on a local Christian's freedom to publicly criticize homosexuality, which was imposed by the Saskatchewan HRC. In 2006, the Saskatchewan HRC ordered Bill Whatcott, an evangelical Christian, to pay \$17,500 to four homosexuals who complained that their "feelings" and "self-respect" were "injured" by Whatcott's pamphlets describing the "gay lifestyle" as immoral and dangerous.

The HRC ordered Whatcott to "discontinue distributing any materials that promote hatred against people because of their sexual orientation." The tribunal held that "preventing the distribution of such materials was a reasonable limit on Whatcott's right to freedom of religion and expression as guaranteed by section 2 of the Canadian Charter of Rights and Freedoms."

Ottawa Citizen columnist David Warren wrote that freedom of speech is "the most fundamental right," and that the Human Rights Tribunals represent a

significant threat to democratic freedoms. Warren blasted the Human Rights Tribunals, calling them "kangaroo courts" and "star chambers" with "quasi-legal powers that should be offensive to the citizens of any free country ... in which the defendant's right to due process is withdrawn."

Source: Hilary White, "Catholic Activist 'Banned for Life' from Publicly Criticising Homosexuality," *LifeSite News* (12/13/07).

California: Transgender Woman sues Catholic Hospital for Refusing Sex-Change Surgery

San Franciscan Charlene Hastings is suing Seton Medical Center, claiming officials there discriminated against her because she had a sex-change operation. Hastings, 57, had already had the major surgery she needed to become a woman, but sought to have breast augmentation surgery performed in October 2006. However, her surgeon was informed that Seton would not allow him to operate on transgender patients. Hastings claimed she was told "God made you a man" by hospital staff.

California State law allows religiously affiliated hospitals to refuse to provide abortions, but there is no specific religious exemption allowing hospitals to deny elective surgery to transgender people. Seton is a member of the Daughters of Charity Health System, which operates five Catholic hospitals in California.

Hastings is claiming that Seton's policy violates the Unruh Act, a state law that prohibits discrimination on the basis of gender, gender identity or sexual orientation, which according to Hastings does not contain a religious exemption.

Source: Barbara Feder Ostrov, *San Jose Mercury News* (1/5/2008)

New Jersey: Methodist Camp Loses Tax Exemption for Prohibiting Same-Sex Ceremonies

The Ocean Grove Camp Meeting Association has lost its tax exemption, a move which could cost hundreds of thousands of dollars in back taxes, because it refused to permit two lesbians to have a same-sex wedding ceremony in its beachside pavilion.

The lesbian couple filed a complaint with the state attorney general's office on the basis of sexual orientation discrimination. After an investigation, the New Jersey Department of Environmental Protection announced that it was stripping the Association of its tax-exempt status for the portion of its property where the pavilion stood. The New Jersey Law against Discrimination decrees that no

discrimination on the basis of “sexual orientation” is permitted on property deemed for “public use.”

The Camp Meeting Association is suing New Jersey state officials, claiming that the state is violating First Amendment protections. “The government can’t force a private Christian organization to use its property in a way that would violate its own religious beliefs,” said the Association’s lawyer. “If the Association loses its battle to retain ‘divine approval’ by remaining true to its beliefs, it will unleash a torrent of similar cases around the nation. We will see churches and other religious groups and organizations threatened with financial penalty if they refuse to perform homosexual unions.”

Let us hope and pray that those words are not prophetic.

Source: Jill P. Capuzzo, “Group Loses Tax Break Over Gay Union Issue” *New York Times* (9/18/2007).