

Does Same-Sex Marriage Threaten the Tax Exempt Status of Educational Institutions?

By Travis Weber

Just over one month ago, at oral arguments for the same-sex marriage cases before the Supreme Court, President Obama left no doubt as to his legal strategy to marginalize and punish people for their belief in natural marriage.

At those arguments, the man responsible for advancing the Administration's legal positions before the Court, Solicitor General Donald Verrilli, [stated](#) "it is going to be an issue" if a college or university wanted to retain its tax-exempt status and at the same time hold on to its view that marriage is between a man and a woman.

This admission alone demonstrates the need to protect those whose views put them in the crosshairs of an Administration seeking to enforce its own morality on the culture.

Yet many others have already been targeted at the state level for their beliefs about marriage. Religious associations have been [forced](#) to open their facilities. Judges have been [barred](#) from joining nonprofit organizations. State officials have [shut down](#) longstanding adoption and foster care providers, and have [severed](#) partnerships with Catholic Charities as it tries to serve needy children. States have used their [power](#) to [punish](#) counselors seeking to follow their consciences. In one case, a social worker had his job [threatened](#) and was forced to defend his license before a state board because he said that he believed kids should have a mom and a dad.

In the face of the Obama Administration's strategy to marginalize those with "unacceptable" beliefs—which we now know by its own admission before the Supreme Court—the need for federal protections to prevent the government from discriminating against schools and other organizations because of their beliefs about marriage is all the more urgent.

That is why numerous university presidents are calling attention to the need for such protections today, and pointing out the need to pass the Government Non-Discrimination Act. This legislation prevents the government from discriminating in the areas of tax exempt status, grants, contracts, licensing, certification, or accreditation—among other areas—against individuals and entities simply because of their belief that marriage is between a man and a woman.

With these protections, the government would not be able to disqualify natural marriage supporters from doing good work in the public space, and would thereby protect the schools clearly at risk in light of the Solicitor General's recent comments.

These schools accomplish the difficult yet vital work of educating our young people. Their beliefs are integral to what they do, and they will not compromise their convictions for any tax benefit.

However, the tax exempt status they enjoy helps them to offer quality education to millions of young people.

Yet the federal government is on the verge of excluding these schools from the public square and effectively eliminating the entirety of their good work simply because they believe marriage is between a man and a woman.

The federal government should not be using its heavy hand to pick favorites in the public arena. While schools may be the target now, other nonprofits will be next. Eventually it may be churches.

Over the past year, the Obama Administration has made clear that it will use any possible method—whether contracting, grants, school funding, and now tax exempt status—to establish and enforce its view of morality on the private religious sphere by redefining marriage. If the court redefines marriage by mandating it as a constitutional right, the impact will be significant. Religious organizations must be left free to determine their own beliefs, which cannot be co-opted by the State.

The Government Non-Discrimination Act would prevent the federal government from discriminating against people because of their belief in natural marriage. We urge Congress to act to pass this vital legislation.