

“Lines Crossed: Separation of Church and State. Has the Obama Administration Trampled on Freedom of Religion and Freedom of Conscience?”

**Testimony of Dr. Samuel W. “Dub” Oliver
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Before the
Committee on Oversight & Government Reform
U.S. House of Representatives**

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Introduction

Good morning Chairman Issa and Ranking Member Cummings:

I appreciate your invitation to share my concerns about this serious threat to religious liberty. My name is Dub Oliver and I serve as the President of East Texas Baptist University in Marshall, Texas.

East Texas Baptist University is a Christ-centered university that was founded in 1912.

During the fall of 2011, our student body included 1,214 students.

Additionally, we have 225 full-time faculty and staff members.

I would like to raise four main points in my testimony this morning.

1. East Texas Baptist University has a religious objection to this mandate, and this mandate violates our constitutional rights.

The overwhelming coverage of this issue has been focused on the Catholic concern with the HHS mandate. But I would like to begin by talking about why this issue is so important to us as a Baptist school.

Baptists in America, by virtue of our history, are particularly sensitive to coercive government actions that infringe on religious liberty. America’s first Baptist leader, Roger Williams, had to flee Massachusetts and found a colony in Providence, Rhode Island, because his religious beliefs were not tolerated by the laws of Massachusetts. As a religious dissenter, he was run out of the state.

Because we know what it is to have our own religious liberties infringed, we are alarmed whenever any religious group’s rights are threatened. As the famous Baptist preacher, George W.

Truett once said, “A Baptist would rise at midnight to plead for absolute religious liberty for his Catholic neighbor, and for his Jewish neighbor, and for everybody else.”

We are united with Catholics and people of all faiths regarding the fact that no religious group should be forced by the government to do things that they believe and teach are wrong.

We believe that the Federal government is obligated by the First Amendment to accommodate the religious convictions of faith-based organizations of all kinds, Catholic and non-Catholic.

As a Baptist, I would be standing here even if this mandate only affected my Catholics neighbors. But I must point out that this is not just a Catholic issue. While many Christians do not share the Catholic beliefs against contraception, there is wide agreement that abortion is wrong. And we believe, based on the Bible, that life begins at conception. The Administration’s mandate covers emergency contraceptives such as Plan B (the morning after pill) and *ella* (the week after pill), which even the Administration admits interfere with a human embryo.

Our faith and the most recent science tells us that these drugs cause abortions. But under the Administration’s mandate, East Texas Baptist University will be required to buy insurance so that our employees can get abortion causing drugs for free, as if they are no different than penicillin. We believe that is wrong.

Therefore, East Texas Baptist University, like many Christian educational and social service institutions will soon face the choice of (1) paying for drugs we consider immoral on religious grounds or (2) terminating our employee health insurance plan and paying a significant per-employee fine. This sort of government coercion is wrong, and it is unconstitutional.

East Texas Baptist University and those with whom we have been associated have been addressing this issue since the final rule was first released in August 2011. We have submitted comments on the rule to HHS, we have written letters to President Obama asking his administration to respect the religious liberty guaranteed in the Constitution, and we have advocated with lawmakers to protect our liberty.

2. We are offended that this Administration says that we aren’t “religious enough” to have our religious beliefs respected.

Last Friday, the Administration gave final approval to a rule that includes the stingiest definition of a religious organization ever to appear in federal law. Under this rule, the only groups “religious” enough to qualify for an exemption are those that exist only to spread religious values, and that hire and serve people only those that share their beliefs. Because East Texas Baptist University teaches and serves non-Christians (we accept students of all faiths and students of no faith), we do not qualify for the very narrow religious exemption offered by the Administration.

But now the President has now promised that he will someday propose another regulation that will protect groups that the government says aren’t religious enough for an exemption, but still

religious enough for some accommodation. And religious business owners and religious individuals seeking insurance apparently have no free exercise rights at all.

It is unbelievable to me that the government has now created this three-tiered caste system of religious organizations. Who gave the government the authority to create different classes of religious groups and assign each of them different rights? That is not the government's job. The First Amendment is designed precisely to stop the government from this sort of picking and choosing.

As others have said, even if this promised accommodation ever comes to pass, it will do nothing to address our religious objections. The President claimed last Friday that religious liberty will be protected because the insurance companies will be required to provide the offending abortion causing drugs instead of the employers. This simply does not make sense. But even if this accommodation was meaningful for some, it does absolutely nothing for East Texas Baptist University. Like many faith-based organizations, we provide our employees with a self-funded insurance plan. In organizations like ours, the University would still be required to directly fund abortion causing drugs.

3. This issue is not about women's health.

The central issue here is not women's health, and it certainly isn't access to contraception. This is about whether the government can get away with trampling on the rights of religious organizations.

Of course religious organizations like East Texas Baptist University care about women's health. First of all, as far as I am aware, no religious group has lodged any objection to the majority of the preventative services in the mandate. In fact, we already cover preventative services, including contraceptives, under our employee health plan. We simply object to a few drugs, which the government calls contraceptives, because we believe they cause abortions.

Second, I've heard it suggested that this mandate is necessary to increase access to contraception. The Administration last Friday said that close to 99% of women use contraception. I don't know if that number is true, but surely if the President is quoting this number he knows there's no problem accessing these drugs.

This issue is not about women's health, it is about religious liberty. It is about whether the government will force religious people and organizations to do something they believe is wrong. Everyone here wants women to have access to good health care. We are asking that our religious views be respected.

4. If the government is allowed to go down this road, where will it end?

To close, perhaps the most frightening aspect of this entire episode for East Texas Baptist University is that we have no idea when this road will end. Today, the Administration is trying to force us to provide our employees with abortion causing drugs. And it tries to avoid the obvious constitutional problems with this mandate by deciding that we are somehow not religious enough

for protection. If the government can force Catholic monks to dispense birth control, what can't it do? If the government can decide that East Texas Baptist University is not religious enough to have the right to religious liberty, what can't it do? If this administration can just decide that religious beliefs are less important than its chosen policy goals, what can't it do?

These questions are frightening. And that is why religious organizations and people of will from all across the spectrum are joining together out of concern that this mandate threatens to erode one of our most precious rights, our religious liberty, guaranteed to us by the First Amendment. I urge this Committee and Congress to act to ensure that protection for those of us at East Texas Baptist University, and for all Americans.