

**Testimony of Dr. William K. Thierfelder, President  
Belmont Abbey College  
Before the  
Committee on Oversight and Government Reform  
Of the  
United States House of Representatives  
“Lines Crossed: Separation of Church and State. Has the Obama Administration  
Trampled on Freedom of Religion and Freedom of Conscience?”**

Thank you, Mr. Chairman, for holding this very important hearing into an issue which has become front and center for this country in the past several months, and which is ignored at the peril of our religious freedom. I would also like to thank the Becket Fund for Religious Liberty, which represents my institution, Belmont Abbey College, in its fight against the Obama’s Administration’s very dangerous mandate.

When the mandate was issued in August 2011, we were stunned. Belmont Abbey College, which was founded in 1876 by Benedictine Monks, is affiliated with the Roman Catholic Church and the Order of St. Benedict. We are unwavering in our belief that contraception, sterilization, and abortion are against God’s law. This is what we teach our students. We believe it is a sin for us to facilitate access to these services through the funds of our religious college. Providing contraceptive services, abortifacients, and sterilization – and the education and counseling that go along with such services mandated by the government – is a violation of our conscience. This is a violation that we refuse to make. And yet, that is precisely what we will be forced to do under the Health and Human Services mandate. That is why, Belmont Abbey College, with the help of The Becket Fund for Religious Liberty, filed the first lawsuit against the government to challenge this violation of our freedom of religion.

Many have noted that this mandate fits into a pattern of actions this Administration has taken that show hostility toward religious liberty. We at Belmont Abbey College know this story first hand. Three years ago, in the early months of this Administration, the Equal Employment and Opportunity Commission (EEOC) made Belmont Abbey College the first religious organization ever targeted by the federal government for not covering contraception in our employee health care plan. The EEOC said that by remaining true to our Catholic beliefs we were guilty of “gender discrimination.” They then sat on their hands and refused to issue a final determination on our case. They have left us in limbo, with an EEOC investigation hanging over our heads, for more than two and a half years.

Why has the EEOC refused to move forward in our case, we’ve wondered? No doubt it’s because they knew their aggressive interpretation of Title VII would not hold up in court. In fact, the only federal appeals court to hear this issue held that the EEOC was wrong—Title VII does not require employers to cover contraceptives (In re: Union Pacific Railroad Employment Practices Litigation, 479 F.3d 936 (8<sup>th</sup> Cir. 2007)). And that is even before you get to the constitutional alarms that go off when the government tries to punish religious groups for following their convictions.

So because this Administration realized it couldn't force a Catholic College to distribute contraception through the courts, and of course any such mandate wouldn't pass through Congress, the Obama Administration is now trying to coerce us through an administrative rule. While the Administration's tactics have changed, our convictions have not – and as much as they'd like us to “adapt” them in the next year, they will remain firm.

With the help of The Becket Fund, Belmont Abbey College is fighting the HHS mandate in federal court. Our lawsuit sets forth not one, but multiple, claims to show how this mandate violates our rights under the Constitution and federal law.

For instance, we have challenged the mandate under the free exercise clause of the First Amendment because it pressures Belmont Abbey College to violate its religious beliefs by forcing it to choose either to follow its conscience or suffer substantial fines and competitive disadvantages in the employment market.

We have also challenged the mandate under the free speech clause of the First Amendment because it compels Belmont Abbey College to subsidize drugs and procedures that it teaches are immoral, and furthermore compels us to provide our employees with education and counseling on how to violate Church teaching.

We also have a substantial burden claim under the Religious Freedom Restoration Act because of the substantial burden it places on us if we are forced to pay an annual fine for all of our employees for not buying health insurance that violates our conscience. These fines could be \$300,000 annually.

The administration offered what it seemed to think was a nice gesture on January 20<sup>th</sup>, when it gave those religious organizations that do not qualify for the exemption an extra year to comply. An extra year to learn how to violate our conscience and betray our deepest religious principles. I've explained this as akin to being told, “We know you use oxygen to breathe, so we're going to give you an extra year to figure out how to breathe without it, and we hope by then you've adapted.” Our religious beliefs and principles – and our freedom to express them without government interference – are as important to us as the air we breathe. They are not something we are prepared to abandon in a year's time because the government says we have to.

We have been asked about the impact on our case of President Obama's announcement of a “compromise” on Friday, February 10<sup>th</sup>. The answer is that it has no impact whatsoever on our lawsuit, because the compromise did not in fact make any change to the mandate issued in August.

First, nothing in this accommodation offered by the President clarifies or expands the group of religious organizations which qualify for the exemption from the mandate. With the original mandate in August 2011, President Obama created two tiers of religious groups. The first tier, the organizations that qualify for this exemption, are religious groups who primarily serve and employ members of their own faith. On the second tier are organizations that serve the broader community by providing social services, education, and employment to people from outside their direct faith group. These organizations – including Belmont Abbey College – do not qualify for

the religious exemption. We are punished for providing services for people of other faiths by being forced to violate our conscience.

And I won't even get into the impact on all of those individuals who self-insure, run small businesses, and who object to this intrusion on their conscience and aren't even considered by this Administration as "religious enough" to have their religious beliefs protected.

The attempt by the current Administration to narrow the definition of what constitutes a religious group is part of a larger trend of erosion of religious freedom in this country. This was seen most strikingly in the Hosanna-Tabor case, also argued by the Becket Fund, in which the Supreme Court of the United States unanimously rejected the administration's extremely narrow interpretation of religious freedom. It is also seen in the willingness of the administration to enforce this mandate, even if it were to result in the forced closure of religious charities that provide essential services to the needy.

Second, the announcement last week was merely an accounting gimmick and changes nothing in the mandate. Supposedly, instead of religious organizations paying for the contraceptive services, now the President intends to pass this on to the insurance company who will pay for them. But, of course, we're the ones paying the insurance company. So, if he somehow gets this through some rule-making procedure, he's essentially opened a whole new can of worms related to the rights of those insurance companies and our continued objection to providing insurance that covers these objectionable things.

The core issue of the mandate remains: religious groups are still forced to purchase a product that provides contraceptive services. Religious groups are still not allowed the option to provide health care that is consistent with our religious beliefs. And we will still have to pay a substantial fine if we don't do this, in violation of our conscience. It's a no win situation.

I joined a group of over 300 renowned academics, university professors, presidents, deans, and board members, journalists, and lawyers who signed our names to a letter denouncing the HHS mandate and the President's unacceptable "accommodation" as announced on Friday. The signators of this letter include Christians of all denominations, Jews, and Muslims, who have come together to protest the administration's grave violation of religious freedom. This is an issue which does not simply affect the "Catholic bishops," as the media seems to portray. Any time the government so blatantly disregards the constitutional rights of the people, it affects all Americans who value the First Amendment and the right to freely practice our religion without interference by the government.

It should be telling that so many people, from so many political and religious groups, have spoken out about this egregious violation of the freedom of conscience. It should indicate to the administration that it is unacceptable to give people of faith a false choice – either abide by the government's rules, or abide by your own rules and suffer the very substantial consequences.

Our nation's founders believed strongly in the important place of religious institutions in American society and the need for those institutions to remain independent of governmental control. Religious freedom was enshrined in the First Amendment, guaranteeing the right for

freedom of belief and freedom of exercise. But now, religious institutions are being pushed out of the public sphere, our practices increasingly regulated by government policies. The right of individuals and groups to hold certain religious beliefs and live our lives according to those beliefs is being eroded. Belmont Abbey College and the Becket Fund are not simply fighting a contraception mandate; we are fighting to maintain our inalienable right to freedom of religion, the first freedom. When we lose the freedom to believe, we have lost all freedom.

Thank you.

# WILLIAM K. THIERFELDER, ED.D.

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Belmont, North Carolina 28012

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BillThierfelder@BAC.edu

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## PRESIDENT / CEO

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### PROFILE

Pro-active and results oriented doctoral level business professional with proven abilities in strategic planning, managing projects, improving efficiency, and team building in start-up, turn-around and established businesses. Quickly grasps complex concepts, analyzes, and interprets ideas into logical strategy. Able to accurately identify areas of strength and weakness and implement policies, standards, changes in operations, and systems that optimize productivity and the bottom line. Persuasive leader and corporate spokesperson possessing strong negotiating skills as well as oral and written communication skills. Demonstrated ability to motivate staff to maximum productivity and control costs through the most effective uses of manpower and available resources. Proven world class performer and teacher validated by experience as a National Champion, two time All-American and NCAA Division I Coach.

#### AREAS OF EXPERTISE

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|--------------------------|-------------------------------------|----------------------------|
| ▪ Strategic Planning     | ▪ Negotiations                      | ▪ Performance Psychology   |
| ▪ Start-Up & Turn-Around | ▪ Product Development               | ▪ New Service Rollout      |
| ▪ P & L Management       | ▪ Advertising, Marketing & PR       | ▪ Presentations & Training |
| ▪ Operations Management  | ▪ Staff Development / Team-Building | ▪ Problem Solving          |
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### PROFESSIONAL EXPERIENCE

#### **Belmont Abbey College, Belmont, North Carolina**

**2004 - Present**

##### President

Founded in Belmont, NC, ten miles west of Charlotte, by Benedictine monks over 135 years ago, the College continues to celebrate the 1,500-year-old monastic tradition by serving the community and dedicating itself to challenging students to become truly excellent and virtuous in all that they do. Created vision and strategic plan to increase enrollment and retention, improve financial stability, and increase national reputation as an academically select college. Developed a one-hundred million dollar master plan for renovation and new construction of facilities which included ground breakings for two new buildings as well as the renovation of an existing 5000 sf. facility into a StarBucks coffee house in the first year. Renovated classrooms into high tech multi-media learning spaces. Doubled the "Honors" program in each of two successive years and launched the Honors Institute in fall 2007. Created a highly competitive, first of its kind, four-year business program in Motor Sports Management which attracted students from around the world and garnered significant national media attention. In addition, fielded six new, competitive, NCAA Division II athletic teams in less than one year.

- Established and implemented new vision and strategic plan resulting in greater national recognition and reputation.
- Raised over five million dollars through a PPM in the first six months to fund new strategic plan initiatives.
- More than doubled total enrollment to over 1700 students (2005-2011). Increased the average SAT/GPA for each incoming class.

#### **York Barbell Company, Inc., York, Pennsylvania**

**2002 - 2004**

##### President

Founded in 1932 by Bob Hoffman, York Barbell Company has one of the most recognizable names in the fitness industry. As president, created vision and strategic plan to facilitate company turn-around and brand rejuvenation. Negotiated joint venture agreement with Asian partner to provide over ninety-five percent of manufacturing and outsourcing from China. Closed U.S. manufacturing plant and re-focused U.S. efforts on sales, marketing, product development and logistics management. Company vision focused on consumer retail market by implementing a solution based approach to working with mass merchants and major sporting goods companies. Maintained company image as an industry leader of quality products through certification as one of only three companies in the world qualified to make equipment for international competitions and the Olympic Games. Within one year opened two satellite offices in Europe that generated over three million dollars in new sales including a private label program with Reebok. Developed, trademarked and patented a new and innovative line of benefit specific products.

- Negotiated first joint venture agreement with Chinese manufacturer.
- Created a solutions based approach to working with mass merchants and major sporting goods companies.
- Increased sales over 125% in less than two years.
- Negotiate the sale of York Barbell Company to new majority owners.

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**PROFESSIONAL EXPERIENCE (Continued)**
**PLAYER MANAGEMENT GROUP, LLC, Harrisburg, Pennsylvania**  
Executive Director / Member of the Board of Directors

2000 - 2002

Directly responsible for overall profitability, sales and service for this start-up sports representation company that provides NFL, NBA, NHL & MLB players with contract negotiation, personal & financial management, legal, endorsement, career planning and sports medicine services. Define and implement long and short term objectives; oversee and control all daily operations, policy implementation, advertising and strategic direction. Set and administer budgets; initiate cost controls to ensure profitability. Recruit, hire and motivate staff of high profile lawyers/sports agents; evaluate overall and individual performance, and devise and implement proactive management training processes. Provide an environment of mutual trust and respect and demand the highest ethical standards from staff and management.

- Introduced new contact management system that increased qualified prospects by 700% in the first year.
- Recruited and hired former Washington Redskins Super Bowl Champion to staff.
- Reduced total expenses by 20% through improved communication, oversight and agent accountability.
- Created a new infrastructure that increased productivity by over 200% through better agent efficiency.

**PROSPORTDOC™, INC., Harrisburg, Pennsylvania**  
Founder / President

1985 - 2002

Owned and operated successful performance enhancement service company, formerly known as Precision Athletics, Inc. of Boston, MA, that provided individuals with a comprehensive and integrated means to dramatically improve their performance. Company tag line: "To those who are given much, much will be demanded" (*Lk 12:48*).

- Created a new performance enhancement delivery system for pro athletes called the *ProSportDoc Retainer Program*®.
- Developed several All-Americans, National Champions, Olympians, and a Gold Medalist & World Record Holder.
- Significantly improved the earning potential for many professional athletes in the NFL, NBA, MBL, LPGA, ATP, & WTA.

**NOVACARE, INC., King of Prussia, Pennsylvania**  
National Director of Sports Science / Performance

1998 - 2000

Appointed by President to create and implement an alternate revenue source, not dependent on third party payers, for NovaCare, Inc., the nation's second largest provider of outpatient physical therapy with over 700 centers throughout the United States. Created and managed all elements of the NovaCare Sports Performance System including the national network of providers, personnel, budget, P&L, continuing education, research, marketing & advertising. In 2000 NovaCare, Inc. was acquired by Select Medical Corporation.

- Created comprehensive policies and procedures for the implementation and operation of the new program.
- Invited by President to be the keynote speaker at NovaCare's annual *President's Awards Dinner*.
- Received NovaCare's Olympian Award from the President for outstanding public relations contributions.

**JOYNER SPORTSMEDICINE INSTITUTE, INC. (JSI), Harrisburg, Pennsylvania**  
Co-Founder / Corporate Officer / Board of Directors, Member

1992 - 1998

Co-founded JSI, a physical therapy corporation, and was responsible for the start-up and daily operations of first facility opened in 1992. Over the next six years twenty-two facilities were opened in FL, IL, KY, NJ, LA, PA & SC. Provided leadership that attracted the most highly skilled and sought after professionals to seek employment opportunities with JSI despite staffing shortages in the industry. Used executive coaching skill to improve performance and retention of upper level management. As National Director of Sports Science, created, directed and co-chaired one of the largest and most successful sports medicine and physical rehabilitation conferences in the United States. Teamed with CEO to build strong corporate image through appearances on national television, radio and in print media. Directed marketing and advertising as well as the creation and development of all collateral materials.

- Created start-up company in 1992 and six years later sold to NovaCare, Inc.
- Increased attendance and gross revenue of National Conference by 30% over three year period.
- Established an industry first by creating and introducing the Sport Performance Retainer Program for professional athletes.

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## EDUCATION

- **BOSTON UNIVERSITY**, 1989  
**Ed.D. Degree**, Sport Psychology and Human Movement  
**Ed.M. Degree**, Sport Psychology
  - **UNIVERSITY OF MARYLAND** (College Park), 1982  
**B.A. Degree**, Psychology
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## LICENSES, CERTIFICATIONS & REGISTRIES

- Licensed Psychologist
    - Diplomat; American Board of Psychological Specialties
    - United States Olympic Committee's Sport Psychology Registry, 2000-2008
  - Member; American College of Sports Medicine
    - Member; American Psychological Association
    - Member; Association of Applied Sport Psychology
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## ACADEMIC, HOSPITAL, & BOARD APPOINTMENTS

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| <ul style="list-style-type: none"> <li>• Catholic Athletes For Christ<br/><u>Board of Directors, Member</u> 2007/Present</li> </ul>                                       | <ul style="list-style-type: none"> <li>• JOYNER SPORTSMEDICINE INSTITUTE 1992/1998<br/>Science Advisory Board<br/><u>Chairman</u></li> </ul>   |
| <ul style="list-style-type: none"> <li>• Room at the Inn<br/><u>Advisory Board, Member</u> 2007/Present</li> </ul>  | <ul style="list-style-type: none"> <li>• ASSOC. APPLIED SPORT PSYCHOLOGY 1996/1999<br/>Certified Consultants Committee<br/><u>Chairman</u></li> </ul>                                    |
| <ul style="list-style-type: none"> <li>• Goodwill Publishing, Inc.<br/><u>Board of Directors, Member</u> 2010/Present</li> </ul>  | <ul style="list-style-type: none"> <li>• AMERICAN PSYCHOLOGICAL ASSOC. 1996/1998<br/>Division 47<br/><u>Practice Committee, Member</u></li> </ul>  |
| <ul style="list-style-type: none"> <li>• Gaston Regional Partnership<br/><u>Board of Directors, Ex Officio Member</u> 2012/Present</li> </ul>                             | <ul style="list-style-type: none"> <li>• PENNSYLVANIA DEPARTMENT OF AGING 1994/1996<br/>Dauphin County Area Agency on Aging - Health<br/><u>Board of Directors, Member</u></li> </ul>    |
| <ul style="list-style-type: none"> <li>• REAL ALTERNATIVES 1997/2002<br/>Project Women in Need (WIN)<br/><u>Board of Directors, Member / Corporate Officer</u></li> </ul> | <ul style="list-style-type: none"> <li>• MILTON S. HERSHEY MEDICAL CENTER 1990/1992<br/>Department of Orthopedic &amp; Sports Medicine<br/><u>Adjunct Assistant Professor</u></li> </ul> |
| <ul style="list-style-type: none"> <li>• JOYNER SPORTSMEDICINE INSTITUTE 1997/2000<br/>Research Foundation<br/><u>Board of Directors, Member</u></li> </ul>               |  |
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## HONORS & ACCOMPLISHMENTS

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| <ul style="list-style-type: none"> <li>• Sports Faith International Hall of Fame, Inducted 2011</li> <li>• 1984 Olympian, IRE (DNC due to injury)</li> <li>• 1983 National Champion &amp; Record Holder, IRE</li> <li>• 1981 U.S. National Championships - Medalist</li> <li>• 1980 U.S. Olympic Trials - Qualifier</li> </ul> | <ul style="list-style-type: none"> <li>• Boston University, Ida M. Johnston Alumni Award 2007</li> <li>• St. Thomas More Society Award – Recipient 2008</li> <li>• All-American (2x) – NCAA Division I</li> <li>• NCAA Division I Coach</li> <li>• U.S. National Coach – World Games for the Deaf</li> </ul> |
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**Committee on Oversight and Government Reform  
Witness Disclosure Requirement – “Truth in Testimony”  
Required by House Rule XI, Clause 2(g)(5) Name:**

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2008. Include the source and amount of each grant or contract.

2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

Belmont Abbey College, President

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2008, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

A. Date: July 1, 2009

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~~From: ESTA, Library Services & Technology Act, Institute of Museum and Library Services~~

Amount: \$95,500

Use: To fund the Learning Commons equipment, furniture, cabling, and electrical infrastructure in Summer 2009. No additional monies to come. All funds expended and grant concluded in July 2010.

B. Date: January 29, 2010

From: US Department of Education through North Carolina Independent Colleges and Universities

Amount: \$6,430

Use: Academic Resource Center for supporting tutoring and mentor expansion programs and services.

C. Date: February 10, 2011

From: US Department of Education through North Carolina Independent Colleges & Universities

Amount: \$18,140

Use: Academic Resource Center, to support continued expansion of tutoring and mentor programs and services.

D. Date: Award Notification 11/16/2011

From: US Department of Education through North Carolina Independent Colleges & Universities

Amount: \$11,880

Use: To support expansion of tutoring and mentor programs and services in the Adult Degree Program, specifically helping at-risk students.

*I certify that the above information is true and correct.*

Signature:

Date:

