

Letter: No laws based on religion

August 7, 2022



Mark Burton’s claim that abortion regulation should be left up to the states (Guest Column 7/29/22) is simply wrong, and the reason is set forth in his own argument. He cites a “debate about which religious beliefs are correct” as the reason this should be decided at the state level.

The Constitution sets forth certain rights, particularly in the Bill of Rights, but does not limit rights to those listed. The Ninth Amendment says “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” So “we the people” have other rights as well.

Burton’s “which religious beliefs are correct” is legally irrelevant. The First Amendment says “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” No state or other government entity can do so either, under constitutional law. This insures that folks are free to practice their religion, and are also free from the dictates of others’ faiths.

Individual liberties may not be abridged by laws based on religious beliefs. Laws prohibiting abortion are just as intrusive on individual liberty as would be a law requiring them. Where necessary, laws that limit freedoms must be based on the purposes of the Constitution set forth in the preamble, the part about establishing Justice, insuring domestic tranquility, promoting the general welfare, securing the blessings of liberty, etc.

We may differ and debate and regulate abortion based on these founding concepts. Sometimes religious tenets may be congruent with the constitutional goals, but they cannot be the basis for making laws.

Decisions about an abortion (or any medical procedure) are between an individual and her doctor following medical practices and ethics regulated by states and the profession. That is her liberty, free from the constraints of other people's religion. Considerations involved may include her faith, family interests, and such, but are her private business, not the government's.

So, in no case may a majority or a controlling minority pass laws diminishing individual liberties on the basis of religious beliefs. That is what our Constitution says, and very plainly. That is one thing that makes the United States of America great. It is that simple.

Roger Niesen

Crescent City