

# OPINION

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## The LEADER

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### OTHER VIEW | CHICAGO TRIBUNE

# Will the Supreme Court uphold religious freedom?

Last year, President Barack Obama scrambled to quell a fierce outcry from some religious groups over a mandate in the Affordable Care Act that health insurance cover contraceptives. The administration approved an exemption for churches, but the requirement still falls on many religious organizations and on employers who object as a matter of faith.

The requirement has sparked dozens of lawsuits from groups that say it infringes on their religious freedom. In November, the U.S. Supreme Court agreed to hear a challenge from two companies that objected to the law as a violation of their First Amendment rights.

Late Tuesday, in a surprise, Justice Sonia Sotomayor temporarily blocked the administration from forcing religious-affiliated groups to provide such coverage to their employees. That may open the door to a second legal challenge to the contraceptive mandate.

Sotomayor issued her order in a case involving a Colorado order of nuns, the Little Sisters of the Poor. Under the Obamacare rules, the Little Sisters and other religious organizations need not directly provide insurance coverage of contraceptives, but they must sign a certification that allows their insurers to offer those services. The legal challenge asserts that the mandate, which includes some contraceptives considered to be abortifacients, forces the groups to violate their religious beliefs.

They have a strong constitutional argument and they've found the right venue: the U.S. Supreme Court.

Sotomayor ordered the Obama administration to file a brief by Friday, responding to the challenge from those religious groups. Her order doesn't necessarily indicate she accepts the legal argument. She gave the religious organizations temporary relief from the rules while the Supreme Court decides whether to hear the case.

The administration has set out a complicated standard for whether a company or organization should be exempt from these rules. On one end stand for-profit

corporations, which aren't exempt. At the other end, churches and some other religious institutions, which are excused. In the middle are many groups that have a religious affiliation and a faith-based mission, such as Catholic-affiliated universities and hospitals, and the Little Sisters of the Poor in Colorado.

Earlier this week, Archbishop Joseph Kurtz, the head of the U.S. Conference of Catholic Bishops, complained in a letter to Obama that while the administration had "relaxed the rules" for many Americans' health plans, "one category of Americans ... has been left out in the cold: Those who, due to moral and religious conviction, cannot in good conscience comply" with the contraception mandate.

That provision, he added, "harshly and disproportionately penalizes those seeking to offer life-affirming health coverage in accord with the teachings of their faith."

The administration has made numerous exceptions to the rules of Obamacare - including delay in the insurance mandate for employers and many individuals. About a year ago, the Department of Health and Human Services announced it would draw a distinction between religiously affiliated employers and secular employers. But it still sought a guarantee that their employees would have contraceptive coverage.

We're not arguing against insurance coverage of contraceptives. But a government mandate that religious organizations violate the tenets of their faith is an unconstitutional reach.

The administration should provide a much broader conscience exemption for the insurance mandate. Exempt from these rules is any entity that would be forced to contravene its religious teachings and beliefs. Abide by the constitutional principle: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ...

Obamacare is the law of the land. But the constitutional protection of religious freedom shouldn't be parsed or shaded by the law.

### First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of people peaceably to assemble, and to petition the Government for a redress of grievances.

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### WEEKLY COLUMN | SEN. TOM O'MARA

# Beginning the new year in Albany



TOM O'MARA

This year's legislative session officially gets underway on Wednesday, when Governor Andrew Cuomo delivers his fourth State of the State message to a joint session of the Senate and Assembly.

While it's largely a day of pomp and circumstance in and around the Capitol, the governor's address itself and the subsequent legislative responses traditionally deliver strong signals of the debates and the issues that will dominate the agenda of New York government in the coming year.

In other words, it's a day when legislative game plans - from the governor, from individual legislative conferences, and from myriad advocacy groups -- start getting put in motion. I'll be doing that too.

For example there are a number of initiatives that I'm either sponsoring or co-sponsoring that I'll keep pushing in 2014. These include measures to:

- Further outlaw and seek to deter the operation of clandestine methamphetamine labs. Local meth lab discoveries remain alarming. These labs put police officers, first responders and local residents in harm's way. We better pay attention. Our laws need to keep pace with the goal of putting meth manufacturers out of business.

- My legislation would further outlaw the operation of meth labs by increasing the criminal penalties for the possession of meth manufacturing material and the unlawful manufacture of meth, implementing a series of increasingly severe felony offenses.

It would also enhance the ability of local police and district attorneys to track and prosecute violations of restrictions on over-the-counter sales of cold medications that are key ingredients used to cook meth.

As well, I'll be joining a renewed legislative effort to enact legislation that would require sellers of homes that were

previously the site of an illegal meth lab - and therefore contaminated with the hazardous chemicals left behind by meth labs - to disclose the information to potential homebuyers.

- Put an end to the unfunded state mandates that impose unfair and unreasonable fiscal burdens on counties, cities, towns, villages and school districts. The legislation would ban the imposition of any future state mandates on local governments and school districts that are not accompanied by state funding to localities to pay for delivering the required programs and services. In short, this legislation delivers a clear, commonsense message: If the state mandates it, the state should pay for it.

- Enhance the identification and prosecution of Medicaid fraud. For example, current state law limits reimbursements to local governments for successfully prosecuting Medicaid fraud cases. Under proposed legislation, local governments would keep 100% of the local share of any successful Medicaid fraud prosecution or settlement, or 10% of the

total recovery, whichever amount is greater. We keep reading story after story that Medicaid fraud still costs taxpayers millions upon millions of dollars.

It's a mismanaged system. Something needs to change. Huge amounts of upstate tax dollars go to support vast Medicaid spending statewide, especially in New York City, and we can't keep footing the bill for mismanagement, misspending, fraud and waste.

- Eliminate the franchise tax on manufacturers across the Southern Tier and Finger Lakes regions, and statewide. Manufacturing has always been the economic engine of many upstate communities. It remains our best hope for long-term revitalization.

We know that tax cuts will headline this year's legislative negotiations. A number of tax cut strategies have already been advanced that could produce a more competitive business climate that invites private-sector job growth, welcomes businesses and industries, and helps individual workers and their families—if we finally act.

Over the past several years of economic struggle, New York and states across the nation have been forced to make decisions that have been painful across the board. That's been especially true in areas like education. In 2014 we have to continue our efforts to put in place

a more equitable and fair distribution of state education aid to low wealth, high needs school districts, particularly rural upstate and small city school districts.

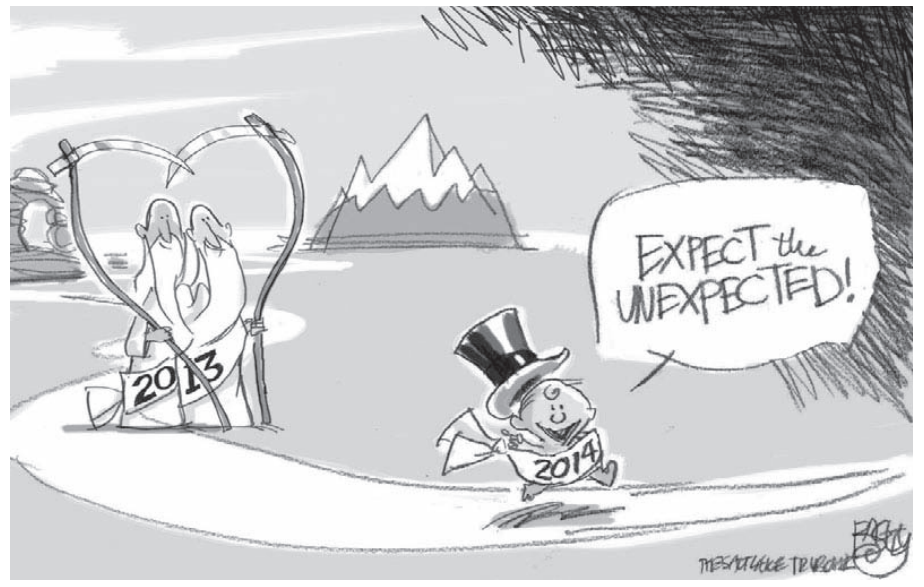
Finally, we will continue the fight to convince the Cuomo administration to reverse its plan to close the Monterey Shock Incarceration Correctional Facility this year. I continue to believe, very strongly, that we've made a case on the merits for keeping Monterey open.

It makes sense fiscally. It's critical to the regional economy and community services. It's consequential for the quality and strength of criminal justice in New York State. Monterey has turned lives around. It remains impossible, in my view, to justify its closing. We'll keep making this case to Governor Cuomo.

Throughout the year ahead, keep in mind my Senate website ([omara.nysenate.gov](http://omara.nysenate.gov)) as a steady source of legislative news and other updates. For example, my "2014 Community, Jobs and Economy Survey" is currently online as one convenient way for all of you to keep sharing your thoughts, opinions and suggestions for better government.

*State Sen. Tom O'Mara, R-Big Flats, represents New York's 58th Senate District, which includes Steuben, Chemung, Schuyler and Yates counties, and part of Tompkins County.*

### ANOTHER VIEW



### COLUMN | BOB RAY SANDERS

# Many afraid to see best movie of the year

Several weeks ago on a radio sports talk show, one of the co-hosts made the most amazing dare to his colleagues - really to the audience as well - about a movie, of all things.

Longtime Dallas/Fort Worth broadcaster Chris Arnold is not only one of the most knowledgeable people in sports, he is an avid movie fan with an encyclopedic knowledge of films past and present. He does regular segments about new movie releases during the sports show.

On this day, almost as an afterthought it seemed (except Chris never really does anything as an afterthought), he talked about the movie he had just seen, noting that it was a tough one to watch.

He then dared his on-air cohorts to go see "12 Years a Slave," publicly betting that they wouldn't have the nerve, or the interest, to do so.

The sports guys apparently aren't the only ones reluctant to see this highly acclaimed movie, as several

film critics have reported that within their circles of the so-called literati they have run into people who simply can't bring themselves to view a movie on such a weighty subject - at least not yet.

Slavery. It is a topic many Americans simply don't want to be reminded of and are in no mood to talk about.

Slavery was an institution in American, and we are rightly ashamed of it. From the very beginning, it contradicted what this country's founders supposedly stood for. It was a chapter in the nation's history that made a lie of our coveted Declaration of Independence, to wit:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

I know there are those who will resent this column simply because of its topic. And it is to them that I

issue the dare to go see "12 Years a Slave," based on the true story of Solomon Northup, a freeborn black man from upstate New York who was kidnapped while visiting Washington, D.C., in 1841 and sold into slavery.

This film by director Steve McQueen portrays slavery more accurately and poignantly than Hollywood ever has before.

It deals with the complexities of human bondage in a "democratic" America, including the separation of child from mother, the slave as a sexual object, the dehumanization process, the religious rationalization of such a vile system, the physical cruelty and the plantation politics between master and slave and between bondservant and bondservant.

It is powerful storytelling that is indeed difficult to watch. Some scenes you will never be able to forget.

"12 Years a Slave" has had limited release compared to many other films, but it is likely to be on a lot more screens as the awards start

to pour in.

It's already won the audience award from the Toronto International Film Festival, has seven Golden Globe nominations (the awards are to be presented Jan. 12) and four nominations from the Screen Actors Guild.

When the Academy Award nominations are announced Jan 16, it is expected to be a leading contender.

Many critics, including the Fort Worth Star-Telegram's Cary Darling, have named "12 Years a Slave" their top movie of the year.

So make it your New Year's resolution to see this film. And then talk about it. Discuss not only this one man's story, but slavery itself, the vestiges of which still remain.

I dare you. Of course, to talk about slavery means you'll have to talk about something else most Americans don't want to discuss: race.

*Bob Ray Sanders is a columnist for the Fort Worth Star-Telegram.*