

## An uphill slog for the bishops

NCR Editorial Staff | Oct. 27, 2011

### *Editorial*

The U.S. bishops sounded an unusual alarm with the formation recently of the Ad Hoc Committee for Religious Liberty to deal with what Catholic leaders term "unprecedented threats" to the freedom of faith communities as a result of Obama administration policies.

If the tone of New York Archbishop Timothy Dolan's letter announcing the committee is somewhat breathless and exaggerated, he nonetheless raises a valid point: No religious group that is otherwise not breaking a law should receive mandates from the federal government requiring it to go against its conscience.

Dolan, president of the U.S. Conference of Catholic Bishops, lists six areas of concern about state interference, most of them having to do with sexual issues. Some of them present greater difficulty than others in making the case for religious exceptions.

The church is bound to increasingly find itself in disputes with the wider society as it takes unyielding stands on such issues as homosexuality, contraception and abortion. In these cases, of course, one church's argument for upholding its civil rights is another group's perception of a rationale for denying *its* civil rights. It is a struggle whose outline is as old as the republic, but with new issues.

One of the most pressing of those issues -- and one in which we can't imagine the administration wishing to pick a fight with the country's largest religious denomination -- has to do with Department of Health and Human Services regulations that would mandate the coverage of contraception and sterilization in all private health insurance plans. The administration better be careful on this one, because it could easily lose the goodwill and the support from segments of the Catholic community without which it would not have passed health care reform.

The University of Notre Dame's president, Holy Cross Fr. John Jenkins, put it most succinctly in a letter to Health and Human Services Secretary Kathleen Sebelius. The regulations, he wrote, "would compel Notre Dame to either pay for contraception and sterilization in violation of the church's moral teaching, or to discontinue our employee and student health care plans in violation of the church's social teaching. It is an impossible position."

Jenkins, who took the heat from a number of bishops and didn't buckle in extending an invitation to Obama to give a commencement speech in 2009, noted that precedent for a much broader exception already exists in U.S. law. Given that precedent, it would seem a not too difficult compromise to come to some agreeable expansion of an exception to accommodate Catholic institutions, which remain the largest supplier of social services in the country.

The bishops, for their part, face an uphill slog in this latest foray into the political arena.

They're paying a price for having allowed the most extreme elements in the conference to frame the Catholic position as a highly partisan, anti-administration stance, and for doing everything they could to kill health care reform. It is no mystery then as to why the administration is not now greeting them with open arms. One of the early 21st-century political realities is that the Catholic constituency is no longer a monolithic and dependable bloc. Politicians no longer pay the price they once may have for ignoring Catholic bishops or for defying them.

The bishops will have to overcome two major hurdles if they are to be persuasive in the political theater. First, they have to recognize that in many quarters of the culture they have little standing any longer as public moral arbiters because of their egregious mishandling of the clergy sex abuse crisis. Their past toleration of priests who abused children is seen as a violation of basic moral precepts. The climb back to credibility will not occur overnight and certainly not by virtue of a news release announcing a new committee. To restore authority to their pronouncements would involve a project too complex to detail here and would require an introspection that the hierarchy has so far refused to engage in.

Second, polls consistently show -- and politicians and voters are aware of the fact -- that on matters of sexual ethics such as birth control, condom use to prevent AIDS, and even abortion -- the bishops have been unsuccessful in persuading most Catholics of their point of view.

If the bishops believe, as strongly as Dolan's release suggests, that significant constitutional issues are at stake, they will need to employ a compelling strategy as well as conviction. Engaging the political world with any hope of success will require a bit of give-and-take and a presumption on the bishops' part of the goodwill of those they hope to bring to their point of view. They could begin by scouring the Catholic academy for the most authoritative lay voices -- those who don't approach the political arena with the same deficits in credibility and public image as the bishops -- to articulate the case. They should be relying on people of substance, not screaming buffoons who see sinister anti-Catholic plots around every corner. Nor should they be relying on personnel or money from groups who come with a partisan ax to grind.

In all of the questions that will arise about who's funding the effort, who's supplying personnel, who's articulating the case, the bishops would begin to re-establish credibility by being as transparent and balanced as they are convinced of their point of view. The Catholic voice, an essential component of the public conversation, will not be persuasive by virtue of the episcopal office or the creation of a new committee. Asserting that voice will take skill, patience and building alliances with groups and individuals who may not agree with the bishops on everything but who could make common cause on important issues. The sad irony of the moment is that the church has never before had as robust a presence in the places of power -- through elected representatives, governors, judicial appointments and business leaders -- as it currently does, nor has it ever before brought such a damaged image to its discussions with power.

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