

Bishop says religious freedom under attack in America

Jerry Filteau | Nov. 15, 2011

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Bishop William E. Lori of Bridgeport, Conn., chairman of the U.S. bishops' Ad Hoc Committee for Religious Liberty, answers a question during a press conference at the U.S. bishops' annual fall meeting in Baltimore. Pictured at right is Archbishop Timothy M. Dolan of New York, president of the USCCB. (CNS photo/Nancy Phelan Wiechec)

BALTIMORE -- Religious liberty is under attack in the United States, Bishop William E. Lori of Bridgeport, Conn., told the U.S. bishops at their annual fall meeting in Baltimore on Nov. 14.

"There is no religious liberty if we are not free to express our faith in the public square and if we are not free to act on that faith through works of education, health care and charity," Lori said in his first address to the bishops as chairman of the newly formed Ad Hoc Committee on Religious Liberty of the U.S. Conference of Catholic Bishops.

Explaining the bishops' decision last June to make religious liberty one of their top priorities as a conference, he said, "For some time now we have viewed with growing alarm the ongoing erosion of religious liberty in our country."

"Among the challenges we see is a pattern in culture and law to treat religion merely as a private matter between an individual and his or her God," Lori added. "Instead of promoting toleration of differing religious views, some laws, some court decisions, some administrative regulations treat religion not as a contributor to our nation's common morality but rather as a divisive and disruptive force better kept out of public life."

In his talk, Lori mentioned in passing, and in a later conversation with *NCR* emphasized, that his new committee believes part of its mandate is to defend all aspects of religious liberty and to build bridges of ecumenical and interreligious collaboration not only in areas of special Catholic concern, but across a broader spectrum.

He said he viewed his committee's mandate as not just protection of Catholic beliefs, but also including outreach to and advocacy for religious freedom for Muslims and other religious minorities across the spectrum in America.

The bishops' decision to make religious liberty a high priority was triggered at least in part by two recent policy decisions by the Obama administration.

The first: a new Health and Human Services requirement that virtually all U.S. employers must include in their health insurance packages the full range of reproductive services legally available under federal law -- including abortion, artificial contraception and contraceptive services that the church regards morally as abortions or at least in some cases abortifacient -- with no additional charge to their insurees.

The new HHS requirement includes a narrowly defined religious exemption that would require almost all Catholic church employers either to terminate all health insurance for their employees or to violate church teachings in order to comply with the regulation.

Under current federal law and almost all state laws, most religious organizations are free to enact health care insurance plans that specify that certain areas of health care coverage are not acceptable to the employer's religious beliefs -- notably among Catholic employers, artificial contraceptives and abortions.

The new regulation would require changes in those insurance plans to include coverage of abortion and artificial birth control.

Also involved in growing issues of religious liberty, Lori said, are new federal regulations on federal funding of various national and international humanitarian programs conducted by the Catholic church, including major international relief and development programs of Catholic Relief Services, long protected by religious freedom clauses but now subject to new rules that can exclude Catholic entities.

The second Obama administration policy at issue for the U.S. bishops is a recently instituted HHS requirement that faith-based social service agencies cannot obtain federal funds to support their services unless they include the full range of reproductive services that federal law allows.

That new federal funding requirement led in October to HHS halting its funding of a widely hailed and successful USCCB program fighting human trafficking -- apparently in an administration cave-in to an American Civil Liberties Union lawsuit challenging the federal contract with the USCCB's Migration and Refugee Services on grounds that the MRS program did not provide all legally available reproductive services to the human trafficking victims it assisted through the nationwide network it had built up.

NCR sources at the bishops' meeting who declined to be quoted by name said they believe the upper-level HHS staff who forced the termination of the MRS contract are going to be required to reverse that policy in the long run, even if it does not result immediately in a new contract with the bishops' agency.

Lori, in his talk to the bishops, said the recent denial of funding to the highly successful MRS program to combat human trafficking -- turning those federal funds over to two other programs with no comparable track record in that field -- "violates the Establishment Clause" in the First Amendment to the U.S. Constitution because it changed the rules of participation in the federal program to invoke a new restriction based on religious belief.

He noted that the new federal regulation came in the wake of the ACLU lawsuit challenging the federal contract with MRS.

"Let us make no mistake. Aggressive secularism is also a system of belief," he commented.

That blunt comment intimated that the administration's apparent cave-in to the ACLU was not a decision based on religious freedom or current federal laws on that topic, but an adoption of a new public policy view that accepts an ACLU perspective on religious liberty in order to enforce policies that the ACLU believes in, even if those views infringe on the religious freedom or conscientious convictions of some religious institutions or their members.

In the first case -- the new HHS requirement that all but the most narrowly defined religious organizations include free abortion and contraception plans for their employees -- the new federal regulations so narrow the definition of religious employers that, in the words of Daughters of Charity Sr. Carol Keehan, Catholic Health

Association president, which Lori quoted in his talk, about the only Catholic employee that would be covered by the federal exemption from mandatory abortion/birth control health coverage would be the Catholic housekeeper of a parish rectory.

The proposed new federal regulation on health insurance provisions exempts only religious employers that employ only members of their own denomination, that only serve members of their own denomination and that only work to advance their own religion -- exemptions that would exclude practically every Catholic agency that serves or employs non-Catholics in any capacity.

[Jerry Filteau is Washington Correspondent for *NCR*.]

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