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Obama's Choice

by Michael Sean Winters

Distinctly Catholic

President Obama has returned from his trip to Asia and he faces a major decision, actually two of them. The first decision is the more easily grasped: He must decide whether or not to enlarge the conscience exemption for religiously based organizations regarding mandated coverage for contraception, sterilization and abortifacients under the Affordable Care Act.

An article in yesterday's New York Times reported that a group of congressional Democrats had two conference calls last week with highly placed White House staffers. The congressional Democrats urged the White House not to enlarge the exemption. According to the Times,

Senator Jeanne Shaheen, Democrat of New Hampshire, said: "It just doesn't make sense to take this benefit away from millions of women. Americans of all religious faiths overwhelmingly support broad access to birth control."

First of all, the women in question may or may not support broad access to birth control but few women are as univocal in their concerns as Sen. Shaheen suggests. We know one thing about a woman who attends Notre Dame or works at a Catholic hospital: She chose to go there and, presumably, knew what she was signing up for. You do not go to work at a Jewish hospital, or attend Yeshiva University, and then complain that the cafeteria does not serve ribs. The women who decided to go to a Catholic school or work at a Catholic social service provider may be inspired by their faith or they may not. They may agree with the teachings of the Church, or they may not. But, when faced with a secular or non-Catholic option, and the University of Indiana is a fine school and I was happily born at Mt. Sinai Hospital, these women chose a Catholic school or hospital for their studies or their employment. There is something a little demeaning in the way Shaheen reduces the many urgings of the human heart to a singular concern to have free birth control.

Second, no one is proposing to "take away" any benefit from anyone. It is the pro-choice groups that are trying to change the status quo. More importantly, the effort to narrow the conscience exemption, in fact, is likely to end up in less access to all health care, because some religious organizations will decline to offer any health care coverage rather than violate their conscience. That might strike some people as an extreme consequence, but it is a foreseeable one. People get touchy about conscience rights, as liberals of all people should understand.

I noted last week that there is something more than a little ironic about these liberal champions, the type of people who normally celebrate the "wall of separation" between Church and State, now clamoring over that wall as fast as they can to tell Notre Dame and Providence Hospital what they can and cannot do. Ironic, too, that liberalism which was founded on the principle of conscience rights, and at a time when the Catholic Church was unalert or hostile to the idea of conscience rights, has grown so indifferent to them while it is the Catholic Church today that champions them. But, irony is the coldest of comforts.

The second decision facing the President is intimately linked to the first. He must decide whether he is going to throw away years of effort by the Democratic Party to reach out to moderate Catholic swing voters. In the wake of John Kerry's defeat in 2004, groups such as Catholics in Alliance for the Common Good and Catholics United have worked closely with the progressive political community to close what my colleague Amy Sullivan termed "the God gap," the disproportionate association of religiously motivated voters with the Republican Party. These groups have sought both to make the Democratic Party more receptive to the concerns of moderate Catholics and to make Catholics more attuned to the dire consequences for a host of social justice concerns if Republicans win. The fact that Obama won the Catholic vote in 2008 after Kerry had lost it in 2004 is a monument to the success of those efforts.

If Obama decides not to enlarge the conscience exemption, he can forget about Catholic outreach in 2012 and beyond. I cannot think of a single decision he could make that would more certainly feed the GOP-inspired narrative that the Democrats are hostile to religion. I do not believe the President is hostile to religion, but if he fails to expand the conscience exemption, I could not make the case with a straight face. Democrats who hope to be running for office next year or in 2016 should be calling the White House now and urging the White House not to undo the years of effort to build bridges to moderate Catholics who are, according to all the polls, the quintessential swing voters.

One person who was not involved in those political efforts, but who found herself in the midst of navigating the same terrain, is Sister Carol Keehan, head of the Catholic Health Association. Sr. Carol, joined by other religious women like Sr. Simone Campbell, helped to carry the Affordable Care Act across the finish line. Indeed, it is commonly understood that without the nuns, the bill would have failed. It is a strange way to thank them for their help to now hang them out to dry. Rep. Diana DeGette and the other members of the Pro-Choice caucus may represent "safe" districts, but Sr. Carol does not. She has taken more hits on behalf of President Obama than any other Catholic with the possible exception of Father John Jenkins, President of Notre Dame, and both of them would be severely jammed up if the President does not extend the conscience exemption.

Another person who should be profoundly concerned about the President's decision is Minority Leader Nancy Pelosi. Shortly after the 2012 midterm elections, a friend of mine who is normally very smart said something very stupid: "Well, at least we don't have to deal with the Blue Dogs anymore." That's right? a large number of moderate to conservative Democrats lost their seats to the GOP in 2010 and, as a consequence, Pelosi is now the Minority Leader rather than the Speaker. But, Rep. DeGette's pro-choice friends, you will pardon the expression, don't stand a prayer of winning back those districts the Democrats need to secure if they ever want to reclaim the majority. In Pennsylvania's Third

Congressional District, or Ohio's First, or Virginia's Fifth, anyone adopting the position articulated by Shaheen and DeGette would get clobbered.

Last month, I was meeting with a friend who works at a progressive political organization in town and the subject of the conscience exemptions came up. My friend said that women's groups were still smarting from their defeat on abortion coverage in health care reform. I pointed out that the U.S. Catholic bishops did not think they had "won" on health care reform either. To their credit, however, the USCCB has refused, repeatedly, to endorse efforts to repeal the ACA. They want to fix the parts they do not like, to be sure, but they have not advocated repealing the entire law. I can assure you that there are plenty of conservatives urging the bishops: if we lose on the conscience exemption, they should support repeal.

But, my friend's comment bothered me for a deeper reason than its asymmetry. The passage of the Affordable Care Act was a huge accomplishment for liberals. Where Truman and Johnson and Clinton had failed, Obama and the Democrats in Congress passed universal health care coverage. Was the bill perfect? Of course not. But, to somehow suggest that it was a "defeat" in any way, because it failed to cover abortions, is to miss the forest for the trees. And, the ACA could not have been passed except with the support of pro-life Catholic members of Congress. Last week, discussing the Republicans, Michael Gerson wrote, "Many political activists have adopted a form of fundamentalism: the belief that a return to power can be achieved only by a return to purity" this approach makes for bad politics. There is a reason that the purest candidates are often not the strongest candidates." The pro-choice caucus would like to impress its own fundamentalism upon the President and the Democratic Party and that is a program that may prevent members of the pro-choice caucus from facing a primary challenger to their left. It is not a program that will help Obama with Catholic swing voters in Florida, Ohio or Wisconsin, nor will it help Pelosi become Speaker again. The Democrats must choose: Big Tent or Minority Status.

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It would be difficult to overstate the anxiety swirling around those Catholic Democrats in the wake of yesterday's article in the Times. They have tried to build bridges. They have tried to establish communications. They have been accosted as "bad Catholics" by some and as "bad Democrats" by others. This weekend, there was a palpable unease that all their efforts could come a cropper in an instant, that some in Congress and some in the White House might not grasp the devotion Catholics have to these cultural institutions our Church has built, from our vast network of hospitals, to our great universities, to our extensive and effective social service ministries, how these organizations flow from our faith ? as we were reminded at Mass yesterday, listening to the Gospel reading from Matthew 25 ? and that we will not take kindly to being forced against our conscience to do what our Church proscribes. At a personal level, I highly doubt that in his three years in office, President Obama has ever encountered a more authentic soul than Sr. Carol ? if he throws her under the bus, shame on him.

I do not know what the President will decide. I hope and pray he will carefully consider not only the merits of the issue, but the consequences. DeGette and Shaheen may not like the idea of broader conscience exemptions, but I suspect they will like the idea of a Republican president overturning the ACA even less.

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