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Catholics unite in opposition to contraception mandate

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A mandate from the U.S. Department of Health and Human Services finalized in late January requires employers to provide preventive medical services for women, including contraception, to their employees. (Newscom/Peter & Georgina Bowater Stock Connection Worldwide)

The Catholic community that was deeply divided over the passage of President Barack Obama's Patient Protection and Affordable Care Act in 2010 has found itself united in opposition to one provision in that landmark legislation.

A mandate from the U.S. Department of Health and Human Services finalized in late January requires employers to provide preventive medical services for women, including contraception, to its employees. Though churches and certain religious employers would be exempt from the mandate, critics say that exemption is too narrow.

Religious employers have until Aug. 1, 2013, to comply, a year longer than most other employers.

Critics of that contraception coverage provision in the mandate claim that the issue is not contraception itself, but government imposing itself on religion.

Overturning the mandate is the most immediate issue for the U.S. Conference of Catholic Bishops, Bishop William Lori of Bridgeport, Conn., told *NCR* in a telephone interview Feb. 7.

"This is a case where religious liberty as the first of our liberties, the most basic of our liberties, is being challenged," he said. "And so it is a test not only of our faith but maybe even more so of our citizenship."

Groups such as the Catholic social justice lobby NETWORK and Democrats for Life of America have aligned with the bishops against the contraception mandate, as have the Catholic Health Association and Catholic Charities USA.

"You can argue one way or the other whether the pill is good or bad for women's health, but again, it's not about that," said Kristen Day, executive director of Democrats for Life. Day said that the response she has seen is unique in that religious on both the left and right, as well as pro-choice and pro-life supporters, have opposed the ruling.

"There's kind of this new unique coalition of individuals and organizations who think [it] is necessary to redo this mandate."

Lori, chairman of the U.S. bishops' conference's Ad Hoc Committee on Religious Liberty, said, "We were not looking for a new carve-out, we were not looking for special treatment. We were simply looking for the same level of accommodation that church groups -- not just Catholic -- have enjoyed under federal statutes and in the tax code for many, many years."

"Being forced to provide these services violates both our faith conviction and our freedom," Washington Cardinal Donald Wuerl, member of the ad hoc committee, wrote in a statement posted on the archdiocese's website. "There can no longer be any doubt that religious liberty in our country is in jeopardy."

The bishops argue that the mandate would force religious institutions to pay for insurance coverage of contraceptives, including some that can cause abortions, and sterilizations.

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The ruling is symptomatic of a larger problem, Lori told *NCR*. "If there could be abortifacients and sterilization today, it can be abortion itself and physician-assisted suicide tomorrow."

Bishops in at least 169 dioceses have issued letters, and some 90 had pastors read letters aloud at Mass condemning the mandate and calling on Catholics to protect their faith's religious freedom in this country. Some bishops penned their own letters while others modified a letter issued by the bishops' conference.

"We cannot -- we will not -- comply with this unjust law," reads the conference's letter.

"The federal government misreads the Constitution of the United States. It equally misreads the determination of Catholics," stated Bishop Earl Boyea of Lansing, Mich.

Many bishops echoed this defiant stance, calling for courage among parishioners.

Bishop Daniel Jenky of Peoria, Ill., recast the prayer to St. Michael the Archangel, calling it the "Prayer to St. Michael the Archangel for the Freedom of the Catholic Church in America" and ordered it to be included before the closing prayer on Sundays.

The bishops' letters request Catholics to contact their legislative representatives (both federal and state) to express outrage and to ask that the mandate be rescinded.

Simone Campbell, NETWORK's executive director, said that her group, which was a strong supporter of

the Affordable Care Act, is working to engage federal officials to explore ways around the mandate that would satisfy both sides.

"Conscience is serious," she said. "But it's not rocket science in figuring out a fix."

She said that the administration, in reviewing studies on contraception and women's health, failed to recognize the role of conscience in their decision, adding that she saw the mandate as a violation of conscience, not of religious liberty, a viewpoint not held by Lori, who sees conscience as a subset of religious liberty.

Outside the church, groups representing evangelicals, orthodox Christians and the Jewish faith have issued statements of support on the religious liberty question, and the editorial boards of *The Washington Post* and *USA Today* have called for a broader religious exemption in the rule.

One prominent Catholic voice in the political sphere does not think the bishops are overplaying this issue. Stephen Schneck, director of the Institute for Policy Research and Catholic Studies at The Catholic University of America in Washington, said he is 100 percent "with the bishops in their opposition."

The bishops were pushed into a corner, he said. This reaction is the only logical response for them, he said.

He thinks the bishops can and will fight a sustained campaign. The impression he has from bishops he knows well is that "this is going to be a long campaign." They will start with the letters, then probably a postcard campaign, then advertisements and then conferences on the topic, he said.

Already, a petition begun through the We the People tool on the White House's website has gathered, at the time of publication, more than 25,811 signatures, some 10,000 more than the amount for the petition to uphold the mandate. Petitions have 30 days to garner 25,000 signatures, at which time the Obama administration will respond in some fashion.

The interesting thing about this debate, Schneck said, is that the bishops most upset at this mandate are the ones who have been advocating for more engagement with the administration over the years.

In general, he said, Catholics in the pews are not going to rally around the birth control issue with the bishops. However, if they see their religion being "dissed," he said, they will rally around the church.

Political pundits say Obama may lose votes over this issue in November. Liberal commentator Mark Shields, who is Catholic, said, "The fallout [over this issue] is cataclysmic for the White House and for the president."

Stuart Rothenberg, editor and publisher of the nonpartisan political newsletter *The Rothenberg Political Report*, said on "PBS NewsHour" Feb. 6, "There are enough casual voters, independent voters who are Catholic, swing voters in key states, that they could determine who wins some of the key states" such as Wisconsin, Pennsylvania and New Mexico.

One of those swing states that is heavily Catholic is Ohio. Carolyn Jurkowitz, director of the Ohio Catholic Conference, said the Ohio bishops issued letters in their dioceses urging Catholics to oppose the mandate and the conference released a statement in support of a concurrent resolution in Ohio's House of Representatives. The resolution urges the president to rescind the mandate and urges the U.S. Congress to enact the "Respect for Rights of Conscience Act" introduced in 2011 in the U.S. House of Representatives by Jeff Fortenberry, R-Neb.

Jurkowitz said it is too early in this campaign to predict how the issue would affect the November vote.

The debate has also affected other state legislatures. Colorado's House of Representatives adopted in mid-January a nonbinding resolution for the U.S. Congress to repeal the Affordable Care Act, and sponsors of the resolution "expressed hope" this could be a legal tactic for other states, according to the National Conference of State Legislatures.

Congress is already looking at bills to repeal the mandate. Sen. Marco Rubio (R-Fla.) introduced the Religious Freedom Restoration Act of 2012 to amend the mandate to allow exemptions for those whose religious beliefs do not approve of contraception.

While many U.S. Catholic leaders seem united on this issue, Catholics in the pews seem divided.

According to a Feb. 7 report from the Public Religion Research Institute, about "6-in-10 Catholics (58 percent) believe that employers should be required to provide their employees with health care plans that cover contraception. Among Catholic voters, support for this requirement is slightly lower at 52 percent."

A majority of Catholics (52 percent) say that religiously affiliated colleges and hospitals should have to provide coverage that includes contraception. Among Catholic voters, however, only 45 percent support this requirement, while 52 percent oppose it, the report said.

But a strong majority of Catholics, 59 percent, said that "churches and other places of worship should not be required to provide their employees with health care plans that cover contraception." Agreement with that statement rose to 68 percent among Catholic voters.

One major point of contention that has kept many Catholics from rallying to the bishops' call is that they cannot support the official church teaching on birth control. Numerous polls show that sexually active Catholics use or have used contraception, perhaps as many as 98 percent.

"I think the bishops would see that as kind of beside the point," said bishops' conference spokesman Don Clemmer.

"The question would be, in the United States, can the federal government tell any religious body that it must do something. In this case, endorse and pay for something it considers against its teaching."

Lori acknowledged that not all Catholics will support opposition to the mandate, and that a divide likely exists between regular Mass-attending Catholics and those who come less regularly.

"Our church is a communion of life and love, and so none of us should imagine that we can be lone rangers in the church. This is something we do together," he said.

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