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Why the bishops will never be satisfied

by Jamie Manson

Grace on the Margins

When Archbishop Timothy Dolan's initial reaction to President Barack Obama's compromise on the contraception mandate was "It's a step in the right direction," I knew it was too good to be true.

I knew this because, the night before the compromise was announced, I had listened carefully to Anthony Picarello, general counsel for the USCCB, imply that the bishops were seeking conscience exemptions for far more entities than Catholic institutions. As he said on PBS's "Newshour," the exemptions should cover "both religious employers and employers with religious people running them or other people of conviction who are running them."

I also listened carefully to Luke Goodrich, general counsel for the highly conservative Becket Fund, who spoke to CNN immediately after Obama announced his compromise. Goodrich shared Picarello's concern, saying, "A lot of religious individuals who own small business are not covered by this supposed compromise and they are going to be forced to violate their religious beliefs, too."

Although the bishops did not mention their desire to cover the rights of secular employers and small business owners in their formal statement, an internal, bishops-only briefing memo obtained by Whispers in the Loggia's Rocco Palmo, confirms this as one of their goals:

"It seems clear there is no exemption for Catholic and other individuals who work for secular employers; for such individuals who own or operate a business; or for employers who have a moral (not religious) objection ... This presents a grave moral problem that must be addressed."

These statements demonstrate how disingenuous the bishops have been in their cries about Obama's attack on the Catholic church and in their claims of concern over the fate of Catholic hospitals, universities and charities.

Their goals go far beyond Catholic entities. What they really seek is to enable secular employers to impose their religious ideologies on the lives of their employees.

We have heard the bishops talk a lot about the First Amendment over the last week. The First Amendment text about religion reads, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

How does this amendment defend the right of secular employers to use their religious beliefs to burden the civil rights of their employees? To allow secular employees or small business owners this kind of conscience exemption from U.S. law would be a gross violation of the separation of church and state.

All U.S. citizens are forced to pay for practices that violate their consciences: wars, executions, a broken prison system, the mistreatment of immigrants, the salaries of elected officials who do not represent our ideas and convictions. We may not like it, but this is the price of living and working in a democracy.

But the bishops do not seem interested living in a democratic nation founded principally to protect its citizens' rights to life, liberty and the pursuit of happiness. They seem more interested developing a bizarre form of theocracy in which personal religious ideology can trump civil law.

The Obama compromise showed that some members of his administration were wise to the fact that the bishops had a much broader agenda behind the contraception battle. Why members of liberal Catholic groups and the liberal Catholic media couldn't see this remains a mystery. It isn't hard to figure out their agenda if one reads Archbishop Dolan's announcement of the creation of the Ad Hoc Committee on Religious Liberty, dated Sept. 29, 2011.

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In this letter, Dolan lays out examples of "grave" challenges to religious freedom. He appointed the ad hoc committee to look at these six issues in particular:

- The HHS-mandated coverage of contraception and sterilizations
- The HHS requirement that the USCCB's office of Migration and Refugee Services offer reproductive services to victims of sex trafficking
- USAID's increasing requirement to provide HIV prevention services (including condoms) in certain international relief and development programs
- The Department of Justice's refusal to defend the Defense of Marriage Act and its criticism of DOMA as an act of bigotry
- The Department of Justice's argument against expanding the "ministerial exception," which allows religious groups to be exempt from employment laws, including claims to sexual harassment and unlawful termination
- The narrow religious exemption in New York state's same-sex marriage bill, which, in particular, doesn't protect the rights of county clerks to refuse to sign marriage licenses for same-sex couples for moral reasons

Here is the full agenda of the bishops' fight for religious freedom. Looking over this list, it becomes clear that if Obama had given the bishops an inch, eventually they would have taken six miles.

Dolan's announcement also clarifies why so many evangelical groups, who otherwise support the use of contraception within marriage, came to the bishops' defense. They knew full well that if the bishops got this exemption, it would create a small opening that other religious groups could continue to widen in their own fight against recognizing same-sex marriages.

The evangelicals may not share the bishops' moral objections to contraception, but they have formed a united front with the Catholic hierarchy in the war on same-sex civil unions and marriage. They declared the war in a joint statement titled "Marriage and Religious Freedom: Fundamental Goods that Stand or Fall Together."

The letter was released Jan. 12, just weeks before the contraception controversy dominated the headlines. In it, Catholic bishops and leaders of right-wing Christian organizations warned that if employers are forced to recognize civil unions and marriages between people of the same sex, they will also be forced to obey the same laws that apply to heterosexual couples.

And like the contraception coverage, these religious leaders want secular employers protected, too. The letter states, "The most urgent peril is this: forcing or pressuring both individuals and religious organizations -- throughout their operations, well beyond religious ceremonies -- to treat same-sex sexual conduct as the moral equivalent of marital sexual conduct."

The religious leaders lament that both religious institutions and individuals who object to same-sex marriage will be forced to comply with laws governing "employment discrimination, employment benefits, adoption, education, healthcare, elder care, housing, property, and taxation."

The bishops' defense of secular individuals is not without precedent. When the same-sex marriage bill passed in Connecticut in 2009, Bishop William Lori of Bridgeport, who now serves as chairman of the Ad Hoc Committee for Religious Liberty, attempted to extend religious liberty protections to florists who might object to same-sex marriage on religious or moral grounds.

Mr. Obama's compromise is shrewd in that it shines a light on the true motivations behind the bishops' crusade. The bishops' complaint was that Catholic universities, hospitals and charities would have to pay for services that are not consistent with Catholic doctrine. Mr. Obama arranged it so they would not have to pay for those services. The hierarchy, therefore, should be as pleased as Sr. Carol Keehan and Fr. Larry Synder.

The fact that the bishops aren't satisfied suggests they and their right-wing religious and political brethren had a broader agenda at work all along. Members of the Obama administration should be applauded for seeing through the bogus holy war they ignited.

In their objection to Obama's compromise, the bishops argue that it "continues to involve needless government intrusion in the internal governance of religious institutions, and to threaten government coercion of religious people and groups to violate their most deeply held convictions."

This criticism is ironic, since the bishops are insisting that employers have the right to force their personal morality on their employees. They are demanding that employers to be allowed to coerce employees -- through the denial of benefits -- into accepting their personal or religious convictions.

If such a scenario had been allowed, it would have created a hostile work environment for women and gay and lesbian employees not only in Catholic institutions, but in the secular work force as well. It would have legitimized, if not codified, our society's disrespect for the rights of women, gays and lesbians.

Most of all, it would have fostered the anti-feminist, anti-gay culture that so many right-wing religious and political groups dream of.

Mr. Obama's compromise averts what could have been the beginning of a disaster for human and civil rights. If given this pass, the bishops would no doubt have continued to achieve the goals set out by the Ad Hoc Committee on Religious Liberty.

And if that had been allowed to happen, eventually this could have happened, too: Poor- and working-class women would be denied adequate health care, trafficked women who are systematically raped would be denied reproductive care, those threatened by the global HIV epidemic would be denied life-saving prophylactics, and gays and lesbians would be denied the rights to which they are entitled as working, tax-paying citizens.

By refusing to cave in to the demands a religious and political right-wing agenda, Mr. Obama actually upheld the Constitution: He ensured that most individuals in this nation will be guaranteed equal protection under the laws.

[Jamie L. Manson received her Master of Divinity degree from Yale Divinity School, where she studied Catholic theology and sexual ethics. Her columns for *NCR* earned her a first prize Catholic Press Association award for Best Column/Regular Commentary in 2010.]

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