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USCCB official: Mandate still violates religious liberty

by Dennis Sadowski by Catholic News Service

WASHINGTON -- A revision in a federal health care mandate that would shift the payment of contraception and sterilization coverage from religious employers to health insurance companies still infringes upon religious liberty and must be addressed, said an official of the U.S. Conference of Catholic Bishops.

The mandate's narrow exemption for religious organizations and how the revision pertains to self-insured parties, like many dioceses and Catholic organizations, could still force entities morally opposed to contraception to pay for such services, said John Carr, executive director of the U.S. bishops' Department of Justice, Peace and Human Development.

"The fact is we have to go back to the beginning," Carr told several hundred people during the opening session of the Catholic Social Ministry Gathering Feb. 12. "The best way to get out of this is to not get into it. We should not have the government deciding what's a ministry or not. We need the administration to revise it, we need the Congress to repeal it or we need the courts to stop it."

Carr also said that making no-cost contraception available to American women seems to be a top legislative priority of the administration.

"Lots of people have said, 'What are the priorities of the Obama administration?'" Carr told the gathering. "Well, we know one. It's free birth control for everybody."

President Barack Obama announced the revision Feb. 10, after three weeks of intensive criticism over a federal mandate that would require most religious institutions to pay for coverage they find morally objectionable. The rule allows religious employers not to offer such services to their employees but would compel insurance companies to do so.

Shortly after the change was announced, Cardinal-designate Timothy M. Dolan of New York, USCCB president, called it "a first step in the right direction," but said "we reserve judgment on the details until we have them."

But Carr told the social ministers that the USCCB leadership subsequently scrutinized the new rule and realized the conference could not offer its support.

In a statement issued late Feb. 10, the USCCB said Obama's decision to retain the contraceptive mandate "is both unsupported in the law and remains a grave moral concern." The conference also said the continued "lack of clear protection for key stakeholders ... is unacceptable and must be corrected."

After his 45-minute address, which largely focused on the bishops' quadrennial document on "Faithful Citizenship" traditionally released in advance of a presidential election, Carr told Catholic News Service that the revision on who pays for contraception coverage still contains "the very things we object to."

Carr cited the rule's "exceedingly narrow definition" of what constitutes a religious organization, which remains unchanged. He said the administration still does not seem to understand the role of religious organizations and the ministries they offer to society.

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"If you're not religious because you care for those who are not members of your faith, if you are not religious because you employ people who are not members of your faith ... that's the heart of who we are," he said.

"The inattention to self-insured plans is a major, major problem. It in some way doubles the problem," he added.

"Instead of all the moral gymnastics, why don't we say that religious institutions don't have to do what they think is wrong," Carr said. "Just do it."

Carr also questioned the process used by the White House in its effort to alleviate the concerns of religious groups about the rules first made public Jan. 20 by Secretary of Health and Human Services Kathleen Sebelius.

"If you're going to try and deal with the problem, you ought to talk to people who have the problem," Carr said, explaining that in revising the mandate, no one from the White House had been in touch with any bishop or conference official.

Carr said that the White House only called Cardinal-designate Dolan as well as the USCCB the morning of Feb. 10 hours before its announcement to provide details about the rule change. White House officials subsequently visited the USCCB to explain the revision and answer any questions, Carr added.

An administration official told CNS in an email Feb. 13 that the Obama administration would "work with faith-based organizations, insurers and other interested parties to develop policies that respect religious liberty and ensure access to preventive services for women enrolled in self-insured group health plans sponsored by religious organizations."

The official said a series of meetings would be held "in the coming days" with faith leaders, including

Catholic bishops, to "explore solutions" and develop a policy "collaboratively so that the ultimate outcome works for religious employers, their workers and the public."

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