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Bishop tells committee about 'absurd' effects of contraceptive mandate

by Nancy Frazier O'Brien by Catholic News Service



Bishop William E. Lori of Bridgeport, Conn., chairman of the bishops' Ad Hoc Committee for Religious Liberty, listens during a hearing Feb. 16 on Capitol Hill in Washington. The bishop went before Congress again Feb. 28 to urge rescission of the Department of Health and Human Services contraceptive mandate or passage of the Respect for Rights of Conscience Act. (CNS photo/Bob Roller)

WASHINGTON -- The chairman of the U.S. bishops' Ad Hoc Committee on Religious Liberty went before Congress again Tuesday to urge rescission of the Department of Health and Human Services' contraceptive mandate or passage of the Respect for Rights of Conscience Act.

Bishop William E. Lori's testimony before the House Judiciary Committee focused on some of the "absurd and surreal consequences" of the mandate and the "accommodation" announced Feb. 10 by President Barack Obama, which the bishop called "a legally unenforceable promise to alter the way the mandate would still apply to those who are still not exempt from it."

"'Without change' suddenly means 'with change,'" he said. "'Choice' suddenly means 'force.'"

The bishop of Bridgeport, Conn., who addressed the House Oversight and Government Reform Committee Feb. 16 on a similar topic, was joined at the hearing by a Muslim-American attorney, the director of the Family Research Council's Center for Human Dignity and a physician who chaired the Institute of Medicine's Committee on Preventive Services for Women.

Following the recommendations of the Institute of Medicine panel, HHS Secretary Kathleen Sebelius announced last year that nearly all health plans -- with only a very narrow religious exemption -- would be required to cover sterilizations and all Food and Drug Administration-approved contraceptives, including some that can cause an abortion.

Obama's revised mandate says religious employers could decline to cover contraceptives if they were morally opposed to them, but the health insurers that provide their health plans would be required to offer contraceptives free of charge to women who requested such coverage.

But Lori said the mandate "has suddenly turned the world upside down" by making commonly understood words mean something entirely different.

"Listening to the public discourse about the mandate, it is easy to get the impression that the Catholic bishops were somehow on the cusp of prohibiting the use of contraceptives nationwide," he said. "Only in our new world-turned-upside-down does freedom require the denial of freedom; only in the post-mandate world is access to contraceptives somehow prohibited unless government begins forcing religious people and groups to fund and facilitate it."

He questioned why the Obama administration "will brook no dissent" on including contraceptives, sterilization and some abortion-causing drugs in health plans, while remaining "essentially indifferent" regarding other essential health benefits such as prescription drugs and hospitalization coverage, leaving those decisions to the states.

Lori said passage of the Respect for Rights of Conscience Act would "help bring the world aright again" by retaining "Americans' long-standing freedom not to be forced by the federal government to violate their convictions."

Asma T. Uddin, an attorney with the Becket Fund for Religious Liberty, outlined the legal arguments being used in lawsuits against the contraceptive mandate and said HHS could resolve the issue by expanding the "religious employer" exemption to a "religious conviction" exemption that would apply to all individuals and organizations, nonprofit and for-profit.

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She also said she resented the issue being presented as a "women's rights" issue rather than an issue of religious freedom that affects men and women equally.

"As a female member of a religious minority, I hold this right to religious freedom particularly dear, as, for example, a Muslim woman's right to dress as she pleases is restricted by many governments across the world," Uddin said.

Jeanne Monahan of the Family Research Council called the contraceptive mandate "an unprecedented

directive which deeply conflicts with religious and conscience freedom protections the American people currently receive."

"This administration's act of discrimination against people of faith, and women of faith, must be stopped," she added.

The committee chairman, Rep. Lamar Smith, R-Texas, said he convened the hearing on "Executive Overreach: The HHS Mandate Versus Religious Liberty" because he considers the mandate "a clear violation of religious freedom and a direct attack on the personally held views of many Americans."

"If allowed to stand, the HHS mandate will set a dangerous precedent for future administrations that seek to impose their political views on church and religious institutions," he added.

The committee's ranking Democrat, Rep. John Conyers of Michigan, said he was surprised that in 2012 members of Congress were still debating "how and when women can have access to health care."

He said the revised rule on contraceptive coverage was "diligently crafted" to provide a balance between rights of religious freedom and the government's responsibility not to limit "women's rights to access birth control."

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