

## Redistricting & the HHS Mandate

Michael Sean Winters | Dec. 13, 2012 Distinctly Catholic

Last night, Rachel Maddow began her show with a segment on the plans some Republicans are hatching to award their state's electoral college votes by congressional district. Currently, all but two states, Maine and Nebraska, award all their electoral college votes to whoever wins the popular vote in the state, a winner-take-all system. She correctly noted that because of redistricting, in a state like Wisconsin, even though more residents statewide voted for a Democrat to represent them in Congress by some 50,000 votes, the congressional delegation from the Badger State remains lopsidedly Republican, five congressmen to three. In Michigan, some 200,000 more votes were cast for Democratic candidates for Congress, but because of redistricting, the GOP won the race with nine GOP seats to the Democrats' five seats.

Maddow was correct to note the role of redistricting in achieving these outcomes, and the danger to Democratic presidential prospects should more states adopt the Maine and Nebraska model. In the election just past, one study indicates Mitt Romney would have won the electoral college, and the presidency, even while losing the popular vote by a wide margin, had all states adopted this approach. Gerrymandering is a problem, it has always been a problem, and the thought of a state legislature's efforts to gerrymander having such a profound impact on a presidential election is truly scary.

But, Maddow failed to mention the other reason that the GOP was able to maintain its redistricting-supported advantage in congressional races even while President Obama was winning all those swing states. President Obama's decision to run a campaign that at times seemed like his running mate was Planned Parenthood drove up his support among suburban, affluent, independent voters in large suburban areas, but it did not help Democratic congressional candidates, or Obama himself, in more conservative swing districts. And, looking ahead to 2014, in a midterm election, the first people to drop off the voter rolls in a non-presidential election are independent voters in large suburban areas.

Let's look back to the 2010 midterms. A slew of moderate pro-life Democratic members of Congress went down to defeat. In Pennsylvania's Third District, Kathy Dahlkemper lost her re-election bid. In Ohio's First District, pro-life Democrat Steve Driehaus lost his bid to maintain his seat while John Boccieri, another pro-life Democrat lost too. Cong. Bart Stupak did not run for re-election in Michigan's First Congressional District and the seat went to the GOP.

What happened in those districts this time, in 2012, with the Obama wind at the back of the Democrats in Michigan, Ohio and Pennsylvania? In MI-1, Republican Dan Benishek narrowly held on to keep his seat over Democratic challenger Gary McDowell. In OH-16, Jim Renacci more comfortably held on to his seat, 52% to 48%. In OH-1 and PA-3, the races were not even competitive. So, while President Obama was handily winning all three states, Democrats were unable to reclaim seats they had held just two years prior. It is difficult to see how the Democrats in the House ever hope to reclaim a majority until they figure out how to win back these

four seats and they are not going to ever win them if they cast themselves as the part of Planned Parenthood.

President Obama, then, needs to decide if he likes working with a Republican Congress or if he would rather work with a Democratic Congress, and if, as I suspect, he would prefer the latter, he needs to fix the HHS mandate and fix it now. I have written previously about how easy it is, as a matter of policy, to fix this. Now, he must decide if he wants to fix this politically. Remember, it was largely as a result of pressure from congressional Democrats that the President refused to expand the conscience exemptions for Catholic institutions in January 2012. He must now go back to those same members who pressured him and ask them how much they enjoy being in the minority in Congress. Because in the minority they will stay so long as their party is picking a gratuitous fight with the Catholic Church.

Last January, of course, the President had an additional couple of reasons for siding with the Planned Parenthood crowd and against the Church on the mandate. First, most of last year, he was almost desperate to talk about anything but the economy, and talking about the availability of contraception gave the chance to do so. More importantly, I suspect, women's groups needed to be reassured before they opened their campaign coffers and donor lists. They will still need to be persuaded, but the same logic applies to them. If they would rather have a symbolic victory, one that might very well be overturned in the courts anyway, and foreclose any chance of regaining the Speaker's gavel, they should put pressure on the White House not to cave. If, on the other hand, they aspire to see politicians more friendly to their cause chairing all the House committees, they can find a reasonable solution to the problem.

The White House should not present the kind of half-measure it proposed as an "accommodation," last February. It should be obvious to all but the most craven Catholic activists willing to carry water for Obama that the accommodation has been a bust. It fails entirely to deal with the issue of self-insured institutions, among other problems. And, if the administration, as some suggest, uses a different classification from the tax code to define which Catholic institutions are exempt and which aren't, for example, insisting that those institutions which file a 990 are not exempt and those that do not file a 990 are exempt, they will not put the issue to rest. Additionally, any half-measures are sure to anger women's groups who will see ever larger groups of women without access to the coverage they claim to want. If, on the other hand, the administration finds an alternate route for delivering coverage for women at exempt institutions, it almost doesn't matter how broad the exemption is. It is strange indeed that instead of fighting for universal access to contraception coverage they claim to want, women's groups would prefer to punch the Catholic Church in the nose and keep more and more women from such coverage.

Because of the structure of the Catholic Church, anything short of a broad exemption will leave some bishops in a position to close their Catholic institutions. Other bishops will keep those institutions open. But, if enough bishops close theirs, the idea that the administration is at war with the Catholic Church will continue. Additionally, as a news story, it will shift from a national story to a local story, and people pay attention to local news in a way they don't to national news. They might know the doctor who works at the local Catholic hospital or the social worker at the local charity, who will now be losing their job, or they may have been patients at the hospital or called on the charity for help, or to help, in the past. They may blame the President for the stand-off, they may blame the bishop, but either way it will be a mess the White House is well-advised to avoid.

Fix the conscience exemptions, Mr. President. Fix them now. Doing so will help heal the country. It will help your party in the midterms. And, as a bonus, it is the right thing to do.

Tomorrow: Why the bishops should also look in the mirror when deciding who to blame for this mess.

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