

Published on *National Catholic Reporter* (<https://www.ncronline.org>)

July 3, 2013 at 4:26pm

Dolan vows to continue fight over contraception mandate

by Joshua J. McElwee

The U.S. bishops' careful analysis may have given way to lawsuits and political lobbying.

A day after one of his confreres decried the Obama administration's latest accommodation for coverage of contraceptive services in health care plans as "coercive," the head of the U.S. bishops' conference has pledged to continue their year and a half long fight against the measure.

The announcement by New York Cardinal Timothy Dolan, which came in a press release from the conference late Wednesday afternoon, could signal the conference leadership thinks negotiations with the administration over the matter were ultimately fruitless, requiring instead a push for congressional override or continued lawsuits.

Last Friday, Dolan issued a statement following release of the newest regulations, saying the bishops were undertaking a "careful analysis" of them.

In Wednesday's release he said that while the analysis was not yet complete, the bishops had not yet "discovered any new change that eliminates the need to continue defending our rights in Congress and the courts."

Dolan's release came late Wednesday afternoon as the conference and most organizations were closing for the July fourth holiday.

The mandate, which the Obama administration has amended several times, was first issued by the Department and Health and Human Services in January 2012 as part of the implementation of the health care reform law.

The bishops have attracted a range of groups outside their norm as partners in the their continued fight

against the measure, with one key prelate announcing in Washington Tuesday he had aligned with 57 other religious leaders -- including Southern Baptists, the Church of Jesus Christ of Latter-day Saints and the International Society for Krishna Consciousness.

Baltimore Archbishop William Lori, chairman of the U.S. Conference of Catholic Bishops' Ad Hoc Committee for Religious Liberty, was among the leaders decrying the administration's latest adjustment as "coercive."

"The HHS policy is coercive and puts the administration in the position of defining -- or casting aside -- religious doctrine," the letter stated. "This should trouble every American."

The administration announced its final version of the mandate Friday. According to that adjustment, any organization that self-certifies as a nonprofit religious group with religious objections to contraceptive coverage could defer coverage of contraceptives to a separate health insurance issuer.

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The final adjustment also moved the start date for the mandate from Aug. 1 to Jan. 1.

In his release Wednesday, Dolan listed three broad areas of concern the bishops continue to have with the mandate, including whether for-profit business with Catholic owners would be exempt.

Two of the national organizations representing Catholic hospitals and universities, church ministries that could be most affected by the mandate, have so far declined to issue opinions on the accommodation.

The Catholic Health Association and the Association of Catholic Colleges and Universities did not immediately respond to phone requests for comment Wednesday regarding Dolan's statement and whether that had been consulted about the move.

Asked after the press briefing Tuesday if the bishops were consulting with those groups on the matter, Lori said the bishops were "certainly in conversation with them."

Release of Dolan's letter comes at the end of the bishops' "Fortnight for Freedom," a 14-day series of events from June 21-July 4 meant to highlight their concerns over the mandate.

A regular blogger at his diocesan website, Dolan however did not choose to write about the mandate or the fortnight Wednesday, instead posting a blog concerning conversations he has had with New York Muslim leaders.

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