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The Religious Rights Cause Ducks *Humanae Vitae*

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Among Catholics who have concocted a fight over birth control coverage in the Obama health plan there is a conspicuous lack of support for the birth control encyclical itself. Their lawsuit has resulted in a temporary halt to that part of the plan by Supreme Court Justice Sonia Sotomayor, which would require religious organizations to offer contraceptives without paying for the service. The compromise stipulation has won wide acceptance among Catholics, but a highly motivated minority claims the provision drives a stake in the heart of religious liberty.

Cardinal Timothy Dolan has led the fight, joined by a coalition that includes the University of Notre Dame. They have yet to win a decisive victory in their effort to prove that the fundamental freedom of religion is under attack by Obama Care. Taking them at their word, however, they are defending nothing less than an assault on a pillar of our democracy. With such a weighty objective, it might be assumed that the protesters would be passionate in their support of the papal encyclical that rejected all forms of artificial birth control devices sought by their employees, including the non-Catholics. Wouldn't the defenders of a sacred right base their defense on a deeply held religious conviction?

If such convictions do exist within those ranks, the evidence is more than scarce. Those who go to the mat for a policy haven't stood publicly in favor of the teaching that underlies it. The actual upholders of *Humanae Vitae* among them would likely be a fraction of their numbers. Though Notre Dame's participation is identified with the university, for example, it's doubtful that majorities of the various components of the university favor the encyclical. The late Andrew M. Greeley blamed the encyclical for a sharp decline in Catholic church attendance soon after its issuance, and well over three quarters of American Catholics themselves say they've used contraceptives.

The lawsuit smacks of what we might now call the pre-Francis era when hierarchical contretemps over

sexual issues was a staple of its agenda and earned its warriors points at the Vatican. Notre Dame attracted Catholic conservative ire for honoring Obama at its 2009 graduation ceremonies, a whiplash that may have achieved a desired end by winning praise it sought from the American mainstream. Perhaps signing up with the religious rights coalition is partly a means of making amends to the Catholic right and keeping its own account balanced in Rome.

The religious rights cause seems trumped up to many, but more certainly if the high minded constitutional purpose isn't accompanied by a real endorsement of the doctrine which underlies it.

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