



# Stewards of Life

FEBRUARY 20, 2012

## United States Conference of Catholic Bishops

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### **Sweeping HHS Mandate Stands, Violating Conscience Rights and Religious Liberty Congress Must Act to Fix the Problem**

On January 20, the U.S. Department of Health and Human Services (HHS) reaffirmed a rule that virtually all private health care plans must cover sterilization, abortifacients, and contraception. The exemption provided for "religious employers" was so narrow that it failed to cover the vast majority of faith-based organizations—including Catholic hospitals, universities, and charities—that help millions every year. Ironically, not even Jesus and his disciples would have qualified for the exemption, because it excludes those who mainly serve people of another faith.

On February 10, the Obama Administration made this rule final "without change"; delayed enforcement for a year against religious nonprofits that were still not exempted (our charities, hospitals, and colleges); and promised to develop more regulations to "accommodate" them by the end of that additional year. But, as explained below, that promised "accommodation" still forces them to pay for "services" that violate their religious convictions.

#### **The original rule that violated our religious liberty so severely has not been changed, but finalized.**

After touting meaningful changes in the mandate, HHS instead finalized the original rule that was first issued in August 2011 "without change." So the offensive definition of "religious employer"—which excludes our charities, hospitals, and colleges because they serve people of other faiths—is still in place, and those institutions are still subject to the mandate.

#### **HHS has promised some kind of "accommodation," but only after the election.**

HHS said it would take an additional year to develop more regulations to "accommodate" religiously-affiliated charities, schools, and hospitals that still fall outside the "religious employer" exemption. The impact of these additional rules will not be felt until after the election, the only point of public accountability for the Executive Branch. This eliminates an important incentive for HHS to provide the best protection for religious liberty

#### **The promised "accommodation"—even at its best—would still force our institutions to violate their beliefs.**

Under the proposed "accommodation," if an employee of these religious institutions wants coverage of contraception or sterilization directly from the insurer, the objecting employer is still forced to pay for it as a part of the employer's insurance plan. Since there is no other source, the funds to pay for that coverage must come from the premiums of the employer and fellow employees, even those who object in conscience.

#### **There is no exemption for objecting insurers, secular employers, for-profit religious employers, or individuals.**

The U.S. bishops defend religious liberty for all, and so have repeatedly identified all the stakeholders in the process whose religious freedom is threatened by the mandate—all employers, insurers, and individuals, not just religious employers. Now, all insurers, including self-insurers, must

provide the coverage to any employee who wants it. In turn, all individuals who pay premiums have no escape from subsidizing that coverage. And only employers that are both non-profit and religious may qualify for the limited "accommodation."

We urgently need legislation to correct the mandate's threats to religious liberty and conscience rights. The Respect for Rights of Conscience Act has been introduced in Congress (H.R. 1179, S. 1467) to ensure that those who participate in the market for health insurance "retain the right to provide, purchase, or enroll in health coverage that is consistent with their religious beliefs and moral convictions."

**ACTION: Contact your U.S. Representative by e-mail, phone, or FAX letter:**

- Call the U.S. Capitol switchboard at: 202-224-3121, or call your Members' local offices.
- Send your email to Congress through [www.usccb.org/conscience](http://www.usccb.org/conscience).
- Additional contact info can be found on Members' web sites at: [www.house.gov](http://www.house.gov) and [www.senate.gov](http://www.senate.gov).

**MESSAGE:** "Please co-sponsor and support the Respect for Rights of Conscience Act (H.R. 1179, S. 1467). The Obama administration's decision to mandate coverage of sterilization and contraceptives, including drugs that can cause an abortion, makes passage of this measure especially urgent. Please ensure that the religious liberty and conscience rights of all participants in our nation's health care system are respected."

**WHEN:** Now is the time to build co-sponsors and support. Please act today!

**UPDATE: Senate Vote Expected**

It is expected that during the week of February 27 the U.S. Senate will vote on the Respect for Rights of Conscience Act (S. 1467). The measure will be offered as Senate Amendment 1520 to the Transportation Authorization Bill. See latest updated Action Alert at: [nchla.org/actiondisplay.asp?ID=292](http://nchla.org/actiondisplay.asp?ID=292).

❖ **Bishop Kagan Writes Open Letter to the President**

You may read Bishop Kagan's letter to President Obama regarding the HHS Mandate on the Bismarck Diocese webpage at: <http://www.bismarckdiocese.com/>

❖ **The Right to Be Human**

*By Anne McGuire*

"How do I love thee? Let me count the ways." Many are familiar with the beginning of Elizabeth Barrett Browning's famous poem, but there is a lesser known line which relates perfectly to the current crisis of the recent HHS mandate: "I love thee freely, as men strive for Right." In this line, Browning recognized the inseparable relationship between love and authentic freedom. For all the discussions today about freedom, do we really understand its foundation? We need to, because the right of individuals and institutions to act according to their religious beliefs and moral convictions is in danger, and the threat strikes at the heart of what it means to be human.

Every human heart aches for love that will penetrate every corner of our existence and give meaning to our lives. We search for fulfillment, yet whatever we turn to often falls short. This infinite desire reveals that only infinite love can satisfy our longing. As C.S. Lewis said, "If I find in myself desires which nothing in this world can satisfy, the only logical explanation is that I was made for another world."

We can then conclude that we were created by someone who could fulfill these desires, who loves us infinitely, and who is constantly inviting us to respond to his love. When we respond to this love with our "yes," we respond freely because without freedom, there can be no love. This freedom, however, is far more rich and



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vibrant than the mere ability to choose between good and evil, as Msgr. Luigi Giussani noted in his book, "The Religious Sense": "Freedom, for the human being, is the possibility, the capacity, the responsibility to be fulfilled ... [it] is the experience of the truth of ourselves."

Because we are made in the image and likeness of God, decisions we make that bring us closer to him, enable us to become more fully ourselves and more fully human. It is only in our relationship with love himself, one which permeates our lives and transforms us and our daily actions, that we find fulfillment and satisfaction. Thus, as Abraham Lincoln allegedly stated, "freedom is not the right to do what we want, but what we ought." Yet even this basic principle is now being ignored by the federal government.

God gives man freedom. The Declaration of Independence recognized this fundamental truth: "We hold these truths to be self-evident, that all men ... are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." The government does not bestow these rights, but has the obligation to protect them. The Free Exercise Clause of the First Amendment acknowledges this same right: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" (emphasis added). In the 1963 case of *School District of Abington Township v. Schempp*, the Supreme Court stated that "the Free Exercise Clause ... withdraws from legislative power, state and federal, the exertion of any restraint on the free exercise of religion. Its purpose is to secure religious liberty in the individual by prohibiting any invasions thereof by civil authority" (emphasis added). This free exercise of religion acknowledges the freedom to respond to God's love with our "yes," thereby acting in accord with our human nature.

Yet, despite the fact that "the right of man to religious freedom has its foundation in the dignity of the person," as identified in *Dignitatis Humanae*, the very government that is charged with protecting this right is now claiming the illegitimate authority to force people to act in violation of their consciences. In failing to acknowledge the right to choose good, the government fails to acknowledge the right to love. In failing to acknowledge the right to love, it fails to acknowledge what it means to be human.

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Anne McGuire is a staff assistant for the Secretariat of Pro-Life Activities, U.S. Conference of Catholic Bishops. For more information on the bishops' pro-life activities, please visit [www.usccb.org/prolife](http://www.usccb.org/prolife).

### ❖ **Conference Responds to Abortion-Drug Safety Law Delay**

#### **The North Dakota Catholic Conference has issued the following statement on the Fargo District Court's decision to delay implementation of North Dakota's Abortion Drug Safety law:**

The North Dakota Catholic Conference is disappointed that Judge Wickham Corwin has again put on hold implementation of North Dakota's abortion drug safety law.

The law, which passed with overwhelming bipartisan support, has one purpose: the safety of women. The legislation was not intended to, nor does it, prohibit the use of abortion drugs. It only requires that they be used according to the protocol that was submitted to the Food and Drug Administration when it approved the drug for use in the United States.

Particularly shameful is the fact that abortion proponents are using this case to get the courts to declare a right to abortion under the state constitution. If they succeed, all of North Dakota's abortion laws could be struck down, threatening the health and lives of both unborn children and women.

We remain confident, however, that the intent of the Legislative Assembly will be respected and that the courts will respect North Dakota's desire to build a culture of life that respects and cares for both women and unborn children



**To be added to or removed from the Stewards of Life e-mailing list, please send an email to:**

[aeellerkamp@bismarckdiocese.com](mailto:aeellerkamp@bismarckdiocese.com)

## ❖ **Obama Kowtows to China -- Again**

*By Colin Mason and Steven Mosher*

The Obama administration seems to have a new motto: "don't bite the hand that feeds you." Or maybe that has been their motto all along.

Either way, Chinese Vice President Xi Jinping's recent visit to the United States only solidified this impression. The Politburo of the Chinese Communist Party has selected Xi to become China's next president, to help them maintain their stranglehold on the world's second-largest economy and most populous country.

Did the Obama administration take this opportunity to reaffirm American principles of life, liberty, and the pursuit of happiness? Did they seize the moment to put pressure on China's dictator-in-waiting to correct his Party's wrongheaded persecution of political dissidents, Catholic believers, pregnant women, ethnic minorities, etc. Did they bring up any of the myriad human rights abuses that his Party commits against the Chinese people?

Not really. They mainly just talked about money.

Britain's The Telegraph summed it up nicely when it referred to the visit as a "carefully choreographed" state event that represented little more than a "'relationship-building exercise' before Mr. Xi takes the reins of power in Beijing this autumn." Let all make nice, in other words.

A look at Obama's own remarks make this even clearer. His speech focused almost entirely on the economic ties between China and the United States. He praised what he called the "very extensive strategic and economic dialogues between our two countries," without mentioning that these talks have produced very little of value. Astonishingly, he claimed that a "strong and prosperous China is one that can help to bring stability and prosperity to the region and to the world," without mentioning that China's growing economic and military might is a threat not only to its neighbors, but to the existing world order dominated by the United States.

Obama had virtually nothing to say on the entire area of human rights. At one point, glancing airily away from Xi, he said that the United States would always stress the "importance of recognizing the aspirations and rights of all people," a comment so vague as to be meaningless. What aspirations? What rights? What people? Obama does not say.

In fact, Obama said very little of substance about anything (something that he excels at). He did not even bring up China's blatant manipulation of its currency, which is costing the U.S. hundreds of billions of dollars a year in trade deficits. All he said about China's unfair trade practices in general was that "we want to work with China to make sure that everybody is working by the same rules of the road when it comes to the world economic system." This is like witnessing an armed robbery in progress and merely shaking a finger at the gunman: "You really should play by the same rules as everyone else."

Vice President Biden, in his commentary, did manage to bring up the question of human rights, although he was hopelessly vague on specifics. Advocacy for human rights is "a fundamental aspect of foreign policy," he said. America has been "clear about our concern over the areas in which from our perspective conditions in China have deteriorated and about the plight of several very prominent individuals." He came off sounding apologetic for even bringing up the subject. Moreover, it is perfectly clear to everyone with more than two neurons to rub together that China is becoming more and more of a police state, and that the Obama administration has been mostly silent as Vice President Xi and his partners in crime continue to ruthlessly crush all dissent.

But the emphasis on money über alles went far beyond the repeated — and deferential — mention of America's trade relationship with China. Xi was taken on a tour of farming facilities in Iowa, before being whisked away to Hollywood to talk to prominent figures in the film, business, and sports industries. The message in the bottle? Please buy our agricultural products and, by the way, please don't forget to

pay royalties on our intellectual property.

China, Inc. pirates billions of dollars in American movies, songs, and software every year. Senior Chinese officials profit from this illicit trade, while the Obama administration mumbles platitudes.

China is a rich nation as a result of its "beggar thy neighbor" policies, and is growing richer every year. Cheap money, cheap labor, and willingness to violate international agreements gives them an unbeatable advantage in the marketplace.

Meanwhile, we continue to spend ourselves into poverty and are reduced to begging this band of thugs to buy our debt. Hillary Clinton set the tone of this administration in 2009 when she famously assured China that human rights concerns would take a backseat to financial considerations.

Even as the organized crime syndicate that controls China continues to pick our pockets.

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