

WISCONSIN CATHOLIC CONFERENCE

EYE ON THE CAPITOL

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VIOLATION OF RELIGIOUS LIBERTY CANNOT STAND

By John Huebscher, Executive Director

Normally this column addresses state policy issues. This time it speaks to a national question – the scope of religious liberty in our national health care reform legislation.

On January 20, the U.S. Department of Health and Human Services (HHS) reaffirmed a rule forcing nearly all private health plans to include coverage for all FDA-approved prescription contraceptive drugs and devices, as well as surgical sterilization. These are listed among "preventive services" for women. Nearly all health plans will have to cover these services without co-pays or other cost-sharing. The mandate applies regardless of whether the insurer, the employer or other plan sponsor, or even the woman herself, objects to such coverage.

The federal officials responsible for mandating these services acknowledge that covering these preventive services violates the religious beliefs of the Catholic Church and some other faith groups. These officials therefore purported to address this problem by crafting an exemption for religious employers.

This exemption, however, is so narrow that few, if any, Catholic agencies that provide health insurance or purchase it for their employees will qualify. In fact, the exemption does not apply to religious organizations that employ or serve people of other faiths. As such, the exemption fails to cover the vast majority of faith-based organizations, including Catholic hospitals, universities, and service organizations that help millions every year.

We often hear it said that "to govern is to choose." In setting public policy priorities, our leaders must decide which problems they will address since they cannot do everything. They must choose whose interests they will accommodate when they cannot please every competing group.

The founders recognized this. In crafting the Constitution, they set certain limits on the choices available to government and made certain commitments to the citizens affected by those choices. The First Amendment sets one such limit. Whenever political leaders make the choices integral to governing, it specifically prevents the government from interfering with the free exercise of religion.

On January 20, the federal government chose to ignore the First Amendment. In so doing, it nullifies the religious liberty of millions of its citizens.

That choice is deplorable. It is also sadly ironic given the history of health care in the United States.

Over a century ago, millions of people in this country, most of them poor, were in need of health care. Individuals and organizations responded to that need in different ways. Some, including Margaret Sanger and other founders of Planned Parenthood promoted contraception, eugenics, and restrictive immigration laws. The Catholic Church built hospitals and a network of social services agencies that preceded many of the reforms that produced today's social safety net.

Given this history, it is unconscionable that our government would today choose to turn its back on the very faith community whose vision of social justice made that safety net possible.

This choice is wrong. It is unconstitutional. We cannot allow it to stand.

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