

ObamaCare and Religious Freedom

By Timothy M. Dolan

Religious freedom is the lifeblood of the American people, the cornerstone of American government. When the Founding Fathers determined that the innate rights of men and women should be enshrined in our Constitution, they so esteemed religious liberty that they made it the first freedom in the Bill of Rights.

In particular, the Founding Fathers fiercely defended the right of conscience. George Washington himself declared: "The conscientious scruples of all men should be treated with great delicacy and tenderness; and it is my wish and desire, that the laws may always be extensively accommo-

dated to them." James Madison, a key defender of religious freedom and author of the First Amendment, said: "Conscience is the most sacred of all property."

Scarcely two weeks ago, in its *Hosanna-Tabor* decision upholding the right of churches to make ministerial hiring decisions, the Supreme Court unanimously and enthusiastically reaffirmed these longstanding and foundational principles of religious freedom. The court made clear that they include the right of religious institutions to control their internal affairs.

Yet the Obama administration has veered in the opposite direction. It has refused to exempt religious institutions that serve the common good—including Catholic schools, charities and hospitals—from its sweeping new health-care mandate that requires employers to purchase contraception, including abortion-producing drugs, and sterilization coverage for their employees.

Last August, when the administration first proposed this nationwide mandate for contraception and sterilization coverage, it also proposed a "religious employer" exemption. But this was so narrow that it would apply only to religious organizations engaged primarily in serving people of the same religion. As Catholic Charities USA's president, the Rev. Larry Snyder, notes, even Jesus and His disciples would not qualify for the exemption in that case, because they were committed to serve those of other faiths.

Since then, hundreds of religious institutions, and hundreds of thousands of individual citizens, have raised their voices in principled oppo-

sition to this requirement that religious institutions and individuals violate their own basic moral teaching in their health plans. Certainly many of these good people and groups were Catholic, but many were Americans of other faiths, or no faith at all, who recognize that their beliefs could be next on the block. They also recognize that the clearest way for the govern-

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ment to erode the broader principle of religious freedom is to target unpopular beliefs first.

Now we have learned that those loud and strong appeals were ignored. On Friday, the administration reaffirmed the mandate, and offered only a one-year delay in enforcement in some cases—as if we might suddenly be more willing to violate our consciences 12 months from now. As a result, all but a few employers will be forced to purchase coverage for contraception, abortion drugs and sterilization services even when they seriously object to them. All who share the cost of health plans that include such services will be forced to pay for them as well. Surely it violates freedom of religion to force religious ministries and citizens to buy health coverage to which they object as a matter of conscience and religious principle. The rule forces insurance companies to provide these services without

a co-pay, suggesting they are "free"—but it is naïve to believe that. There is no free lunch, and you can be sure there's no free abortion, sterilization or contraception. There will be a source of funding: you.

Coercing religious ministries and citizens to pay directly for actions that violate their teaching is an unprecedented incursion into freedom of conscience. Organizations fear that this unjust rule will force them to take one horn or the other of an unacceptable dilemma: Stop serving people of all faiths in their ministries—so that they will fall under the narrow exemption—or stop providing health-care coverage to their own employees.

The Catholic Church defends religious liberty, including freedom of conscience, for everyone. The Amish do not carry health insurance. The government respects their principles. Christian Scientists want to heal by prayer alone, and the new health-care reform law respects that. Quakers and others object to killing even in wartime, and the government respects that principle for conscientious objectors. By its decision, the Obama administration has failed to show the same respect for the consciences of Catholics and others who object to treating pregnancy as a disease.

This latest erosion of our first freedom should make all Americans pause. When the government tampers with a freedom so fundamental to the life of our nation, one shudders to think what lies ahead.

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