

It is a great privilege for Catholic Americans — and one not shared by Catholics in many other parts of the world — to live in a country that places freedom of religion first in its Bill of Rights, and whose Founding Fathers stressed the importance of freedom of conscience.

Privilege bears with it a responsibility, on behalf of all believers and on behalf of future generations, to protect and defend this religious liberty from being weakened or undermined.

In recent months, the bishops of the United States, joined by members of other faiths, have expressed alarm about new threats to religious liberty at both the federal and the state level. Examples they have cited include:

■ A Justice Department decision to characterize the Defense of Marriage Act (a law signed by President Bill Clinton in 1996 that defined marriage as the legal union of one man and one woman) as an act of bigotry, and those who support such a law as being motivated by bias and prejudice.

■ A Justice Department legal brief calling for the elimination of the “ministerial exception” that allows religious groups to choose their own ministers without government interference.

■ Legislative efforts in certain states to require all adoption and foster-child agencies to give children to unmarried and/or same-sex couples, and proposals that would impact the conscience rights of doctors and nurses, and even impact the administration of parishes.

■ New federal rules stipulating that agencies helping migrants must provide the “full range” of reproductive services (including abortion and contraception) for refugees.

■ New federal requirements that organizations like Catholic Relief Services provide condom distribution for overseas anti-AIDS programs and other “reproductive services.”

Each one of these efforts has a direct impact on the ability of Catholic organizations and individuals to live the Gospel in the public square in accordance with their faith, and most of them have received little to no coverage in the mainstream media. A great deal of attention, however, is being given to efforts by the federal Department

of Health and Human Services (HHS) to force Catholic organizations and companies to provide contraception, sterilization, and abortion-inducing drugs to their employees. These health-plan regulations would be the first ever attempt by the government to require religious believers to purchase a product or service that runs counter to the moral teachings of their faith.

New York Cardinal Timothy M. Dolan, as head of the U.S. bishops’ conference, rightly condemned these proposed regulations: “To force American citizens to choose between violating their consciences and forgoing their health care is literally unconscionable.”

In other instances, such as with adoption and foster-care services, the Church has had to shut down its agencies rather than comply with legal requirements that contradict its teachings and values. In the case of health insurance, however, Catholic organizations and companies are given no choice other than to end all health insurance for its employees, a dramatic act that would itself violate the Church’s long-standing support of a right to health care.

While parishes themselves would be exempt from such a requirement, Catholic organizations such as hospitals, grade schools, universities, and aid organizations would still be forced to offer access to contraception and other “reproductive services” (even if the cost would somehow be borne by the insurance company itself). For many other Catholic nonprofit organizations, as well as companies owned by Catholics, there would be no exception for any reason, nor are the companies and organizations that are self-insured — which make up the vast majority — protected from this immoral mandate.

Is this just a Catholic problem?

For the Catholic Church, the recent HHS regulations have united Catholics of all political persuasions — liberal and conservative.

But many other religious leaders — Protestant, Jewish, and Muslim — have spoken out in defense of religious liberty and have protested governmental efforts to force any group to adopt policies or take actions that are contrary to its teachings and beliefs.



The mandate equally has drawn editorial fire from such publications as *The Washington Post* and *USA Today*, which are sensitive to the traditionally liberal concerns of civil liberties and conscience rights these regulations raise.

All are mindful of their responsibility as American citizens to defend religious liberty, and all are no doubt mindful of the prophetic warning of German Lutheran pastor Martin Niemöller that a violation of the rights of one group of society ultimately violates the rights of all. When “they came for the Jews,” he wrote, “I was not a Jew, so I did not speak out. And when they came for me, there was no one left to speak out for me.”

Is this a liberty problem or a contraception problem?

The issue of grave concern to believers is religious liberty. Because of all the attention focused on the HHS regulations, however, many Americans, and even some Catholics, may be wondering what the connection is between artificial contraception and religious liberty. They read statistics about how many Catholics might be using some form of artificial birth control. They hear the government claim that contraception is now a basic right as a preventive service.

First, the concerns of religious liberty transcend the immediate controversy over the funding of contraceptives. There are many disparate threats that impact Catholic and religious organizations.

Why does the Church feel strongly about religious liberty in health care?

The Church has long opposed the use of artificial contraception, sterilization and abortion-inducing drugs (called abortifacients). On this it has been “clear, consistent, and public.” Even those who disagree with it understand that it is based on a long-held and carefully thought out view of human love that deserves a hearing in the public square — especially one that is so torn by infidelity, sexual abuse, objectification of women, and divorce.

“The Church cannot, even reluctantly, provide information, make arrangements for, facilitate, counsel, or instruct people on how to obtain these immoral procedures. To do so would be to participate in the violation of the moral law and thus to act against conscience,” wrote Bishop William E. Lori of Bridgeport, Conn., in explaining the Church’s opposition.

Second, contraception is an issue only because the regulations would force Catholic organizations and individuals to violate their own beliefs and the teachings of their Church. This is a religious liberty issue first and foremost. That fact is underscored by the other churches that do not share the Catholic Church’s opposition to artificial contraception but nonetheless have joined to resist this government mandate.

To explain the position of religious believers, one must know a bit about what religious liberty means for Americans.

When the framers of the U.S. Constitution adopted the Bill of Rights, they sought to protect a series of rights not until then explicitly guaranteed in the Constitution. The very first of these rights is freedom of religion: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

The founders of our country were insistent that the government should never establish an official religion, as was the case in many European countries. In addition, they had the highest regard for freedom of conscience.

Our first president, George Washington, said, “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 accommodated to them.”



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