

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 rule is set to take effect August 1, 2012. Non-profit religious employers that do not now provide such coverage, and are not exempt under the rule's extremely narrow definition of religious employer, will be given one year—until August 1, 2013—to comply.

Responding to the announcement, Cardinal-designate Timothy Dolan, archbishop of New York and president of the U.S. Conference of Catholic Bishops, stated: "In effect, the president is saying we have a year to figure out how to violate our consciences." Cardinal-designate Dolan continued: "To force Americans to choose between violating their consciences and forgoing their healthcare is literally unconscionable. . . It is as much an attack on access to health care as on religious freedom." Noting that the Obama administration "has now drawn an unprecedented line in the sand," the Cardinal-designate urged that the HHS mandate be overturned. "The Catholic bishops are committed to working with our fellow Americans to reform the law and change this unjust regulation." See: www.usccb.org/news/2012/12-012.cfm. For more information, see: www.usccb.org/conscience.

Last August, the HHS issued a list of "preventive services for women" to be mandated in almost all private health plans under the new health care law, the Patient Protection and Affordable Care Act (PPACA). The mandated services include sterilization, all FDA-approved birth control (such as the IUD, Depo-Provera, "morning-after" pills, and the abortion-inducing drug Ella), and "education and counseling" to promote these among all "women of reproductive capacity." HHS's interim final rule allowed only a very narrow exemption for a "religious employer." The January 20 announcement makes this interim rule final.

To correct the threats to religious liberty and rights of conscience posed by PPACA, the Respect for Rights of Conscience Act has been introduced in Congress (H.R. 1179, S. 1467). This measure will ensure that those who participate in the health care system "retain the right to provide, purchase, or enroll in health coverage that is consistent with their religious beliefs and moral convictions." It is more important than ever that Members of Congress be urged to co-sponsor this measure. For co-sponsors, please check [H.R. 1179](http://www.congress.gov) and [S. 1467](http://www.congress.gov) at: thomas.loc.gov.

ACTION: Contact your U.S. Representative and two Senators by e-mail, phone, or FAX letter: • Call the U.S. Capitol switchboard at: 202-224-3121, or call your Members' local offices. • Send an e-mail through NCHLA's Grassroots Action Center at: nchla.org/actiondisplay.asp?ID=292. • Additional contact info can be found on Members' web sites at: www.house.gov and www.senate.gov.

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

WHEN: Now is the time to build co-sponsors. Please act today! Thanks!
Updated 1/31/12

WALL STREET JOURNAL OP ED ON 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 accommodated 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 opposition 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 cleverest way for the government 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.

Cardinal-designate Timothy M. Dolan is the archbishop of New York and president of the U.S. Conference of Catholic Bishops. This article originally appeared in the Wall Street Journal on January 25, 2012, and is reprinted with permission of the author.