

‘Radically new and unprecedented attack on religious freedom’

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Archbishop Edwin F. O’Brien is urging the Obama administration to back down from a pending health mandate that he believes violates the conscience rights of Catholic health care providers and others.

In a Sept. 19 letter to Kathleen Sebelius, secretary of the U.S. Department of Health and Human Services, Archbishop O’Brien joined Washington Cardinal Donald Wuerl and Wilmington Bishop W. Francis Malooly in expressing “grave concern” over the mandate that would have private health insurance provide coverage of all FDA-approved contraceptive methods, sterilization procedures and related educational services.

The bishops, whose dioceses include parts of Maryland, pointed out that the federal government has never before required private health plans to include such coverage. They urged its removal.

“The mandate directly conflicts with the religious beliefs of individuals and institutions who have a moral objection to such practices,” the bishops wrote, “and who do not believe that such ‘preventative services’ constitute legitimate health care.”

The bishops said the 2010 Patient Protection and Affordable Care Act had a “laudable goal” of “expanding access to genuine health care for all Americans, especially the poor.” They expressed concern, however, that the mandate “contradicts promises made to the American people that the new federal law would not include coverage for abortion.”

“By mandating coverage of all FDA-approved contraceptives, including the drug Ella, this policy would in fact include coverage not only for drugs that prevent

pregnancy, but also for abortifacients with the capacity to terminate a pregnancy in its early weeks,” they said.

The bishops said a proposed religious exemption would be applicable “only to those institutions that serve only members of their faith community, exclude those of other faiths from their employment and focus solely on the inculcation of their religious beliefs.”

“In other words,” they said, “under the mandate a Catholic institution would only qualify if it hired only Catholics, served only Catholics and attempted to convert to Catholicism anyone who used its services.”

The bishops noted that the Catholic Church – like most other religious organizations – serves and employs people of all faiths through its schools, hospitals and social service programs.

“This new mandate would impose an unwarranted burden on our ability to freely practice our religious beliefs as we embrace our neighbors,” they said, adding that the mandate would compel people of faith to act in a manner “inconsistent with their moral convictions in order to receive or provide health coverage.”

The mandate’s terms “present a radically new and unprecedented attack on religious freedom,” they said.

The bishops said they were aware of no Catholic outreach in Maryland, Delaware or the District of Columbia that could meet the narrow interpretation of religious freedom. No one is required to become Catholic to receive services, they said.

“Yet this mandate would require us to violate our religious beliefs to serve them,” they said.

U.S. bishops have prepared bulletin inserts to be in used parishes across the country, including the Archdiocese of Baltimore, calling the faithful to action.

Through a new website, uscgb.org/conscience, the USCCB hopes to generate thousands of comments to the Department of Health and Human Services before its 60-day comment period closes Sept. 30.

The site also asks Catholics to tell their members of Congress to co-sponsor and pass the Respect for Rights of Conscience Act, which would guarantee the protection of conscience rights in all aspects of implementation of the Patient Protection and Affordable Care Act.

Through an e-mail, the Maryland Catholic Conference asked Marylanders to urge the state's congressional delegation to sponsor the Respect for Rights of Conscience Act.

Proposed in the House of Representatives this spring, the legislation was introduced in the Senate Aug. 2 by three Republican senators – Roy Blunt of Missouri, Marco Rubio of Florida and Kelly Ayotte of New Hampshire.

“Respect for rights of conscience in health care has been a matter of strong bipartisan consensus for almost four decades,” said Cardinal Daniel N. DiNardo of Galveston-Houston, chairman of the U.S. bishops’ Committee on Pro-Life Activities, in a Sept. 7 letter to Congress.

The Respect for Rights of Conscience Act “would change no current state or federal mandate for health coverage, but simply prevent any new mandates under (the health reform law) – such as HHS’ new set of ‘preventive services for women’ – from being used to disregard the freedom of conscience that Americans now enjoy,” he added. “This would seem to be an absolutely essential element of any promise that if Americans like the health plan they now have, they may retain it.”

The bishops’ website features backgrounders on conscience-related topics, news releases and documents on the HHS mandate and similar issues, and a commentary by Richard M. Doerflinger, associate director of the bishops’ Secretariat on Pro-Life Activities, about “the high costs of ‘free’ birth control.”

Catholic News Service contributed to this story.