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Protecting our Catholic conscience in the public square

By Donald Wuerl, Updated: Wednesday, May 23, 10:27 AM

From an early age, Catholics are taught to see God in their neighbor. The Catholic faith finds its fullest expression in a loving act of sacrifice by one stranger for another. Imagine the church's surprise, then, to be told by the federal government that when a Catholic organization serves its neighbors, it isn't really practicing its religion.

That is the unacceptable principle at the heart of a mandate, issued in February by the Department of Health and Human Services, that requires religious organizations to provide health-care coverage for abortion-inducing drugs, contraceptives and sterilization procedures, even if their faith teaches that those drugs and procedures are wrong. That is what has prompted the Archdiocese of Washington to go to court to protect our First Amendment right to practice our religion without government interference.

This lawsuit, filed Monday by the archdiocese and other Catholic organizations in our city, is not about contraception. Women are free to obtain and use contraception. The assertion that these products are hard to obtain or expensive is not true. Nothing in this lawsuit challenges women's right to obtain these drugs and procedures.

The lawsuit is about religious freedom. As is the norm with such laws, the HHS mandate includes an exemption for religious organizations. If the religious exemption in this case were reasonable, there would have been no need for this lawsuit — after all, we are indeed “religious” under any sensible definition. But this mandate's religious exemption is the narrowest ever adopted in federal law. For

example, it doesn't include any organization that serves the general public. So under this mandate, our Catholic hospitals, schools and social service programs, which serve all comers, are not "Catholic enough" to be allowed to follow our Catholic beliefs.

The mandate's definition of a religious organization contradicts decades of precedent and practice. Republicans and Democrats alike have long agreed that the First Amendment's guarantee of religious liberty includes not only what goes on within the four walls of a church but also the religiously motivated acts of service that fulfill the mission of that church's faith. Only now, with this mandate's demands, has the federal government said that we must leave our conscience behind when we step into the public square.

If the mandate's religious exemption is left unchanged, it would allow an employee of the federal government to determine what is, or is not, a religious ministry. The Archdiocese of Washington is this area's largest nongovernmental provider of social services. Catholic schools in the archdiocese teach and nurture 28,000 children. Catholic hospitals provide millions of dollars' worth of uncompensated care every year to our city's poor and vulnerable. As the Catholic maxim states, "We serve others not because they are Catholic, but because we are Catholic." Yet it is possible that not one of these organizations would fit the mandate's definition. Does anyone really think that the work of Mother Teresa wasn't religious?

This is not just a Catholic issue. Under the government's new rules, religious organizations are free to serve the public only if they fulfill the government's requirement to provide abortion-inducing drugs, contraceptives and sterilization. Organizations whose beliefs differ from this government-mandated orthodoxy have two options if they want to continue their mission of serving the public: abandon any belief that the government does not sanction, or uphold that belief and incur crippling fines. This issue should matter to anyone who believes there is room in the public square for people of all faiths — not just those faiths that pass some government test.

You may have heard that at one point the administration proposed an "accommodation" for organizations like ours, which would supposedly transfer the cost of providing the mandated coverage away from the employer and onto its insurance company, which would provide the coverage "for free." Unlike the mandate itself, this proposal was never adopted into law, nor is it clear whether it will be. The so-called accommodation does not take into account those that are self-insured, like the Archdiocese of Washington, and in any case religious institutions would inevitably be forced to subsidize all of this through increased premiums or fees. Even if there were such a thing as free contraceptives, this isn't about the money. This is about the government forcing us to violate our beliefs.

The Catholic Church has not picked this fight. We are simply trying to defend our — and other faith groups' — long-standing rights. While the administration wants to regulate religion, we are not trying to force anything on anyone. Allowing religious organizations to serve the public does not violate the separation of church and state. Conscripting us into advancing government objectives against our conscience does.

This struggle is all about the Bill of Rights. You don't have to agree with the Catholic Church and its teachings to agree that the government shouldn't force us to violate our beliefs. People of all faiths or no faith should cherish the right to follow one's conscience. We do not want to tell the government what it must do. We simply ask the same of them.