

Religious Liberty and the HHS mandate

By The Most Rev. Daniel E. Flores, Bishop of Brownsville

The right to religious liberty is a basic human good, and is recognized in the United States Constitution as one of the first and most basic principles of a free people. “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” Quite simply this amendment to the Constitution creates a framework wherein religious people in our society can truly live without fear of coercion. Congress, and by implication the whole of the Federal Government, cannot establish that one religious view be favored in law more than another. The second clause of this amendment specifically prohibits the government from infringing upon the rights of religious believers to practice their religion in the wider society.

The recent decision of the Federal Government, through the Department of Health and Human Services, to mandate all employers to provide contraceptive, sterilization and abortifacient coverage to their employees has rightly caused a national outcry of opposition. The principal opposition of the Catholic Church in the United States to the “Contraceptive Mandate” is on religious liberty grounds. It violates both the “free exercise” of religion in this country, and it *de facto* establishes a social view that is meant to trump the religious freedom of those who wish to live and work in peace without having to conform to this “established view”. Let me explain.

The proposed government rules require that religious institutions established by the Catholic people of the United States, and supported by our contributions, must directly subsidize services that are objectionable to a Catholic conscience. Other religious denominations with similar objections would also be affected. More recently the Government offered an “accommodation” to the rule. Widely seen as an attempt at compromise, it is nothing of the sort. The so-called accommodation simply tells the religious organization that it must accept an insurance plan that provides these services through the insurance company. This is a shell game. The religious institution, sooner or later, must pay for the coverage, even if on paper the coverage is provided by the insurer and not the religious institution. Let us be clear: payment for a service is a kind of moral cooperation with the service. The Rule forces the moral cooperation of citizens who on religious grounds object to the service. And there is more: many religious institutions are self-insured. Does the accommodation mean that self-insured religious institutions and insurance companies which were founded to respect the religious principles of their denominations, must conform to the government rule or go out of business?

If the government can tell the Catholic Church that it must pay for contraceptive and abortifacient drugs today, will they tell us tomorrow that we must ask for citizenship papers before we feed a starving immigrant? And what shall we do when some future government

decides that partial birth abortion is a “health-care issue”? Will we be forced to cooperate with this, though reason and faith tell us it is a grave evil? The point is that the good of the community and the society is gravely injured when the power of the government reaches a point that it can attempt to coerce the consciences of men and women of faith. The Church, and indeed all religious bodies seek to be free to serve the common good of society without being told that we must check our religion at the door in order to tend to the sick, educate the student, or feed the poor.

The Catholic bishops in the United States have long encouraged a reform of the health-care system in this country. But the aim of a just reform is to provide adequate health coverage to the poor and the marginalized. Health Care Reform is not, and was never meant to be, a way of imposing a particular secularist view about contraception or abortion upon the whole nation. But this is what the new HHS rules, even with the so-called accommodation, does. It imposes a social contraceptive and abortifacient agenda that a Catholic cannot accept. We cannot accept it because it is not sound social policy. Pregnancy, after all, is not a disease. But more importantly, we cannot accept a situation wherein we are told we must cooperate with the government by subsidizing acts we consider immoral. Whether you call it a religion or not, a secular agenda takes on the status of an established religion when it requires all religious bodies to conform to its dictates. And this is a dictate. The Church will resist it by every legal means possible. We resist because a free exercise of religion is good for the whole of our society. We resist because the coercion of even some of our citizens to pay for services which are offensive to the best tenets of reason and religion is itself a grave evil.

I therefore urge all Catholics and all citizens in the Rio Grande Valley who recognize the value of religious freedom in this country, to support Congressional efforts to remedy the HHS rule. In particular, I urge support for Senate Bill 1467, known as the “Respect for Rights of Conscience Act”, and House Bill 1179, known by the same name. And I urge all to be vigilant in the protection of the rights of religion in our free society. Let us not tire of doing what is right.