

HHS MANDATE INSULTING AND DANGEROUS

By Charles J. Chaput

Obama's shift on birth control The U.S. Department of Health and Human Services refused on Jan. 20 to broaden the exception to its mandate that nearly all Catholic employers must cover contraception, abortifacients, and sterilization in their health-care plans.

An "accommodation" offered Friday by the White House did not solve the problem. Instead, it triggered withering criticism from legal scholars such as Notre Dame's Carter Snead, Harvard's Mary Ann Glendon, Princeton's Robert George, and Catholic University of America president John Garvey, along with non-Catholic scholars including Yuval Levin, the religious liberty law firm the Becket Fund, and numerous Catholic and other organizations.

Many Catholics are confused and angry. They should be.

Quite a few Catholics supported President Obama in the last election, so the ironies here are bitter. Many feel betrayed. They're baffled that the Obama administration would seek to coerce Catholic employers, private and corporate, to violate their religious convictions.

But it's clear that such actions are developing into a pattern. Whether it was the administration's early shift toward the anemic language of "freedom of worship" instead of the more historically grounded and robust concept of "freedom of religion" in key diplomatic discussions; or its troubling effort to regulate religious ministers recently rejected 9-0 by the Supreme Court in the Hosanna Tabor case; or the revocation of the U.S. bishops' conference human-trafficking grant for refusing to refer rape victims to abortion clinics, it seems obvious that this administration is - to put it generously - tone deaf to people of faith.

Philadelphians may wish to reflect on the following facts: The Archdiocesan Secretariat for Catholic Human Services spends \$278 million annually on services to the community. About 4,000 employees make up our secretariat's workforce. Catholic Social Services is the largest social-service agency in Pennsylvania and the largest residential care/social-service subcontractor with the Department of Human Services of the City of Philadelphia.

There's more. Archdiocesan Catholic Health Care Services is the largest faith-based provider of long-term-care services to the poor and elderly in the five-county area, and the seventh-largest nationally. And our Nutritional Development Services ministry serves more than eight million meals a year to schoolchildren, summer programs, and child-care centers. It also provides 2 million pounds of nonperishable food to needy families and the elderly through its Community Food Program.

Much of the money used by these ministries comes from public funding. But of course, the reason these ministries are trusted with public funding is that they do an excellent job. The service relationship works well without compromising the integrity of either the

government or the Church. In fact, in a practical sense, government often benefits more than the Church.

It's also important to note that many millions of the dollars disbursed are resources directly donated by faithful Catholics to carry out their Gospel mission to serve the needy. For the Church, this makes perfect sense: As a believing community, we share our resources freely and gladly. We'll cooperate with anyone in service to the common good, so long as we are not forced to compromise our religious beliefs.

But the HHS mandate, including its latest variant, is belligerent, unnecessary, and deeply offensive to the content of Catholic belief. Any such mandate would make it morally compromising for us to provide health-care benefits to the staffs of our public-service ministries. Moreover, we cannot afford to be fooled - yet again - - by evasive and misleading allusions to the administration's alleged "flexibility" on such issues. The HHS mandate needs to be rescinded.

Many critics are focusing on the details of this or that particular version of the HHS regulation - the narrowness of the religious exemption, the breadth of the mandate, the hollowness of the grace period. As useful as this approach may be, it risks wandering into the weeds. The White House response on these points is ambiguous and weak. The true magnitude of the issue is getting lost as just another debate about details.

In reality, no similarly aggressive attack on religious freedom in our country has occurred in recent memory.

The current administration prides itself on being measured and deliberate. The current HHS mandate needs to be understood as exactly that. Commentators are using words like "gaffe," "ill conceived," and "mistake" to describe the mandate. They're wrong. It's impossible to see this regulation as some happenstance policy. It has been too long in the making.

Despite all of its public apprehension about "culture warriors" on the political right in the past, the current administration has created an HHS mandate that is the embodiment of culture war. At its heart is a seemingly deep distrust of the formative role religious faith has on personal and social conduct, and a deep distaste for religion's moral influence on public affairs. To say that this view is contrary to the Founders' thinking and the record of American history would be an understatement.

Critics may characterize my words here as partisan or political. These are my personal views, and of course people are free to disagree. But it is this administration - not Catholic ministries, or institutions, or bishops - that chose the timing and nature of the fight. The onus is entirely on the White House, which also has the power to remove the issue from public conflict. Catholics should not be misled into accepting feeble compromises on issues of principle. The HHS mandate is bad law; and not merely bad, but dangerous and insulting. It needs to be withdrawn - now.