

Are We Signing Away Our Religious Freedom?

As I lead a church and Christian daycare with multiple employees, I am looking carefully at the health benefits we should provide, including the impact of **Obamacare**.

Most people are now willing to admit that the Affordable Care Act (ACA) is not a perfect law. Maybe any law with well over 11 million words is bound to have some problems. But while most of the attention has understandably gone to the millions of Americans who are losing their health coverage or their doctors, the problem of the ACA's assault on **religious liberty** still looms large.

From the very beginning, Catholic leaders raised concerns about the regulations issued by the Department of Health and Human Services (HHS), charged with implementing the health care law. These require employers to pay for contraceptive services, including drugs that can potentially induce abortion.

There is currently debate over whether both the birth control pill and the so-called "**morning-after pill**" should be classified as abortifacients. Some claim they merely prevent ovulation and/or fertilization, while others note that they also make the endometrial lining of the uterus hostile to a fertilized ovum.

Regardless, all contraceptive drugs are a violation of Catholic conscience. Pope Paul VI's encyclical *Humanae Vitae*, written in 1968, clarified the Catholic view that children are a blessing and should be welcomed by married couples. Catholic leaders are not asking the federal government to ban contraception; they are simply asking to be exempt from paying for it or being complicit in its distribution.

This concern was a key issue during the 2012 vice-presidential debate between Congressman Paul Ryan and Vice President Joe Biden, both of whom are Catholic. Biden claimed boldly, “[No Catholic institution] has to either refer for contraception, none has to pay for contraception, none has to be a vehicle to get contraception in any insurance policy they provide. That is a fact.”

There seemed to be very little room for misinterpretation in Vice President Biden’s statement. So, were those Catholic leaders simply misinformed? Or did they have valid concerns that the administration was going to force Catholic organizations to pay for drugs that violate their religious teachings? Everyone waited for the law to take effect to find out.

The Little Sisters of the Poor is a group of Catholic nuns who provide free hospice care to the homeless of all religions. After the ACA was implemented, they were ordered to begin paying for contraceptive and sterilization services for their employees.

Besides their religious objections to these services, nuns obviously take vows of celibacy and thus have no need of contraceptive services. Although offered a theoretical exemption, the group was still being required to sign a form that passed the responsibility for the services to their insurance provider, thus tacitly affirming the practice.

After consulting with their lawyers, the Little Sisters filed a lawsuit in federal court, asking to be exempt from signing the form rather than face the substantial fines imposed by HHS if they do not. In January, Supreme Court Justice Sonya Sotomayor issued temporary injunction, allowing the Little Sisters to continue their ministry while the lawsuit continues to work its way through the appeals courts.

You would think a group of celibate women who have devoted

their lives to serving the poorest of the poor would not be a popular target for birth control absolutists. Unfortunately, the *New York Times* editors called the nuns' lawsuit "audacious" and lamented that "the suit by the nuns' group boils down to an unjustified attempt by an employer to impose its religious views on workers." I disagree. I think HHS is audaciously imposing its view on a group of nuns.

Of course, the Little Sisters and those who share their convictions are not trying to ban contraception. They simply do not want to participate in distributing it. In the same way, the owners of a vegetarian restaurant are not trying to ban the sale of meat; they simply don't want to serve it.

A vegetarian restaurateur who won't serve me meat is not imposing his or her views on me. I am free to choose a different place to eat. In the same way, women who want their contraception paid for by an employer could simply work somewhere else that offered those benefits.

The right of the Little Sisters not to participate in something that violates their religious conscience is at the very heart of what it means to have religious freedom. It is telling that HHS appears more interested in forcing the nuns to sign papers than the actual provision of services.

Such bullying affects everyone, not just Catholics, and it extends far beyond the ACA to laws like the Employment Non-Discrimination Act (ENDA) and many other regulations on federal, state and local levels. Once the government has asserted the right to force individuals, businesses and other private organizations to violate their conscience, all bets are off. I wonder what will be in the next form we are required to sign?

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