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## Life, Love and Family and the Defense of Religious Liberty

- Introduction

- I thank you for your presence today at the Tenth Annual Human Life Guild Day and for all that you do to use the freedom God gave you for its divine-ordained purpose, to love God and others. Today I've been asked to speak on the Defense of Religious Liberty in the context of that support for life, love and family.
- As an introduction, I'd like to begin with something our Holy Father, Pope Francis, said on June 20th in the Vatican on the importance of religious freedom. It provides a very helpful frame for what we will be examining together. There was a global scope to his remarks, but his five main points about the "very intense... debate about religious liberty" are highly relevant to what American Catholics are trying to illumine during this Fortnight. I'd like to take them in turn.
  - He first indicated that the right to religious freedom is essential to ensure man's transcendent nature.
    - "Reason recognizes in religious liberty," the Pope said, "a fundamental right of man that reflects his lofty dignity, that of being able to seek the truth and adhere to it, and it recognizes in it an indispensable condition to be able to display all his potential."
    - If the human person is not permitted to act in accordance with a well-formed conscience, then his growth will be stunted and he will never be free.
  - Second, religious freedom isn't merely the ability to go to Church or pray at home but the capacity to live by faith.
    - "Religious liberty," the Pope said, "is not only that of thought or private worship. It is freedom to live according to ethical principles consequent upon the truth found, be it privately or publicly."
    - This point used to be obvious to everyone, but the present Administration in Washington has made a coordinated effort in both foreign and domestic policy to reduce freedom of religion to freedom of worship. The reason for this reduction, as then Secretary of State Hillary Clinton said in a 2009 speech, is to promote the "right" for people to "love in the way they choose." In other words, to smooth the path or those of the same-sex to marry each other, the U.S. government wants to restrict the rights of believers not to live according to the values of their revealed religions.
    - Pope Francis is reminding us that religious freedom includes the liberty to live publicly according to that faith's moral principles — something that is being denied not just in fundamentalist Muslim regions or communist countries but also in aggressively secular ones.
  - Third, religious freedom is being undermined precisely by many trumpeting tolerance and freedom.
    - Religious liberty, he indicated, "is a great challenge in the globalized world, where 'weak thought' ... also lowers the general ethical level, and in the name of a false concept of tolerance ends up by persecuting those who defend the truth about man and the ethical consequences."
    - This "weak thought" includes, along with nihilism, an intellectual and moral relativism. At first there is a push for "tolerance" of what was formerly morally censured but then ends in intolerance and persecution of those who don't progress beyond acquiescence to acceptance and approval.

- The pro-choice movement, for example, originally just asked for the “freedom to choose” abortion, but now seeks to force all doctors and nurses to be trained in abortions and all citizens to pay for it. Those pushing for marriage between those of the same-sex first asked just for tolerance but now push for the resignation of those, like ex-Mozilla CEO Brendan Eich, who defend marriage as the union of a man and a woman.
- Fourth, without religious freedom, a democracy is sick and undermines its own legitimacy.
  - Political and judicial bodies, the Pope insisted, “are called to recognize, guarantee and protect religious liberty, which is intrinsically inherent right to human nature ... and is also an indicator of a healthy democracy and one of the principal sources of the legitimacy of the State.”
  - In the Bill of Rights of course, the United States recognized, guaranteed and protected religious liberty, but recent offenses against this first and fundamental freedom show that our republican democracy is not strengthening but sickening. That must concern all of us who love our country.
- Fifth, attacks against the religious freedom of Christians are not only the most common today but the most ignored.
  - “It is for me a reason for great sorrow,” the Pope lamented, “to see that Christians in the world endure the greatest number of such discriminations. The persecution against Christians today is in fact stronger than in the first centuries of the Church, and there are more Christian martyrs than at that time.”
  - More Christians have been martyred in the last 100 years than in all previous 19 centuries combined.
  - The type of deadly persecutions he’s describing are happening mainly in fundamentalist Muslim regions, like in ISIS controlled regions of Iraq and Syria or in Boko Haram terrorized regions in Kenya, but they flow from the same denial of the right to religious freedom that is spreading like cancer in supposedly free secularist nations where the last acceptable prejudice among elites, Christianophobia, is enabling it.
  - If the types of school and church bombings, kidnappings, and massacres happening routinely to Christians in various parts of the world were happening to Jews, gays or women, there would justifiably be a media and international obsession about it. The fact that were happening unabated with most ignoring it — until the beheadings of two Americans as Americans last month — ought to be as “incomprehensible,” “worrying” and “unacceptable” to all of us as it is Pope Francis.
- It’s high time for all of us, but especially Catholics, in the United States to ponder these realities, to pray, and to get involved to help nurse our nation back to the health Pope Francis indicates. We’re born at a time and in a place in which Jesus, the Divine Physician, is calling us to be his emergency room trauma unit nurses. That image points to the stakes involved and the urgency of what we’re being summoned to do. But if we are going to help out a patient in the field hospital in battle that Pope Francis has called today’s Church, we not only have to treat the present wounds but, for the sake of the patient’s overall health, we need to understand some of the causes of the lifestyle that have brought the patient to the present state. So let’s get into the etiology, the background of the cancer attacking religious freedom in various metastases. Then we can talk about the prescription needed, knowing that our living out our faith fully as committed citizens will be a crucial part of that remedy.
- Pope Benedict and Religious Freedom
  - To do so I’ve always found it helpful to turn to Pope-emeritus Benedict’s words to and about the United States of American. In January 2012, in a meeting with visiting American bishops, Pope Benedict expressed his alarm at the “attempts being made to limit that most cherished of American freedoms, the freedom of religion.” He said he was distressed that ‘concerted efforts have been made to deny the right of conscientious objection on the part of Catholic individuals and institutions

with regard to cooperation in intrinsically evil practices” and that some elements were trying to “reduce religious freedom to mere freedom of worship.” In order to combat these worrying tendencies, the Holy Father said there was a pressing need for an “engaged, articulate and well-formed Catholic laity endowed with a strong critical sense vis-à-vis the dominant culture and with the courage to counter a reductive secularism that would delegitimize the Church’s participation in public debate about the issues which are determining the future of American society.”

- Every Catholic in America is called to become “engaged” and “articulate” about these issues and courageously get involved.
- The U.S. Bishops, in their excellent letter on Religious Liberty released in anticipation of the first Fortnight for Freedom, entitled, “Our First, Most Cherished Liberty,” said, “As bishops we seek to bring the light of the Gospel to our public life, but the work of politics is properly that of committed and courageous lay Catholics. We exhort them to be both engaged and articulate in insisting that as Catholics and as Americans we do not have to choose between the two. There is an urgent need for the lay faithful, in cooperation with Christians, Jews, and others, to impress upon our elected representatives the importance of continued protection of religious liberty in a free society.”
- The most articulate spokesman in the United States on religious freedom concerns, Philadelphia Archbishop Charles Chaput, has been summoning Catholic laity to awaken from a social somnolence and fulfill the vocation Christ has given them to be salt, light and leaven of society.
- In an interview last year with the National Catholic Register, he said, “Religious liberty as an ideal sounds lovely. But in the abstract, it has very little power. It has political force only to the degree that ordinary people believe and practice their faith — and refuse to tolerate anyone or anything interfering with their faith.
- “The current White House,” he continued, “has a clear track record of ignoring the traditional American understanding of religious freedom and interfering with the activity of religiously inspired organizations. If lay Catholics accept that sort of government behavior without inflicting a political cost on the officials responsible for it, then they have no one to blame but themselves when they find that their liberties have gone thin.”
- Unless lay faithful get seriously involved, all the bishops’ efforts to protect religious freedom will be in vain. “If laypeople don’t love their Catholic faith enough to struggle for it in the public square, nothing the bishops do will finally matter.”
- That’s why the bishops are sounding the alarm. But as one commentator once noted about the bishops on television, the 270 bishops are only 270 citizens, 270 votes. Their leadership is only consequential if Catholic lay people love their faith enough to live by it and defend it.
- Pope Benedict
  - As background, I’d like to go back to 2008, when Pope Benedict was in the United States, he extolled America’s role in the history of the world and in the world today as a beacon of freedom, particularly religious freedom and freedom of conscience.
    - “From the dawn of the Republic,” he stated, “America’s quest for freedom has been guided by the conviction that the principles governing political and social life are intimately linked to a moral order based on the dominion of God the Creator. The framers of this nation’s founding documents drew upon this conviction when they proclaimed the ‘self-evident truth’ that all men are created equal and endowed with inalienable rights grounded in the laws of nature and of nature’s God. The course of American history demonstrates the difficulties, the struggles, and the great intellectual and moral resolve which were demanded to shape a society that faithfully embodied these noble principles. In that process, which forged the soul of the nation, religious beliefs were a constant inspiration and driving force, as for example in the struggle against slavery and in the civil rights movement.”
    - The Holy Father added that throughout the centuries Americans cultivated the moral virtues that kept our country free and how their example provides a challenge to us today. “The preservation of freedom calls for the cultivation of virtue, self-discipline, sacrifice for the common good and a sense of responsibility towards the less fortunate. It also demands the courage to engage in civic life and to bring one’s deepest beliefs and values to reasoned

public debate. In a word, freedom is ever new. It is a challenge held out to each generation, and it must constantly be won over for the cause of good.”

- He even cited the prophetic words not of the first pope but of the first president, George Washington, who expressed in his Farewell address the conviction that religion and morality are indispensable supports for political and national prosperity.
- Though Washington was not a particularly religious man himself, he saw that religion and morality represent "indispensable supports" of political prosperity.
- His successor, John Adams, had similar advice: “We have no government armed with the power capable of contending with human passions, unbridled by morality and true religion. Our Constitution is made only for a moral and religious people. It is wholly inadequate to the government of any other.” In other words, unless men and women, boys and girls, are formed to follow properly-trained consciences, America as an experiment in ordered liberty won’t work. Unless they know what’s right and wrong and do what’s right and refrain from what’s wrong, then America will be ripped asunder. There’s a Polish aphorism that the number of external policemen you need is in inverse proportion to the number of internal policemen — consciences — and their power.
- And the Third President, Thomas Jefferson, a Deist, said in 1809 that the government in particular must always respect freedom of religion and the freedom of conscience that is continually connected to it. “No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority.”
- That’s what Pope Benedict said during his April 2008 visit to our country. He sounded a far different message in January 2012 when he spoke to visiting US bishops on their ad limina visit.
  - One of the most memorable aspects of my Pastoral Visit to the United States was the opportunity it afforded me to reflect on America’s historical experience of religious freedom, and specifically the relationship between religion and culture. ... Today that consensus [about the importance of religious freedom in the United States] has eroded significantly in the face of powerful new cultural currents that are not only directly opposed to core moral teachings of the Judeo-Christian tradition, but increasingly hostile to Christianity as such...
  - He was pointing to what he labeled “an extreme individualism, seek[ing] to promote notions of freedom detached from moral truth. ... a **radical secularism** that finds increasing expression in the political and cultural spheres.
- Radical secularism, an extreme individualism that promotes freedom apart from moral truth, is at the root of these attacks on religious freedom. Cardinal Francis George of Chicago said in 2009 that regardless of President Obama’s attestation that he’s a Christian, he’s the first truly secularist president we’ve ever had, someone who takes all his main categories from secularist philosophies rather than from faith or values consistent with Judeo-Christian faith.
- Secularism, as Pope Benedict has defined it, is living *si Deus non daretur*, “as if God were not a given.” This is a practical atheism that has become a new religion. In 2010, when he was in Scotland, he spoke about it at length. He called attention to the “dictatorship of relativism” that is threatening British society by obscuring “the unchanging truth about man’s nature, his destiny and his ultimate good.” He said that there are some who are seeking “to exclude religious belief from public discourse, to privatize it or even to paint it as a threat to equality and liberty.” When religious belief is excluded, he stressed, society — even a cultured society like Britain, built on the foundation of Christian “cult” — will devolve into nothing more than a “jungle of self-destructive and arbitrary freedoms.”
- For militant secularists, it’s not enough for them to live as if God does not exist, but they want to force their practical atheism on everyone else, at least in public. They may concede the right to “freedom of worship,” meaning the liberty to spend one’s free time going to the Church, synagogue or mosque, but they want to restrict — as President Obama’s administration is doing, both home and internationally — the right to “religious freedom,” meaning the liberty to live one’s faith publicly.

- Pope Benedict spoke with great concern precisely about this **“worrying tendency to reduce religious freedom to mere freedom of worship without guarantees of respect for freedom of conscience.”**
- There are two things here.
  - First, there was a direct reference to the Obama Administration’s foreign policy where, beginning under Secretary of State Hillary Clinton, they have sought to reduce America’s traditional support for freedom of religion just to freedom of worship. They’ll defend, under a principle of freedom of association, people’s using their freedom to get together to pray on a Friday, or Saturday or Sunday, but they will no longer defend people from living their faith in the public square, from living their faith in faith-based social programs, in religious hospitals, or charities, from not having their consciences trampled in the public square. In December 2009, the U.S. secretary of state, in a speech at Georgetown University, emptied the concept of religious freedom of everything save the “freedom to worship” while asserting, in a catalogue of what she claimed were fundamental international human rights, that people “must be free . . . to love in the way they choose” — which “choice” must, presumably, be protected by international human-rights covenants and national and local civil-rights laws. So religious freedom is being denied in order to advance the “fundamental freedoms” not just to “love in the way they choose” but to have governments sanction and give full public rights to this love. It’s being denied to promote the normalization of same-sex relations and same-sex marriage.
  - But we have also seen that in the United States. Perhaps the most notorious example is in the *Hosanna Tabor* Case. This case involved the question of whether a religious institution, in this case the Hosanna-Tabor Lutheran Church of Redford, Michigan, should be free from government interference when choosing religious leaders. For decades, the lower courts have applied a doctrine called the “ministerial exception,” which prohibits the government from using anti-discrimination laws to force religious organizations to hire or fire particular individuals for jobs with important religious functions. All the lower courts agreed that the ministerial exception existed, but there was some variation as to whether employees with only *some* religious duties were covered — for example, a teacher who teaches religion in the morning and math in the afternoon. In a huge victory for religious freedom, the Supreme Court on January 11 decided 9-0 that the First Amendment prohibits the government from interfering in these types of decisions. If anything, they said the separation of church and state should mean that the government has no business deciding who will preach and teach religious faith. The decision was an emphatic rejection of the Obama administration’s view of religious liberty. The administration’s assistant solicitor general, Leandra Kruger, had argued that religious groups had no greater right to pick their leaders than labor unions or social clubs, that an employee whose job includes teaching the faith to children would not be a minister if he or she also had any secular duties. As Chief Justice John Roberts remarked at the oral argument, even the Pope would fail that test, as he surely has occasional secular duties as the head of the Vatican state. In the unanimous decision, the Court emphatically and repeatedly rejected the administration’s narrow view of religious liberty. For example, when discussing the government’s argument that churches should just rely on the freedom-of-association rights to choose their own leaders (the way labor unions and social clubs might), the court rejected that argument as “remarkable” and “untenable.” When considering the government’s efforts to narrow who can be considered a minister, the court called the Obama administration’s position “extreme.” At the oral argument, even Justice Elena Kagan — who was appointed by President Obama and previously served as his solicitor general — noted that the government’s narrow view of the First Amendment was an “amazing” position (and not in the good way).
  - When attempting to explain its historically narrow protection for conscience in the HHS regulations, which we’ll discuss a little later, the administration echoed its arguments from the *Hosanna-Tabor* case, saying the clause is only meant to protect a church from being forced to offer the drugs to employees in “certain religious positions.” The administration argued

that its clause sought only to protect “the unique relationship between a house of worship and its employees in ministerial positions.” Given the government’s stingy view of who counts as “ministerial,” it is clear the administration does not think the First Amendment provides much protection for religion at all. When Chief Justice Roberts pressed Kruger to say whether the Constitution calls for special protection for religious institutions, she replied there was no “categorical” protection for churches or church schools. That’s the understanding that the Obama administration is applying across the board. With HHS it’s doing so remarkably 9 days *after* the Hosanna-Tabor unanimous decision against it. So religious groups with huge humanitarian missions have expressed they still have concerns.

- The second thing we see is that Radical secularism goes hand-in-hand with a denial of any prerogatives of conscience: if everyone needs to live as if God doesn’t exist, then no one can claim to be hearing and following God’s voice in the inner sanctuary of conscience. That’s why for secularists no one can be granted exceptions to being forced to comply with the secularist agenda.
- Last June the US Bishops during the Fortnight for Freedom asked all of us to focus on the Freedom to Serve. Christ calls us, following his example, to serve others rather than to be served, to be Good Samaritans crossing the road to care for others, to love our neighbor as God has loved us first. Over the course of centuries, Catholics have done that individually and come together to do that institutionally. At a time when the rich had private doctors, we formed the first hospitals to care for both rich and poor, nursing people back to health or preparing them for meeting the Lord. At a time when only wealthy or noble families had access to an education through tutors, we formed the first schools and open universities. We formed diakonia in the early Church to care for the poor. We formed leprosaria to care for those with Hansen’s disease. We established orphanages for abandoned babies and homes for unwed mothers. We formed programs for immigrants to learn languages, for young girls to learn to sew, for street children to learn trades. The Catholic Church has done so much good in serving others and improving the common good. But that ability is now being restricted and threatened by aggressively secular policies in federal and various state and local governments. There’s no need to give a comprehensive list here, but we can briefly mention some:
  - Catholic Social Service agencies needing to get out of the adoption business because of requirements to give kids to those in same-sex relationships, which the Church doesn’t believe is for the integral good of kids. In order to be involved in adoption, you need state licensing and to acquire that license, one must refuse to discriminate against same sex couples.
  - Give up contracts for sex-trafficking victims or humanitarian assistance programs through Catholic Relief Services if we don’t refer to abortion.
  - Catholic hospitals, schools and universities and other institutions are being compelled to offer health care plans that pay for free chemical abortions, contraception and sterilizations or pay crippling fines per day per employee or cut health care altogether.
  - And now, in order to participate in any federal contract, President Obama is considering making it dependent on not discriminating in hiring on the basis of sexual orientation or gender identity. At the beginning of the summer, President Obama signed an executive order prohibiting any federal contractors from discriminating on the basis of sexual orientation or gender identity. What this means at a practical level is that Catholic Social Services, which receives lots of money for programs for the poor, the homeless and the disabled, wouldn’t be able to continue to receive any of that assistance unless, for example, it refused to consider when a gay activist should be the main receptionist, whether a transgendered transvestite’s situation should be totally overlooked with regard to a marriage counselor, etc. All of these threaten our freedom to serve others while still obeying God.
- Why is this occurring? The secularists are seeking to suppress not only expressions of faith but actually living out the faith in the light of conscience. That’s one of the reasons why they’re going after the Church’s charities. This occurs not only whenever the Church’s charity is linked to a truth claim that is offensive to secularist morés — for example, with regard to abortion or the real meaning of marriage. But it also occurs, I think, because in the final analysis, many secularists hate the practice of religion more than they appreciate the charity that flows from religion. I know that’s

a strong statement, but I think that we've seen evidence of it in the last few years. Radical secularists hate religion — real religion, which is not a weekend social club but something that someone really believes and lives, that binds the person in conscience to the truth, with moral absolutes antithetical to secularist libertinism — more than they appreciate the charity that flows from it. Therefore they would more easily want to shut down the work of the Church in helping sex trafficking victims, or rebuilding lives in Haiti, or caring for 6 million patients a year in hospitals, or educating even more in Catholic schools, or arranging for adoptions of children in homes with married couples, or helping drug addicts, battered women, at risk teens or any of the other hundreds of programs through Catholic Charities, than to allow those in the Church to do this while not having to compromise on truths that make secularists uncomfortable.

- Ultimately the secularist project is step-by-step an attempt to put real religion out of business. Pope Benedict described “powerful new cultural currents that are not only directly opposed to core moral teachings of the Judeo-Christian tradition, but increasingly hostile to Christianity as such.” This happens because many radical secularists think real religion is a force for evil, not good, a force for repression and violence, not freedom and peace.
- I'd like to return once again to Archbishop Chaput's thoughts. A few years back he went to Slovakia a couple of years ago to support the Church there after 50 years of suffering under Nazi and Soviet regimes. While he was there, he examined what happens when a society tries to order itself as if God did not exist and when those who do believe in God fail adequately to resist this secularizing trend. He called upon Catholics in the West to recognize the signs of the times and not to be caught asleep as a dictatorship of practical atheism seeks to “repudiate the Christian roots and soul of our civilization.” His words are, as usual, prophetic and blunt.
  - Archbishop Chaput began by giving the Slovaks a brief history of what helped to make the United States of America historically great and free in contrast to the bloodshed that bathed many parts of Europe after the Enlightenment: the positive role of faith in American culture. America, he stressed, was established as a non-sectarian state, but one in which faith was expected and fostered as a pre-requisite for a free society. Contrary to the opinions of revisionist secularist historians today, the founding fathers had “no desire for a radically secularized public life,” Archbishop Chaput stated. “They had no intent to lock religion away from public affairs. On the contrary, they wanted to guarantee citizens the freedom to live their faith publicly and vigorously, and to bring their religious convictions to bear on the building of a just society.”
  - The danger today is, he continued, that in both the U.S. and in Europe, “we face an aggressively secular political vision and a consumerist economic model that result — in practice, if not in explicit intent — in a new kind of state-encouraged atheism. To put it another way: The Enlightenment-derived worldview that gave rise to the great murder ideologies of the last century remains very much alive. Its language is softer, its intentions seem kinder, and its face is friendlier. But its underlying impulse hasn't changed — that is, the dream of building a society apart from God.” He said that their vision “presumes a frankly ‘post-Christian’ world ruled by rationality, technology and good social engineering. Religion has a place in this worldview, but only as an individual lifestyle accessory. People are free to worship and believe whatever they want, so long as they keep their beliefs to themselves and do not presume to intrude their religious idiosyncrasies on the workings of government, the economy, or culture.”
  - Despite the “rhetoric of enlightened, secular tolerance,” government agencies in the United States, he explained, “now increasingly seek to dictate how Church ministries should operate, and to force them into practices that would destroy their Catholic identity. Efforts have been made to discourage or criminalize the expression of certain Catholic beliefs as ‘hate speech.’ Our courts and legislatures now routinely take actions that undermine marriage and family life, and seek to scrub our public life of Christian symbolism and signs of influence. In Europe, we see similar trends, although marked by a more open contempt for Christianity.” He drew stark conclusions from these trends: “These are not the actions of governments that see the Catholic Church as a valued partner in their plans for the 21st

century. Quite the opposite: these events suggest an emerging, systematic discrimination against the Church that now seems inevitable.”

- Archbishop Chaput said in Slovakia that the response of believers needs to be to resist the falsities and euphemisms — the lies — of secularism by living according to the truth that makes us free. For Christians, living within the truth, Archbishop Chaput says, means living according to Jesus Christ, “proclaiming the truth of the Christian Gospel, not only by our words but by our example. It means living every day and every moment from the unshakeable conviction that God lives, and that his love is the motive force of human history and the engine of every authentic human life. It means believing that the truths of the Creed are worth suffering and dying for. Living within the truth also means telling the truth and calling things by their right names. And that means exposing the lies by which some men try to force others to live.” The two main lies he said was that Christianity was of relatively minor importance in the development of the West and that Western values and institutions “can be sustained without a grounding in Christian principles,” that relativism is an adequate civil religion and public philosophy for us” in the West. Without a grounding in God or in a higher truth that public consensus, he said, “our democratic institutions can very easily become weapons against our own human dignity, [through] a form of intimate violence that clothes itself in democracy [wherein] the will to power of the strong is given the force of law to kill the weak.” That despotism of might-makes-right — seen for example those who are older, bigger, stronger, richer take the lives of those who are smaller, weaker, younger and more vulnerable in the womb — is “where we are heading in the West today,” he warned, and needs to be resisted, as the Slovaks resisted the totalitarians of the nazist and communist murder regimes. This resistance, he added, must come not just from “Church professionals” but from “every serious believer.” The whole Church is called to imitate the Slovakian heroes of the faith and become a “believing community of resistance.” Such a community, he said, will call things by their true names, “really believe what we say we believe,” and be willing to prove God is real by the witness of their lives in the midst of a world that is on the verge of forgetting him. “The renewal of the West depends overwhelmingly,” he concluded, on Christian families, parishes and dioceses beginning to live out this faithful communal resistance in the truth

- HHS Decision

- I’d like to talk about the most pressing of all of these religious freedom concerns, the ongoing struggle with the Obama administration over the HHS mandate flowing from the Affordable Care Act. I presume most of you know the basics of the facts, but we can give a quick review.
- Originally the Department of Health and Human Services trial-ballooned a mandate on free “preventive services” for women, forcing all employers, including religious ones, to cover for free not just mammograms, blood pressure checks, breastfeeding support, domestic violence counseling, diabetes and STD testing and counseling, but also free access to sterilization and all contraceptives (including clearly abortifacient ones like the morning after pill) approved by the U.S. Food and Drug Administration.
- HHS implicitly acknowledged that they foresaw that some groups would have objections in conscience, so they offered certain religious groups a conscience exemption. The exemption, however, was only for those non-profit organizations whose purpose is the “inculcation of religious values” and which primarily employs and serves those who share its religious tenets an opportunity. But this conscience clause was so narrowly worded that, for example, most Catholic institutions — including Catholic hospitals, universities, schools, and social service programs — would not qualify because they do not serve exclusively or primarily Catholics but those who are qualified or in need. We try to heed Jesus’ call to serve “the least of my brethren,” to be a Good Samaritan to all those in need, regardless of religion. Catholic hospitals, which provide \$30 billion of service in serving one out of every six patients in the country, don’t ask for baptismal certificates at emergency rooms. The hungry don’t need to recite make the Sign of the Cross and say grace in order to get a bag of food at Church pantries. The nine million people who approach Catholic Charities each year for help don’t need to recite the Nicene Creed. Students don’t have to pass a catechism test and get a recommendation from a Catholic priest to attend Catholic elementary and secondary schools, colleges or universities.

- The HHS invited public comment and received not only many formal comments from religious groups but millions of comments from ordinary believers. President Obama welcomed then Cardinal-designate Timothy Dolan, the Archbishop of New York and President of the US Bishops' Conference to the White House to discuss it and, according to Archbishop Dolan, gave him the impression that he understood the Catholic concerns and that he anticipated that Catholics would be pleased with some of the changes that would take place when the final rule was published.
- However, when the final rule was published by HHS, there was no change to the scope of the mandate, neither in terms of the morally objectionable items nor in terms of the way religious groups were defined and exempted. The only concession that was given to Catholic and other religious groups initially was a delay to comply with the new law. Cardinal Dolan said that "In effect, the president [was] saying we have a year to figure out how to violate our consciences."
- Since that time, under constant political pressure not to mention lawsuits, the Obama Administration has sought to revise the mandate by extending the "accommodation," by allowing religious service organizations — like Catholic hospitals, schools and social service programs — that objected to providing coverage for these items in their employees' health plans, the President said they would no longer be required to pay for them; rather their health insurance companies would be forced to offer them for "free." There have always involved various practical issues. First, most Catholic hospitals, school systems, charities, etc., are self-insured in order to save on cost. They still won't be covered. Second, even for those who aren't, the shift of the onus of the mandate from religious service employers to insurance companies was readily seen by objective observers as a political obfuscation and accounting trick. As the editors of the *Wall Street Journal* remarked after one of the accommodations, "Insurance companies won't be making donations. Drug makers will still charge for the pill. Doctors will still bill for reproductive treatment. The reality, as with all mandated benefits, is that these costs will be borne eventually via higher premiums." Just as there's no such thing as a totally free lunch, so there's no free tubal ligation, abortion-causing pill or contraception. The religious organizations will still be funding these objectionable offerings, one way or the other.
- Beyond the financial smokescreen, none of the three fundamental issues for which the U.S. bishops have been criticizing the mandate was addressed by any of the President's attempted accommodations.
  - The first principle is respect for religious liberty. The administration is trying not only to intrude into the affairs of religious institutions and but to coerce them — and all religiously or morally motivated private employers — to engage in or cooperate in what they believe is immoral.
  - The bishops' second major concern is about who defines religious identity and ministry. The only organizations that the administration recognizes as "religious employers" are those non-profits that have the primary purpose of inculcating religious values, and employ and serve persons who share their religious tenets. The vast majority of religious social service agencies, which care for but also often employ people of various faiths or no faith, do not come under this definition. They're not "religious enough," in HHS' estimation. This is totally different from what the I.R.S. considers a religious non-profit and diametrically opposed to the interpretation of the Constitution expressed unanimously by the Supreme Court on January 11 in the *Hosanna Tabor* decision. There is serious concern that this same narrow understanding of religious charity would become a precedent for other regulations. But there is the larger issue of the understanding of works in the practice of faith
    - When President Obama addressed the National Prayer Breakfast two years ago, he said that we cannot limit our religious values "to personal moments of prayer or private conversations with pastors or friends," but we need to act on the command to "love thy neighbor as yourself." He added that "caring for the poor and those in need" are "values that have always made this country great — when we live up to them; when we don't just give lip service to them." He praised Catholic Charities and various other faith-inspired organizations for whom "the biblical injunctions are not just words, they are also deeds," saying, "Every single day, in different ways, so many of you are living out your faith in service to others." He clearly recognized the

intrinsic connection between religious faith and charitable works; yet in the HHS mandate he pretends that those who carry out charitable works based on religious faith aren't religious employers at all. The President, logically, can't have it both ways. Either he was giving lip service to living faith at the National Prayer Breakfast or the HHS restrictions are a contradiction of his own ideas.

- The third point that the bishops have been stressing is that they are fighting not just for a broader exemption to the mandate for Catholic institutions but for the mandate as a whole to be rescinded. No individual or institution, religious or otherwise, should be forced to pay for others' abortion-causing pills, sterilization, or contraception, which are not "preventive services" like mammograms, because children are not cancers. The conscience of secular business owners shouldn't be violated any more than the conscience of those who administer religious non-profits. This was a right the Supreme Court recognized, at least partially, in the Hobby Lobby decision this last June.
- There's a simple solution here. It's to rescind the mandate and leave things the way they are, so those who provide, sponsor and purchase health coverage can make their own decisions about whether to include these procedures without the federal government imposing one answer on everyone. It's not as if people do not have access to any of these "services" today. There are many health care plans that already cover them and supplemental programs for those whose policies do not. But that's something that the HHS does not want to allow.
- Not everyone yet sees this conscience angle. The administration and many of its abettors in the media have been framing it as just a debate on contraception. What the real issue is came up in a radio interview I was doing a couple of months ago. A woman called in to the program saying it was much ado about nothing, that most women use contraception, and the Church should just get over it. I asked her in response, whether she by chance was against the death penalty. She said she was. I then asked, "Imagine you were forced, in order to have access to health care, to have to pay for lethal injections used to execute those on death row. How would you feel about that?" I told her that the reason why she's not opposing what the Obama administration is trying to do is because she's basically not opposed to morning after pills, sterilizations and contraception. But I told her that if the Obama Administration doesn't respect the principle of religious freedom enshrined in the Constitution, if it doesn't refrain itself from compelling believers to act against their conscience with regard to these issues, then what's to stop the Administration from eventually compelling her to do something against her conscience? She began to see what the real issue is.
- I'd like to turn to what can be done?
  - The first thing religious people always are called to do is to pray. We need to be praying each day. The bishops have put out prayer for religious freedom for the annual Fortnight, but we should be praying more than that.
  - Second, we need to be talking about the threats to religious and aware — and I thank you for listening this morning. Please continue talking to others about what this is all about. It's not about how many people use the pill or whether they're going to have access to it. It's about whether those who object to the use of contraception, or abortion-pills, or sterilizations should have to pay for others to use them. It's about whether there's going to be religious freedom in this country or not, whether there's going to be respect for and protection of conscience, or whether we're going to allow the President and others to ignore the Constitution they've sworn to uphold and defend.
  - Third, we need to contact our legislators, both those on our side and those opposed and let them know we're concerned. A couple of years ago, I was helping to lead a media training for young Catholics with some highly influential Catholic lay people outside of DC and I was told that many of the people who had been working so hard for us on our side felt basically all alone. That they're not getting any thanks at all and wondering whether people are going to get involved. We should minimally be thanking them for their leadership. If they're not hearing from us, probably those who are leading the assault on religious freedom are not hearing from us either.
  - Fourth, we need to get ready for civil disobedience. In their Religious Freedom letter, the bishops boldly call Catholic Americans to the same type of courageous resistance. "It is a sobering thing," they write, "to contemplate our government enacting an unjust law. An unjust law cannot be

obeyed. In the face of an unjust law, an accommodation is not to be sought, especially by resorting to equivocal words and deceptive practices,” like — they were too charitable to note — the President sought to do with regard to the HHS mandate. In a robust, clear summons indicative of the seriousness of the issue and its consequences, they state, “If we face today the prospect of unjust laws, then Catholics in America, in solidarity with our fellow citizens, must have the courage not to obey them.” They stress, “No American desires this. No Catholic welcomes it. But if it should fall upon us, we must discharge it as a duty of citizenship and an obligation of faith.”

- Fifth, we need to recognize that our vote has become more consequential. We now have those who are called public servants who are trampling to take our religious freedom away. It’s not just the president. It’s many members of Congress. One of the most important questions we need to be asking of anyone running for office and asking for our vote this is what they’d do with regard to religious freedom. We need to ask this of all those running for President. We need to ask this of those running for Senate or Congress. And we can’t be satisfied with vague words of support for religious freedom. I’d urge you to recognize that if a candidate for office cannot defend our religious freedom then he or she really cannot adequately represent us and shouldn’t be in a position where they can use the coercive power of government to violate our rights. In a free country, we ultimately get the leaders we deserve. We should never elect people who would violate our rights. We have the power to correct these abuses at the ballot box — and we need to rise up and use that power.
- This points to the importance of conscience formation in voting. Voting is a supremely moral action.
  - First, to exercise the right vote is a moral duty (Catechism, 2240). It is one of the important ways in which we follow the commission Christ has given us to be the salt of the earth, the light of the world, and the leaven of our culture. A person who chooses not to vote is opting to be profoundly and literally irresponsible, to forsake the responsibilities he or she has as a Christian and as a citizen. That’s why the Church considers the choice not to vote a serious sin of omission.
  - But it’s not enough merely to vote. We also need to vote as salt, light and leaven, as responsible stewards who are striving to promote the common good. Like any moral action, how we vote expresses what we prioritize. Depending upon the values we’re expressing in our electoral choices, we could be voting either morally or immorally, and forming ourselves to be either morally better or morally worse.
  - We when vote, we should never forget that it’s a moral decision that will be considered in another election, the one the end of our life in which we’re the candidate and God has the sole vote. The US bishops talk about this in the document “Forming Consciences for Faithful Citizenship,” saying, “It is important to be clear that the political choices faced by citizens not only have an impact on general peace and prosperity but also may affect the individual’s salvation. Similarly, the kinds of laws and policies supported by public officials affect their spiritual well-being.”
- Conscience Formation
  - Catholics are called to vote in accordance with the truths and values of the Catholic faith, according to a well-informed conscience. Many Catholics today are confused about what the conscience is, not to mention how to inform it and act morally in accordance with it. At a practical level, many people think that “conscience” means simply one’s own thoughts about right or wrong, or one’s preferences about the way things ought to be, or one’s gut-instinct about what one should do.
  - Conscience, rather, is an organ of sensitivity — like an “inner ear” within our head, heart, and soul — given to us by God by which we’re able to hear his voice telling us to do or avoid something or helping us to see whether something we did or failed to do was in accord with what he wanted. Conscience is not an “oracle” barking out divine mandates but an “organ” by which we tune ourselves to what God is saying to us. Just like an ear, however, this organ can lose its hearing — and even when it can hear clearly, it can listen to and believe falsities and lies.
  - JP II in *Evangelium Vitae* talks about an “eclipse of conscience.” — All this explains, at least in part, how the value of life can today undergo a kind of “eclipse”, even though conscience does

- not cease to point to it as a sacred and inviolable value, as is evident in the tendency to disguise certain crimes against life in its early or final stages by using innocuous medical terms which distract attention from the fact that what is involved is the right to life of an actual human person.
- The conscience, we should state, is not the origin of truth, but the means to recognize the truth revealed by God and apply it to our concrete choices, including the moral choice about for whom to vote.
  - Catholics are called to form their consciences to be able to hear, as clearly as possible, God's voice guiding us. We're given various "hearing aids" — God's word, the Catechism and teaching of the Magisterium, prayer, the lives of the saints and the wise counsels of trustworthy men and women with well-trained consciences. But the essence of voting according to a well-formed Catholic conscience means to be turning to the Lord and asking him, "How should I vote?"
  - Voting is not a morally autonomous zone. It's certainly not an area about which God is indifferent, leaving us on our own to vote for whomever or whatever we "like" as if our choices were amoral and inconsequential. We can clearly see from the history of the Jewish people how God approved of certain leaders and political decisions and thoroughly disapproved of others. Our leaders matter to God. Our votes matter to God. We must obey God rather than men (Acts 5:29)
  - Voting is something far different than a choice between apples and oranges; on occasion, it can be a choice between Christ and Barabbas and, as US bishops stated in their document *Forming Consciences for Faithful Citizenship*, "may affect the individual's salvation."
  - How should individual Catholics Vote?
    - So how God does want us to vote? Do we need to read lengthy tomes to discover what God wants us to factor into our electoral decisions? Is it hard to decipher God's values and priorities and what he's asking of his faithful sons and daughters? In most cases, no.
    - He is the Lord of life. In a choice between a candidate who recognizes that abortion is the massacre of innocent human beings and intends to work to reduce and eliminate it and one who celebrates abortion as a great civil "right" and even wants to force Catholic individuals and institutions to have to pay for it, is it complicated to figure out which candidate's values God wants us to support? Similarly, would he want us to vote for or against candidates and legislation that would give doctors the ability to help patients commit suicide?
    - God instituted marriage in the beginning as the union of one man and one woman, as a reflection of his own image. Would he want us to support candidates who see marriage as he does or those who believe that such an idea of marriage is bigoted, unconstitutional, and needs to be redefined to embrace husband-less or wife-less unions?
    - God founded a Church, calls us to use our freedom to live our faith through acts of charity, and wants us to be people who conscientiously follow his voice. Would he want us to support candidates who defend freedom of conscience and religion or those who want to use their office to compel Catholic institutions, priests, nuns, families and businesses to pay for other people to have free chemical abortions, sterilizations, and contraception?
    - The answers, for those of a well-formed conscience, aren't complicated.
    - Could a Catholic ever vote for someone who supports abortion, doctor-prescribed suicide, the redefinition of marriage and attacks on freedom of religion and the rights of conscience? Only in extreme circumstances, when the person abhors the evils that the candidate supports and votes for the candidate for reasons that the future Pope Benedict in 2004 said would be "proportionate" to the gravity of those evils.
    - What would such issues be? They would have to be so grave as to persuade an African-American, for example, to vote for a KKK member or a Jew to vote for someone anti-Semitic, since Catholics need to be against the evils mentioned as African-Americans are rightly against racism and Jews against anti-Semitism. The justification would have to be sufficient that one would feel comfortable saying to the Lord at the particular judgment, "I really believed in conscience that *you* wanted me to support that person despite the intrinsic evils that the candidate supported because I believed that the evils the other candidate supported were

- objectively even worse.” That’s a very high standard indeed.
- Back in 2006, Pope Benedict in an address to European politicians, said, “As far as the Catholic Church is concerned, the principal focus of her interventions in the public arena is the protection and promotion of the dignity of the person, and she is thereby consciously drawing particular attention to principles which are *not negotiable*. Among these the following emerge clearly today: the protection of life in all its stages, from the first moment of conception until natural death; recognition and promotion of the natural structure of the family — as a union between one man and one woman based on marriage...; and the protection of the rights of parents to educate their children.”
  - Sometimes people try to downplay the evil of a pro-choice position by saying that pro-choice candidates may be better in allocating tax dollars to favor pre-natal, family, or other social programs and opposing the death penalty and the war. Pope John Paul II effectively answered this kind of argument in his beautiful 1988 document on the laity, *Christifideles Laici*: “The common outcry, which is justly made on behalf of human rights — for example, the right to health, to home, to work, to family, to culture — is false and illusory if the right to life, the most basic and fundamental right and the condition for all other personal rights, is not defended with maximum determination.”
  - This does not mean, the bishops of the United States tell us, that Catholics are “single-issue voters,” but they add that “a candidate’s position on a single issue that involves an intrinsic evil, such as support for legal abortion or the promotion of racism, may legitimately lead a voter to disqualify a candidate from receiving support.”
  - It’s hard to believe that a Catholic citizen of sound judgment and conscience would ever support a politician who either supported — or lamely refused to act publicly according to his “personal opposition to” — cruelty to animals, or child abuse, or domestic violence. If a candidate’s character were such that either he or she did not acknowledge these evils or was too weak to act according to them when it came to their public duties, would we ever give such a vitiated character a pass because we think the candidate has a better economic plan? Yet, that is what many Catholic Americans have done with respect to abortion, which kills children in ways more sadistic than the worst of animal cruelty and constitutes the ultimate form of child abuse and domestic violence
  - Unfortunately today we have to acknowledge there are many candidates who support what God and his Church have emphatically taught as intrinsic evils. Even more unfortunate is that many Catholics reflexively vote for them. To support such candidates is to become materially complicit in the evil they do when elected. When we choose to vote for them, we’re prioritizing other values — often party affiliation, or financial concerns, or a candidate’s “likeability” — over fighting with God the real moral evils the candidates support. Such votes express our character, or better, our lack of character.
  - How should Catholics as a whole vote?
    - The US bishops wrote in *Forming Consciences* that the allegiance of the Catholic voter to Christ and to the Church he founded must trump loyalty to a particular party or political persuasion. “As Catholics,” they write, “we should be guided more by our moral convictions than by our attachment to a political party or interest group. When necessary, our participation should help transform the party to which we belong; we should not let the party transform us in such a way that we neglect or deny fundamental moral truths.”
    - Last week, Philadelphia Archbishop Charles Chaput talked plainly about the message Catholics are called to proclaim at the ballot box. “We’re Catholics before we’re Democrats. We’re Catholics before we’re Republicans,” he said. “We’re even Catholics before we’re Americans, because we know that God has a demand on us prior to any government demand on us.” He said a lack of this clear awareness among Catholics has, for example, allowed the Democratic Party to become so virulently pro-abortion. “Catholics have been historically part of the Democrat Party in great numbers, and I think really could’ve stopped [the Party’s push for abortion], if they tried, but they didn’t, in order to accommodate people from the other side of the issue. That’s why the position of the Democrat Party has gotten

worse and worse as time goes on, because Catholics haven't abandoned them as they've moved in that direction.” Our votes matter and the more Catholics vote in favor of pro-abortion candidates, others notice that our faith isn't really that important to us

- Archbishop Chaput didn't spare Republicans either. “You can't trust the Republicans to be pro-life 20 years from now,” he added. “You can't let any party take your vote for granted. And that's unfortunately what's happened. I think many of the Democrats have (taken) Democrat Catholic votes for granted because they'll go with them no matter what the party position might be on abortion. ... So we just have to be insistent on that, Catholic identity takes precedence over everything.”
- Our Catholic faith is meant to influence every thing we do. Catholics should vote differently from the general populations, and consistent with the teaching of the faith. When we do, that's when our votes will matter. That's when no party will be able to take our votes for granted. That's when Catholicism in our country will regain its salt and once more become real light and leaven for the betterment of the country we love.
- Religious liberty and freedom of conscience is not principally a privilege that the government grants us and so may take away at will, but is inherent in our very humanity, hard-wired into each and every one of us by our Creator, an inalienable right endowed by our Creator, not by the State, as the national heroes who signed the Declaration of Independence distinguished.
- We return to what Pope Benedict XVI said at the White House six years ago. “The preservation of freedom ... demands the courage to engage in civic life and to bring one's deepest beliefs and values to reasoned public debate. In a word, freedom is ever new. It is a challenge held out to each generation, and it must constantly be won over for the cause of good.”
- That is our challenge to our generation now. May God help all of us who are dedicated to the common good, to genuine public service, rise up together to meet that challenge in defense of life, love and family!