

“OBAMACARE” AND THE CATHOLIC CHURCH: COLLISION COURSE LOOMS

Kenneth D. Whitehead

The Patient Protection and Affordable Care Act of 2010, popularly known as “Obamacare,” requires individuals to purchase medical insurance and requires most employers to provide such insurance for their employees. Among other things required by the Act, when it is fully implemented, this insurance must henceforth include preventive care for women on a mandatory basis, and without the deductibles, co-payments, or co-insurance hitherto common in preventive care.

In order to determine what preventive services for women should now be mandatorily included in new insurance policies being issued, the Department of Health and Human Services (HHS) asked the Institute of Medicine (IOM) at the National Academy of Sciences for its recommendations. The IOM provided a list of recommended preventive services which, on August 1, 2011, HHS issued as a new federal “Rule.” This Rule is supposed to come into effect on August 1, 2012, and henceforth governing what preventive services for women will have to be covered in all “private” insurance policies.

What the Institute of Medicine recommended, and what the Department of Health and Human Services is now mandating, was no big surprise. It was probably a foregone conclusion that such measures as breast-feeding support and testing for various conditions would be included. What might cause mild surprise is that annual screening for “domestic violence” is included as “preventive medical care.” By itself this signals that a new and novel understanding of what “preventive medical care” consists of is involved here.

This proves to be the case concerning the major preventive medical services for women henceforth to be mandatorily provided under Obamacare. These services include surgical sterilizations and all methods of contraception approved by the FDA, along with “education and counseling” promoting all these same methods and procedures among “all women of reproductive capacity.” In other words, what these mandatory preventive medical services obviously aim to “prevent” is not some disease or pathology. Rather, they aim to prevent–pregnancy and birth!

In a statement opposing the new HHS Rule immediately issued by Cardinal Daniel DiNardo of Galveston-Houston, Chairman of the Committee on Pro-life Activities of the U.S. Conference of Catholic Bishops (USCCB), the Texas prelate pointed out that “pregnancy is not a disease and fertility is not a pathological condition to be suppressed by any means technically possible.” Cardinal DiNardo noted further how the original IOM report itself claimed that surgical abortions too should be mandatory if this weren’t forbidden by current law.

A wide sector of American society today, sadly including most of the medical profession, has in fact already acquiesced in considering abortion to be a legitimate part of healthcare; this has been the case ever since this lethal procedure was legalized by the U.S. Supreme Court in its notorious *Roe v. Wade* decision back in 1973. That HHS today feels able to issue its latest Rule—without regard to the morality of what is being mandated—is just one more of the bitter fruits of America’s long acquiescence in the killing of the innocent unborn by abortion. If this is “healthcare,” *anything* can be considered healthcare.

Among the FDA-approved methods of birth control now being mandated by HHS are “morning after”-type, abortion-inducing agents such as Plan B and Ella. These prescription drugs do not always just prevent conception; at least some of the time, they terminate a pregnancy already begun by preventing an

embryo from implanting in the mother's uterine wall. In other words, they are (or can be) methods of early abortion.

These methods with abortifacient properties nevertheless continue to be called "contraception," or "emergency contraception." This is one of the—dishonest and disgraceful—ways in which the medical profession, the academy, scientists generally, and the media all collude in pretending that only the prevention of conception, and not termination of an existing pregnancy, is all that is involved. It is well-known how these methods operate; it is freely admitted by their manufacturers; but it is thought that fraudulently continuing to call them "contraception" lessens the possible opposition to them.

What it means here, however, is that President Obama's promise that abortion would not be part of Obamacare the Act is inoperative on these grounds alone, not to speak of the other ways in which abortion is only too likely to come in under the Act. In promulgating the new HHS Rule, HHS Secretary Kathleen Sebelius—a pro-abortion Catholic ex-governor whose bishop has requested that she not present herself for Holy Communion—simply noted matter-of-factly that "since birth control is the most common drug prescribed for women ages 18 to 44 , insurance plans should cover it. Not doing it would be like not covering flu shots."

Sebelius cannot be ignorant of the fact that many of the methods and practices that as the authorized agent of the Obama Administration she is now mandating for all Americans are condemned as immoral by the teaching authority of the Catholic Church. Catholics with properly formed consciences *cannot* use or approve of surgical sterilization or the FDA-approved methods of birth control (and not just the abortifacient or abortion-inducing methods). Nor can they approve of the "education and counseling" of all women of reproductive age in these same methods.

In what perhaps amounts to at least a dim and partial recognition of this fact, the new HHS Rule allows an exception for some “religious employers” (though not for all Catholic Americans who will be obliged under Obamacare to purchase insurance policies covering these methods condemned by the Church). Moreover, the exception for religious employees is very narrowly defined. It includes only those employers that 1) have the inculcation of religious values as their purpose; that 2) primarily employ and 3) primarily serve only those who share their religious tenets; and also 4) are legally non-profit organizations.

While an individual Catholic parish might possibly qualify for this exception, excluded almost automatically would be Catholic hospitals, Catholic schools and colleges, and even Catholic soup kitchens or homeless shelters, none of which exclusively employ or serve only those who profess the Catholic faith. Enforcing this Rule would exclude the Church from vast areas where she currently serves society and the common good. As it currently reads, the Rule thus amounts to an unprecedented attack on and curtailment of the religious freedom of Catholics.

More than that, it requires all Catholics (because it requires all Americans), if they haven’t done so already, to purchase insurance policies which will now *mandate* methods and procedures contrary to the tenets of the Catholic faith. Catholics will be obliged under penalty of law to pay for what their Church plainly teaches is immoral. This is nothing else but tyranny, a gross violation of religious liberty.

One strains to try to understand how the Obama Administration could possibly imagine that it can successfully mandate for all Americans compliance with a Rule that, consciously and deliberately, goes against and contradicts well-known and firm moral teachings of America’s largest religious body. Perhaps Sebelius calculates that many Catholics, like herself, no longer follow the Church’s moral teaching, and hence can

safely be depended upon to comply.

It is true that some states already mandate coverage of contraception and other anti-natalist methods in insurance policies, but none of these state laws seem to be as comprehensive as what is now being mandated under Obamacare. Moreover, the exceptions generally allowed under these state laws appear to be much broader than what is included in the new HHS Rule. Up to now, there have been some skirmishes over these laws, but there has not yet been a head-on social collision between the increasingly successful anti-natalists and those citizens, many of them Catholics, who cannot in conscience comply with these new practices and requirements.

However, the Obama Administration now seems headed toward just such a collision. Under the new HHS Rule, virtually everybody is now going to be involved, either through the insurance policies they will now be forced to buy, and/or through their taxes, in paying for sterilizations and contraceptives (including the abortion-inducing methods still dishonestly called contraceptives).

Will Catholics go along with this? Some perhaps will, since the real issues do not always get clearly presented and brought out; consciences get blunted; and many people really don't want to "fight."

Nevertheless, many knowledgeable Catholics and others will *not* be able to go along with what is now being contemplated and mandated under Obamacare. Among other things being done here is the fact that the Obama Administration is setting up a new source of *permanent social conflict* in American life. There still are people who *cannot* in conscience go along with what is being put in place here; they will *have* to resist and to oppose the new mandate in whatever ways prove feasible. Nor should it be imagined that their numbers will necessarily be miniscule, given the moral outrage that the Obama Administration is perpetrating with its new Rule.

Moreover, there is still the Church herself. Does the Obama Administration really think the Catholic Church doesn't count? It would seem so. At any rate, Sebelius and her HHS colleagues are proceeding as if there were no Catholic Church out there. They will not be the first to fail to understand the Church and take her into account.

The Catholic Church, of course, is *not* a social action organization; the Catholic bishops are *not* politicians but pastors. Nevertheless, the Church *cannot* just let pass a rule such as this new HHS Rule mandating for all Americans methods and practices which the Church teaches are gravely immoral. Church leaders have already begun to react with vigor to this Rule and other Obama Administration measures such as those aiming to promote so-called same-sex "marriage." In October, 2011, the bishops' Conference established a new Religious Liberty Committee headed by Bishop William Lori of Bridgeport, Connecticut.

In the current era of increasing pro-life legislative victories around the country, of the defunding of Planned Parenthood in some places, of lawsuits challenging Obamacare, etc., the new HHS Rule may even prove to be short-lived, as a result of either Congressional or court action. If it does go into effect, however, one thing is certain: the Catholic Church will not remain passive. The Church *does count*!

Kenneth D. Whitehead is a member of the Board of Directors of the Catholic League.