

# Religious Freedom and the HHS Mandate

**The problem:** The administration has issued a mandate requiring ALL insurance plans to include sterilization and contraception, even including the morning-after and week-after pills. The mandate forces charities and businesses to buy plans for their employees that provide or facilitate coverage of items or services to which they have a deeply held moral or religious objection. Individuals, non-profits and businesses that fail to comply will face massive fines. In response to public outrage over the sweeping mandate, the administration claims to have “fixed” the problem by creating a religious class system that renders only a tiny few to be religious enough for an exemption.

## The Obama class system for people of faith:

**First class** protection is offered only to churches. They are fully exempt from the mandate.

A **second class** accounting arrangement is offered to non-profits that “hold themselves out as a religious organization.” Whether or not the actual religious organization finds this arrangement to be acceptable to their conscience has been deemed irrelevant. The administration believes that they know best what will satisfy the consciences of such objectors.

Everyone else constitutes the **third class** of those that are entirely unprotected. People of faith buying health insurance individually and small business owners that object to certain coverage must comply or face ruinous fines.

*“In a February 7 press release **Cardinal Dolan** said, “The Administration’s proposal maintains its inaccurate distinction among religious ministries. It appears to offer second-class status to our first-class institutions in Catholic health care, Catholic education and Catholic charities...” The press release goes on to note, “the proposal refuses to acknowledge the conscience rights of business owners who operate their businesses according to their faith and moral values.”*

## An attack on religious freedom:

- Freedom of religion is a bedrock principle on which our nation was founded. It is referred to as our first freedom.
- Religious freedom is enshrined in international documents like the 1948 Universal Declaration of Human rights, which says, “Everyone has the right to freedom of thought, conscience and religion...”
- A distinct privilege of being an American is that we are able to freely choose our faith, and live by the dictates of that faith at home, at church and in the public square. Unlike totalitarian regimes that force faith underground, in America we can proudly follow our conscience while also participating fully in society.

- Religious freedom is not limited to the freedom to worship, but rather protects the freedom of people of faith to live all aspects of their life in a way that is consistent with their religious beliefs. That is why kosher delis do not serve pork products and Christian bookstores don't sell pornography. Yet this administration is telling Christian and Catholic business owners to check their faith at the door and comply with the mandate.
- People of many faiths will tell you that their daily lives and decisions are informed, and in fact dictated, by the principles of their conscience and the teachings of their church. It is because of their conscience that they start and run nonprofits. It is their conscience that influences how they operate their businesses.
- Only the person of faith in consultation with their religious teachers can determine the parameters under which they can exercise their freedom of religion. Secretary Sebelius and President Obama have no business dictating the terms of their conscience.
- In the words of Cardinal Dolan; "In obedience to our Judeo-Christian heritage, we have consistently taught our people to live their lives during the week to reflect the same beliefs that they proclaim on the Sabbath. We cannot now abandon them to be forced to violate their morally well-informed consciences."
- In the United States, Catholic Hospitals alone comprise more than one in eight U.S. hospitals, and treat more than one in six hospital patients. Faith-based health care providers, who have traditionally relied on the protection of their conscience rights, continue to provide compassionate care for vulnerable persons throughout our nation.
- Defending religious liberty was essential to the founding fathers:

The protection of religious freedom was so important to Washington that he stated that "the establishment of civil and religious liberty" had been "the motive that induced me to the field of battle" as commander of the Continental Army in the Revolutionary War.<sup>1</sup>

Washington also said, "[I]f I could now conceive that the general government might ever be so administered as to render the liberty of conscience insecure, I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny and every species of religious persecution" [Ibid.].<sup>2</sup>

In 1809, another of our Founding Fathers, Thomas Jefferson, emphasized the value of freedom of conscience when he stated that "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" [Letter to New London Methodist, 1809].<sup>3</sup>

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<sup>1</sup> [http://www.eppc.org/programs/ARF/publications/programID.45,pubID.4601/pub\\_detail.asp](http://www.eppc.org/programs/ARF/publications/programID.45,pubID.4601/pub_detail.asp)

<sup>2</sup> [http://www.eppc.org/publications/pubID.4754/pub\\_detail.asp](http://www.eppc.org/publications/pubID.4754/pub_detail.asp)

<sup>3</sup> [http://www.eppc.org/publications/pubID.4754/pub\\_detail.asp](http://www.eppc.org/publications/pubID.4754/pub_detail.asp)