



OFFICE OF THE ARCHBISHOP

ARCHDIOCESE OF WASHINGTON

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February 13, 2012

Dear Brother Priest,

Last Friday President Obama attempted to respond to the strong objections that have been raised by the Catholic Church and other faith communities to the Department of Health and Human Services' unprecedented mandate that would force religious institutions, in violation of their religious beliefs, to provide and pay for abortion-inducing drugs, contraceptives and sterilization. Unfortunately, the "accommodation" that the President announced still presents grave moral concerns and continues to violate our constitutionally protected religious liberty.

The administration's proposal continues to involve needless government intrusion in the internal governance of religious institutions, particularly in the definition of who is and who is not a religious employer. Despite last month's unanimous Supreme Court decision upholding the right of religious institutions to choose whom they appoint to teach their faith and carry out their mission, the administration remains unwavering in its attempt to assert control in matters of religion. Our Catholic schools, social service organizations, hospitals and universities are no less Catholic than our churches, but apparently, these institutions are not considered to be Catholic enough to meet the definition required by the HHS mandate for a religious exemption.

As for the insurance-related provisions themselves, the federal mandate remains essentially unchanged. The only "fix" offered by the President was to propose that insurance companies, instead of religious institutions directly, be required to cover procedures and products they find objectionable at no cost in their insurance policies. Regardless of how it is characterized, shifting the cost of these drugs and procedures to insurance companies does not make their requirement any less objectionable or lessen the infringement on our religious liberty and rights of conscience.

For example, President Obama's announcement does not provide any accommodation for the Archdiocese of Washington. Like many large organizations, both for-profit and non-profit, this archdiocese does not purchase group health insurance from insurance companies. In order to provide insurance consistent with our religious beliefs, our health benefit plan is a self-insured plan that extends coverage to 3,600 employees. This means that the archdiocese is the insurer and the archdiocese covers all claim costs. There is no insurance company involved. Under the Patient Protection and Affordable Care Act and the HHS mandate, self-insured organizations like ours are treated the same as regular insurance providers. This means that like Aetna or Blue Cross, the archdiocese

and other self-insured religious organizations would be required to both provide and pay for drugs and procedures we consider morally wrong in our employee health plans.

Even for religious institutions who are employers and who purchase group health insurance from insurance companies, the problem created by the mandate remains unresolved. Those institutions will still be compelled to purchase insurance policies that provide free abortion-inducing drugs, contraceptives and sterilization. Since these additional drugs and procedures will be automatically provided by the insurer by virtue of the insurance policy (even though not expressly listed in the policy), it is no response to our moral concerns to say that religious employers will not have to pay for them because their insurance companies will. Catholic institutions will be forced to pay for and maintain policies that enable their employees to receive insurance coverage of products and procedures that violate our religious convictions.

At this point, it appears that nothing has really changed. Religious employers are still being compelled to provide insurance plans that offer free abortion-inducing drugs, sterilizations and contraceptives in violation of their religious freedom.

What is at stake here is a question of human freedom. The authors of the Bill of Rights enshrined freedom of religion as our nation's first and founding principle. We should not be reduced to petitioning the government for rights that the Constitution already guarantees. The only complete solution to the problem that this mandate poses for religious liberty is for Congress to pass legislation to protect our freedom. The Respect for Rights of Conscience Act is one of several bills that have been introduced for this very purpose.

We cannot become complacent or allow ourselves to be distracted by incomplete proposals presented as definitive solutions. The Bishops' Ad Hoc Committee for Religious Liberty is working on a formal response and action steps. In the weeks and months ahead, please continue to pray and share this information with your parishioners so that we may reverse the effects of this misguided regulation.

With gratitude for your collaboration in this very important matter and with every good wish, I am

Faithfully in Christ,

A handwritten signature in black ink, appearing to read "Donald Cheadle".

Archbishop of Washington