

IN GOOD CONSCIENCE

October 26, 2011

Subcommittee on the Constitution, Civil Rights and Civil Liberties
Committee on the Judiciary
US House of Representatives
2141 Rayburn House Office Building
Washington, DC 20515

Members of the Committee:

Religious freedom in the United States is under threat. Luckily, those who support religious freedom have the Constitution on their side. The full weight of American history and tradition stands in the way of those who would undermine this foundational principle.

For most, religious freedom is an expansive rather than restrictive idea. It has two sides, freedom of religion and freedom from religion. It is not about telling people what they can and cannot believe or practice, but rather about respecting an individual's right to follow his or her own conscience in religious beliefs and practices, as well as in moral decision making. The protections we put in place to preserve religious freedom do not—and should not be considered to—permit religious institutions or individuals to obstruct or coerce the exercise of another's conscience.

Catholics believe in the primacy of conscience—something everybody has, atheist or believer. We know that conflicts between church and state date back to the beginning of our nation. In today's pluralistic world, however, they can bring up hard questions: Does a given policy support the common good or privilege one tradition or section of society over another?

Religious organizations like Catholic hospitals and charities are woven into the social contract by virtue of their activities as charitable organizations and service providers, as well as by the tax benefits and other public funds they receive. As part of the public sphere, one would expect that these organizations would play by the rules of society at large, rather than requiring all of society to play by their rules.

For Catholics, the 1966 Vatican II document *Declaration on Religious Freedom* offers some advice. The document "declares that the human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits."

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Today, the 98 percent of sexually active Catholic women in the US who have used a form of contraception banned by the Vatican have exercised their religious freedom and followed their consciences in making the decision to use contraception. Thus they are in line with the totality of Catholic teachings, if not with the views of the hierarchy. However, having failed to convince Catholics in the pews, the United States Conference of Catholic Bishops (USCCB) is trying to impose its religious views by fiat, and in the process impeding the religious freedom of millions of Americans, taking reproductive healthcare options away from everybody.

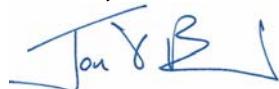
One way the bishops seek to do this is by advocating for expansive refusal clauses in healthcare provisions which would affect all patients at Catholic hospitals—whether those patients are Catholic or not. A more extreme move can be seen in its call for the reversal of the recent recommendation from the Department of Health and Human Services (HHS) that contraception be included as a preventive service for all under the Affordable Care Act. This would affect everybody seeking to access family planning in the new system. There is no justification to override a recommendation that has been made in the interests of public health. The USCCB wants Catholic organizations to receive taxpayer money while continuing to

- deny condoms as part of HIV outreach;
- ban employees and their dependents from getting the benefit of no-cost contraceptive coverage that other insured Americans enjoy;
- opt out of providing emergency contraception to victims of sexual violence who come to Catholic hospitals for help; and
- deny abortion care to everybody—even those women whose lives are threatened by their pregnancy.

The only people served by codifying these restrictive views into law are the nation's Catholic bishops. The majority of the country's millions of Catholics have rejected the hierarchy's teachings on reproductive options. And non-Catholics certainly do not benefit from having their reproductive health landscape narrowed to match this tiny minority's standpoint.

The threat we perceive is not to the religious freedom of the Catholic clergy, who have the benefit of a well-funded lobby to speak for them, but to the freedom of conscience of the rest of Americans—Catholic and non-Catholic alike. Protecting the right to exercise their conscience—for the atheist, for the employee of a Catholic institution, for the sexual assault victim who happens to end up at a Catholic hospital—is indeed the job of the government. Sacrificing these people's right to access a comprehensive selection of reproductive healthcare services so that a few bishops can see their religious beliefs cast upon the national stage is not a fair trade. Federal dollars should be used for the common good and to enable people to exercise their conscience-based healthcare decisions. The original vision of our founding fathers on religious freedom would have it no other way.

Sincerely,



Jon O'Brien
President
Catholics for Choice