

The Church and Contraception

Catholics Support Contraception Coverage, Reject Bishops' Religious Liberty Interpretation

SURVEYS HAVE LARGELY found support among Catholics for the announcement from the Department of Health and Human Services (HHS) that employee health plans must offer no-cost contraception coverage. However, the US Conference of Catholic Bishops has decided that the move threatens centuries of religious liberty, and are proposing a major campaign to oppose the HHS decision. Thus far, there has been little public support for the bishops, except from ultra-conservative Catholics.

One poll, by the Public Religion Research Institute (PRRI), found that only six percent of respondents who believed religious liberty is threatened in the US point to the contraception debate as proof for this belief.

PRRI also said that according to their findings, "Catholics are generally more supportive than the general public of the contraception coverage requirements."

Other polling data documents the divide between the bishops' views and those of US Catholics. In February, Public Policy Polling found that 57 percent of Catholics support the Obama admin-

istration's plan to arrange for no-cost birth control coverage at religiously affiliated hospitals and universities without these institutions paying for it directly. A survey published in the December 2011 issue of *Politics and Gender* found that "the vast majority of Latinos and Latinas strongly agree that women should ... have easy access to contraception," as summarized in an article from the *Florida Independent*. Over 80 percent of respondents support access to birth control, a sample that included men and women, native-born

Americans and immigrants, as well as Catholics and non-Catholics.

However, several bishops and priests have used the issue as a rallying cry to conservatives. Fr. Paul D. Scalia, son of Supreme Court Justice Antonin Scalia, said that Catholics should protest against the contraception policy by following the example of St. Thomas More, who, "for refusing, in short, to have his conscience forced—he was imprisoned and ... beheaded." Scalia compared More's protest against King Henry VIII's divorce and the current contraception debate in an article for the *Catholic Herald*. He likened the English monarch's founding of a breakaway church with the Department of Health and Human Service's decision on individuals' access to contraception.

ACLU Wins Lawsuit on Contraceptive Services for Trafficking Victims over US Bishops

IN MARCH, A FEDERAL judge ruled in favor of the American Civil Liberties Union (ACLU) in a lawsuit filed against the Department of Health and Human Services (HHS) for awarding funds through the Trafficking Victims Protection Act in such a way that providers may impose religiously based restrictions on reproductive health services. The ACLU took issue with grants for the care of human trafficking victims awarded to the United States Conference of Catholic Bishops (USCCB), which refused to provide access to or even referrals for contraception or abortion. The USCCB, which joined the lawsuit as a co-defendant with HHS, testified that "USCCB disputes as a matter of principle that abortion and contraception are 'medical services' that any person 'needs,'" according to *Mother Jones*.

The USCCB appealed the decision, claiming that the ruling was a threat to religious freedom: "[A]ll faith-based service providers are threatened, because the court's novel rule severely restricts the ability of government to accommodate any contractor's religious commitments."

In his ruling, Judge Richard G. Stearns stated, "No one is arguing that the USCCB can be mandated by government to provide abortion or contraceptive services or be discriminated against for its refusal to do

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so. Rather, this case is about the limits of the government's ability to delegate to a religious institution the right to use taxpayer money to impose its beliefs on others (who may or may not share them)."

The Church and Abortion

Ireland Names Expert Group to Rule on Access to Abortion

IRELAND'S EXPERT GROUP on abortion has been named to make recommendations on implementing a European Court of Human Rights (ECHR) ruling on abortion. In December 2010, the ECHR determined in *AB & C v. Ireland* that the state had failed to make abortion care accessible for women whose lives were endangered by a pregnancy, though they do possess that legal right, established by 1992's *X Case*.

In a column for the *Irish Times*, Niall Behan, head of the Irish Family Planning Association, outlined some of the challenges the expert group must resolve. Many of these are related to doctors and other healthcare professionals, who currently risk criminal prosecution for being involved in an abortion. Doctors will also need clear guidelines about what constitutes a life-threatening condition, a distinction Behan says is "unworkable in practice."

Gerard Corr, Ireland's ambassador to the United Nations, said before the UN Human Rights Council in March that the expert group



In May, Action on X protests the Irish government's refusal to implement the 20-year-old court ruling known as the *X Case*, which recognized women's right to access abortion under some circumstances.

would have its report ready by May.

Colombia Upholds Right to Abortion in Cases Where a Woman's Mental Health is in Danger

WHEN COLOMBIA'S CONSTITUTIONAL Court ruled in 2011 in favor of a 12-year-old girl who sought an abortion because her life and health were in danger, it was a pyrrhic victory. Judgment T-841/2011 did not come fast enough for the girl, who was forced to continue her pregnancy after 10 weeks of delays.

Ruling in February on a suit brought by the minor and her guardians with the help of advocacy group La Mesa por la Vida y la Salud de las Mujeres, the court has determined that the girl was caused irreparable harm and

must be compensated. Further, the healthcare system known as EPS (Entidades Promotoras de Salud) will be investigated.

The judgment established a five-day time limit within which administrative questions related to abortion provision must be resolved. It also affirmed risks to mental health as sufficient reason for permitting an abortion.

Colombia's *El Espectador* published an interview with Paola Salgado Piedrahita, the girl's lawyer, in which she said one of the reasons the EPS denied the abortion was because "there are lots of 12-year-old girls who are already mothers and nothing [bad] had happened to them." She also elaborated on the court's attempt to safeguard against future

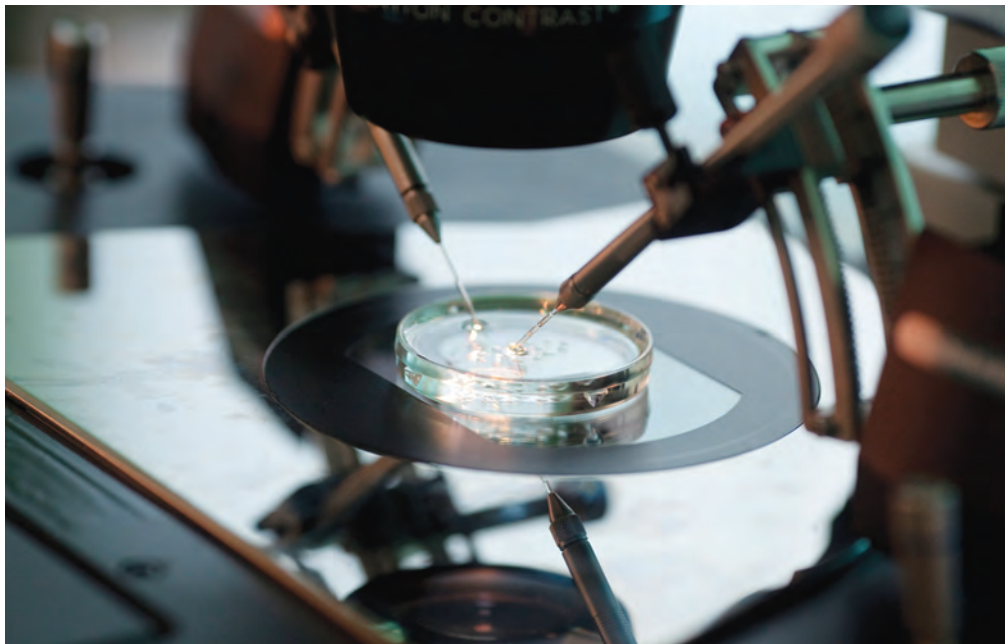
use of delay tactics to prevent abortion. The ruling stated that even at "an advanced gestational age," abortions will be granted based on a woman's rights and needs because "a limit cannot be established either by the judges or by ... healthcare authorities."

The Church and Bioethics

Pope Condemns Those Who Use In Vitro Fertilization

AT A VATICAN CONFERENCE on infertility in February, Pope Benedict XVI declared that marriage, in his definition, "the union of a man and a woman," is "the only 'place' worthy of the calling into existence of a new human being," according to the *Vatican Insider*. The

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A doctor injects sperm directly into an egg during an IVF procedure at a clinic in Warsaw.

pontiff also criticized scientists researching alternative reproductive technologies (ART), accusing them of being devoted to scientism and profit, which ultimately would limit scientific progress. Benedict also said that “easy income, or even worse, the arrogance of taking the place of the Creator” are inherent in alternative reproductive technology, and thus, even sperm or egg donation is prohibited for the faithful.

In a response, Jon O’Brien, the president of Catholics for Choice, said, “Catholics around the world will be saddened at the label ‘arrogant’ being applied to couples seeking help to have children and the doctors who try to help them. The pope’s remarks only serve to drive another wedge between people of faith and the church hierarchy. I am confident that millions of Catholic couples will

continue to seek fertility assistance and that Catholic doctors and researchers will keep helping infertile couples, in good conscience, knowing that they are good Catholics working in good faith to help families make choices that are right for their lives.”

The Church and Healthcare

New Trends in Catholic Hospital Mergers

CATHOLIC HEALTHCARE continues to expand its reach in the US. A document issued by the Catholic

Health Association (CHA) in January stated that “one in six patients in the United States is cared for in a Catholic hospital.” In addition, Catholic hospitals employ over half a million full-time employees and almost a quarter of a million part-time workers. This growth has meant more communities have had to grapple with the restrictions on reproductive healthcare access that seem to be a package deal when merging with a Catholic facility.

The *New York Times* estimates that 20 such mergers have been announced in the last three years. Some, like Seattle’s Swedish Health Services, stopped offering abortion care after merging, though it agreed to help fund a Planned Parenthood health center next door in response to concerns about restricted services, according to Kaiser Health News.

In January, Catholic Healthcare West, one of the



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Dignity Health affiliate St. Joseph’s Hospital and Medical Center in Phoenix was stripped of its Catholic status in 2010 because administrators allowed an abortion procedure to save the life of the woman.

nation's largest hospital systems, broke away from its Catholic affiliation while some of the hospitals in its network retained their Catholic identity. Now known as Dignity Health, the system will no longer require non-Catholic hospitals in its network to adhere to the Ethical and Religious Directives for Catholic Health Care Services (ERDS), though no affiliates will offer abortion services or in vitro fertilization. Sterilizations such as tubal ligations will be allowed at secular institutions.

The Church and State

Ignoring Views of Catholics, Illinois Bishops Close Doors on Same-Sex Adoption

CATHOLIC BISHOPS IN Illinois have chosen to close most of the state's Catholic Charities affiliates because of a new state requirement that recipients of state funding must consider same-sex couples as potential foster-care or adoptive parents.

"In the name of tolerance, we're not being tolerated," claimed Bishop Thomas J. Paprocki, a civil and canon lawyer who led the Illinois bishops' unsuccessful attempt to keep state contracts for adoption services without having to comply with the new nondiscrimination laws.

In five of the state's six dioceses Catholic Charities received between 60 and 92 percent of their revenues from the state. The Dioceses of Peoria and Belleville have



Archbishop Daniel R. Jenky of Peoria, Illinois, arrives at a USCCB conference in 2002.

chosen to stay in business by moving employees and children to new nonprofits unaffiliated with the Catholic church. "We have 600 children abused and neglected in an area where there are hardly any providers," said Gary Huelsmann, executive director of Catholic Social Services of Southern Illinois, located in the Belleville diocese. "Us going out of business would have been detrimental to these children, and that's a sin, too."

The bishops' compromise offer that would have

allowed Catholic agencies to refer same-sex couples elsewhere was rejected because, according to Kendall Marlowe, spokesman for the Department of Children and Family Services, "Separate but equal was not a sufficient solution on other civil rights issues in the past either."

According to survey data from the Public Religion Research Institute, Catholics are more likely to support adoption by same-sex couples than the general population—60 percent compared to 53 percent.

Bishop's Comparison of Obama to Hitler and Stalin Draws IRS Complaint

ON APRIL 15, BISHOP Daniel R. Jenky of Peoria, Illinois, delivered an incendiary sermon likening President Obama to "Hitler and Stalin, [who] at their better moments, would just barely tolerate some churches remaining open, but would not tolerate any competition with the state in education, social services and health care." Jenky warned that Catholic schools and hospitals "could easily be

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shut down” for refusing to comply with the Obama administration’s policy requiring most employers to provide no-cost contraception coverage. President Obama’s “violation of our First Amendment rights” and the “politicians who pretend to be Catholic, but in their public lives, rather like Judas Iscariot” support contraceptive coverage are part of the present-day persecution the Catholic church is suffering, as it has survived “barbarian invasions” and “wave after wave of Jihads,” Jenky said.

A spokesperson for the Peoria diocese subsequently

stepped back from the bishop’s claims, stating that “we have not reached the same level of persecution” as Jenky’s examples but “history teaches us to be cautious once we start down the path of limiting religious liberty,” according to the *Chicago Tribune*.

Members of the Notre Dame faculty wrote a letter calling for the resignation of Bishop Jenky from the University Board of Fellows if he does not publicly withdraw his remarks. After the bishop’s remarks became public, Americans United for Separation of Church and State filed a

complaint against the Peoria diocese, alleging that Bishop Jenky’s pleas to parishioners about their voting decisions violated Internal Revenue Service restrictions on church involvement in election-related activities.

Church and Reform

Outpouring of Support for Nuns after Vatican Condemnation

AMERICANS HAVE MADE A massive show of solidarity for the nuns of the Leadership Council of Women Religious (LCWR), which was

condemned by the Vatican for allegedly having the wrong priorities, including being “silent on the right to life from conception to natural death.” The attack has generated a swift backlash in both the Catholic and secular media in the United States.

In April, the Congregation for the Doctrine of the Faith (CDF) announced that an investigation had discovered “serious doctrinal problems” within the LCWR, the largest group of American nuns. The Vatican report accused the nuns of “promoting issues of social justice” while not placing enough emphasis on “issues of crucial importance to the life of the church and society,” such as opposition to abortion and gay marriage.

Asserting that the bishops were “the church’s authentic teachers of faith and morals,” the report named Archbishop J. Peter Sartain of Seattle as the leader of the efforts to steer the nuns’ conference away from its alleged “radical feminist themes incompatible with the Catholic faith.” The Vatican has granted Sartain license to make leadership decisions for the council, which is made up of 1,500 superiors who lead women’s religious communities—equaling 80 percent of the nation’s nuns. The archbishop is also empowered to make changes to statutes, approving plans and programs, examining organizational affiliations and supervising liturgical choices and practices.

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The sisters' first reaction was to say they were "stunned" by the announcement. After an internal review, the LCWR issued a statement arguing the investigation "was the result of a flawed process" and based on "unsubstantiated accusations." They further indicated their intent to meet with Cardinal William Levada, former head of the CDF, along with Sartain, in Rome.

In response, Catholics in more than 50 cities have organized vigils, interfaith groups have expressed their support and more than 52,000 signed a petition agreeing to donate to a nuns' group instead of a church collection, according to the *New York Times*.

Vatican Panel Elevates Hierarchy's Authority over Theologians' Role in Church

A DOCUMENT RELEASED BY the Vatican's Congregation for the Doctrine of the Faith argued that the judgments of the hierarchy should be given more weight than those of theologians and the Catholic faithful. The Religion News Service's reading of "Theology Today: Perspectives, Principles and Criteria" emphasized the message that "authentic interpretation" of the Catholic faith comes from the bishops and the pope. It further quoted a section that said while the bishops and theologians have "distinct callings and must respect one another's particular callings," it is important that the latter do not "presume to substitute" for the authority of the bishops.

"Theology Today," written by the International Theological Commission, was approved by Cardinal William J. Levada, the Vatican's chief doctrinal authority, and suggested a change from the plurality asserted in documents that came out of the Second Vatican Council.

Like Vatican II, the report deals with the issues the church faces in the modern world, but comes to different conclusions. The document traces a "fragmentation of theology" to its beginnings in "the years following the Second Vatican Council," and while it does not reverse the Council's affirmation of pluralism, it says that this "plurality must manifest distinctive family traits."

UK Archbishop Rejects Claims of Christian Persecution over Gay Marriage

The Catholic church in England may be split over the issue of gay marriage, but Archbishop of Westminster Vincent Nichols has spoken out against those who are denouncing the "militant secularism" supposedly besetting the nation: "I personally don't feel in the least bit persecuted. I don't think Christians should use that word," Nichols told the *Guardian*.

Though the official church stance is to encourage Catholics to sign an online petition against gay marriage—led by the former Archbishop of Canterbury, Lord Carey—the Catholic church in England has stopped short of direct endorsement of or par-

ticipation in the campaign.

Nichols did say that the church is considering taking action against legislation that prohibits Catholic adoption agencies that discriminate against gay couples. On the other hand, the archbishop called the Catholic teaching that homosexuality is an "objective moral evil" a "philosophical construct."

Church and Sexuality

Irish Catholics' Views on Sex Diverge from Church Teachings

A SURVEY COMMISSIONED by the Association of Catholic Priests in Ireland has revealed that 75 percent of Irish Catholics believe that the church's teachings on sexuality have "no relevance." The February poll of 1,000 Catholics across the country turned on its head the idea that Mass attendance equals conservative values. One third of Irish Catholics attend Mass weekly, but a significant majority diverge from the hierarchy's views on married priests (87 percent) and women priests (77 percent), as well as homosexuality (61 percent).

"We had the feeling all along that the way lay Catholics were being presented—as a very traditional, a very conservative group of people who weren't open to change and were happy with the way things were and ... [that] wasn't the case," said Fr. Brendan Hoban to the BBC. "The perception that Rome has of the church in Ireland

is very different from the perception on the ground."

The Church and Abuse

Cardinal Egan Calls Bridgeport Abuse Scandal "Fun" for the Media

CARDINAL EDWARD EGAN retracted his apology for Bridgeport's sexual abuse scandal, saying to *Connecticut Magazine*, "I should have never said that." Instead, he put the blame on the media: "Of course, the scandal was going to be fun in the news—not fun, but the easiest thing to write about."

The local media has found much to report on the cardinal. The *Connecticut Post* claimed to have "10 years of reporting" that found church documents proving that Egan was aware of allegations of abuse but either covered them up or reassigned the accused priests. Egan said he believes there is no legal reporting requirement in Connecticut.

David Clohessy, director of the Survivors Network of those Abused by Priests, spoke out against Egan's comments and urged his successors to denounce them as well. Though Egan's successor, then-Bishop William E. Lori, made a public apology in 2003 for those abused by Bridgeport's priests, diocesan spokesperson Brian Wallace indicated a different policy might be in force. "I believe it's not in the bishop's heart to condemn another bishop," Wallace said according to the *Post*. ■