

# CONSCIENCE

THE NEWSJOURNAL OF CATHOLIC OPINION

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## Is Obama Prochoice?

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the Obama Administration

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# CONSCIENCE

THE NEWSJOURNAL OF CATHOLIC OPINION

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CATHOLICS  
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## EDITOR'S NOTE

**T**HE HALFWAY MARK IS A USEFUL POINT TO GAUGE ANY CONTEST, contract or term in office. A vital part of our job is to hold politicians accountable for the promises they make. Keep them, and people are happy and their trust in the political process is enhanced. Break them, and people feel betrayed and can become cynical.

Barack Obama came to power with an immense groundswell of goodwill and optimism from the US public, including many who did not vote for him, as well as from many people outside the United States.

As we prepared this issue, President Obama passed the halfway mark of his term in office, so we asked some experts how they thought he was doing.

There are many ways one can judge a presidency. A report card, such as the blank one that appears on our cover, is one such mechanism. But to give a simple grade would be a rather stark, one-dimensional depiction of what have been, by any measure, a difficult couple of years for the United States, as well as the rest of the world.

A more in-depth—but perhaps less pictorially pleasing—approach is to do what we asked of our authors in this issue: to reflect on the good, the bad and the indifferent that we have seen since January 2009. In other words, to look at what President Obama has done and what he has failed to do.

We concentrated on the issues that are central to the mission of Catholics for Choice: abortion, contraception, HIV and AIDS, sexuality education, religion and public policy (in general, as well as a specific look at the much-ballyhooed faith-based partnerships) and international affairs—using USAID as the prism to view the Obama administration's work in this arena.

In all of these areas we have certainly seen a vast contrast to the Bush years, but to compare President Obama to President Bush would be to set the bar a little too low for us—let alone you, our readers.

We will leave it to our authors to answer the question, “Have you kept your promises, President Obama?”



DAVID J. NOLAN

Editor

*Conscience* is a unique magazine, and one we would like to get as wide an audience as possible. So, I have a favor to ask. Think for a moment. Ask yourself, do I know other people who I want to be as well-informed as I am? I'm sure you do, because inquisitive people always know other inquisitive people.

So, please consider buying them a subscription as well. To purchase, please visit our website, [www.CatholicsForChoice.org](http://www.CatholicsForChoice.org), or call us at (202) 986 6093.

*“On the 38<sup>th</sup> anniversary of Roe v. Wade this January, the White House’s statement again came out at the end of the day and, as a slap in the face to the nation’s women, did not even mention the word abortion.”*

— JACOBSON, p12

Conscience offers in-depth, cutting-edge coverage of vital contemporary issues, including reproductive rights, sexuality and gender, feminism, the religious right, church and state issues and US politics. Our readership includes national and international opinion leaders and policymakers, members of the press and leaders in the fields of theology, ethics and women’s studies.

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# Rosemary Radford Ruether

**T**HANK YOU FOR PATTI Miller's biographical essay about longtime CFC board member Rosemary Radford Ruether. The English language does not have sufficient superlatives to capture the reality of Rosemary!

Readers get a good glimpse of a remarkable theologian who is as modest as she is accomplished. What Rosemary did not tell Ms. Miller is that it is highly unusual for anyone to be on so many panels at one American Academy of Religion meeting and almost unheard of for anyone to have written so many substantive books on such wide-ranging topics. We piled the books up at the Women's Alliance for Theology, Ethics and Ritual (WATER) one day, only to find that they were nearly as tall as our intern! Rosemary is in class by herself.

From her early work on the Patristic period, to her first foray into modernity on matters of birth control when she was of child-bearing age with several children, Rosemary has consistently brought enviable erudition together with a passion for justice. Her feminist theological work is unparalleled. Her bold contributions on Palestine liberation are laudable. Her most recent book focuses on

her son's mental illness. It is a poignant, revealing, courageous story of a family's struggle to deal with one member's mental illness and society's responsibility to facilitate the health of everyone.

Rosemary has also edited encyclopedias and written countless articles in dozens of publications. She has lectured all over the world, often the first practitioner women met in countries where the concept of feminist theology was new.

Rosemary is an artist who likes to paint, a gardener who works the soil and a beloved mentor to a huge cohort of graduate students around the world. What I value even beyond all of this is Rosemary's brilliant sense of humor. Legend has it that Rosemary's women faculty members had fun dressing up in the doctoral caps she received for her various honorary degrees. On one occasion in Jerusalem, we were at a fancy reception in a mirrored room. Liberation theologians from around the world were invited to meet local religious leaders, including more than one patriarch. One large patriarch, done up in a cassock and wide cummerbund around his considerable girth, held forth about "Jesus, the divine embryo." It was all I could do to avoid looking at Rosemary and our colleagues in the mirrors

for fear that we would burst out laughing.

I join CFC colleagues in thanking Rosemary for her service on the board and wishing her many more years of productive, enjoyable and laugh-filled life.

*Ad multos annos.*

MARY E. HUNT

*Co-founder and co-director,  
Women's Alliance for Theology,  
Ethics and Ritual*

AND BEHOLD, IN THOSE days it came to pass that God took brilliance and courage in superabundant portions and wove them into one, and the baby's name was Rosemary. And Rosemary grew in wisdom and age and grace before all men and women. In the fullness of strength, she set out and ventured into a withered "no-woman's-land" and became a theologian. She looked and saw the thick, constricting walls of Vatican orthodoxy; she blasted her trumpet and those walls came tumbling down. And God looked at what she had wrought and said: "In this woman I am well pleased and truly blessed is her name."

The Vatican, however, was less pleased and blessed her not.

If only she would drop the Catholic link and just become some way-out adventurer in the wilds of heterodoxy. She would then be more easily ignored. But she refused to leave Catholicism in such incapable, haughty, and mono-gendered hands. She would not let them take her Catholicism away. Instead she stretched it, probed it, related it to other

systems of philosophical, scientific and religious wisdom; she took its dogmas and liberated them from literalism, showing their inner poetic, metaphoric depth and breadth.

And then, as the hierarchy quaked, she boldly applied all that knowledge to life. Worse yet, she spoke, and spoke clearly, in multiple forums and media, challenging the boys who had ruled the theological turf with her unimpeachably solid research.

Rosemary helped Catholic theology to take its place again in the heart and center of life on this precious but battered earth.

Rosemary Radford Ruether,  
*ad multos annos vivas.*

DANIEL MAGUIRE

*Professor of Theology,  
Marquette University,  
Milwaukee, Wisconsin*

## Opus Dei

BETTY CLERMONT'S EYE-opening book, *Neo-Catholics* (Clarity Press, 2009), was reviewed in *Conscience* (Vol. XXXI, No. 2, 2010). Not until one reads it does one understand the degree to which the secret Catholic organization *Opus Dei* controls much of American society and government today. Her book adds considerably to the chilling information on this subversion—and subversion it is—contained in previous publications such as Robert Hutchinson's *Their Kingdom Come*, Damon Linker's *Theocons* and Joanna Manning's *Take Back the Truth*.

The Vatican today lies firmly in the hands of ultra-

*Letters may be edited for  
clarity and length.*

conservatives who work closely with American fundamentalists and evangelical Protestants to exercise a profound influence on federal and state governments. Moreover, these theocratic leaders work closely with America's CIA, both at home and abroad. Countermeasures should be taken immediately to arrest this development. Not only are our civil liberties under assault, but also the very fabric of a democratic society under the rule of law. Many well-meaning people are being manipulated in a development which has more to do with money than with religion.

As Ms. Clermont illustrates in detail, the Vatican works closely not only with conservative Protestants, but also with the CIA, the Republican Party, the military-industrial hawks and, in the case of Latin America, the drug trade. While it is comforting to know that the Catholic Church is not monolithic, one is left asking, "Which Catholic can we trust?"

DONALD D. MEYER  
*Labadie, Missouri*

## Fetal Pain

I READ WITH GREAT interest Stuart Derbyshire's article "Fetal Pain?" At the outset, I'd like to clarify that I am not prolife or prochoice, but simply a clinician-scientist interested in the early development of pain. A huge body of data has demonstrated that conscious adults do not report pain when their somatosensory cortex is

electrically or chemically stimulated. On the other hand, patients with ongoing chronic pain will not get pain relief if their sensory cortex is surgically removed. Most neuroscientists today would *not* agree that cortical areas are necessary and sufficient for pain perception.

In 2001, the International Association for the Study of Pain revised its definition to include behavioral manifestations of pain in those who are incapable of verbal self-report, like the fetus. Awareness of bodily integrity exists in all forms of embodied consciousness. Human fetuses and newborn infants actively resist, respond to and try to escape whenever pain signals an invasion of their bodily integrity. Development of a psychological *id* is not required for pain perception—such a viewpoint is contradicted even by experts in infant psychology.

While bright lines are hard to establish, the idea that abortions of healthy fetuses post viability are no different from abortions in the first trimester seemed a bit careless at best, but callous at worst.

At this point in time, even if we discount all the current

evidence supporting fetal pain, may I remind your readers that an absence of clear evidence for fetal pain does not constitute evidence for the absence of fetal pain, as Dr. Derbyshire would perhaps have us believe.

K.J.S. ANAND  
*Principal Investigator,  
Neuroscience Institute  
University of Tennessee Health  
Science Center*

## Conscience and Medicine

BACK WHEN I WAS A second-year Catholic medical student praying for a vocation to the priesthood, I asked the monks at the Benedictine Abbey at Ampleforth, England, "When the church's teaching clashes with one's conscience, which should one follow?" "Your conscience, but it must be your informed conscience!" they told me. The bone of contention was church's stand on the absolute prohibition of abortion that placed the life of the baby above that of the mother from conception.

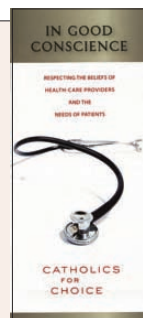
I live in Nigeria, where it became clear to me in the course of my medical practice that I must at all times act in the interest of the physical health and psychological happiness of my

fellow human beings here on earth. I fully subscribe to the principle of medical practice that a doctor should never allow his/her religious persuasion to compromise a patient's interest, which to me is health and happiness in this world.

Most religions have a history of regarding women as the property of men and passive baby factories who should have no right to determine how many babies they have or when the babies arrive. Serious denial of fundamental human rights to women is unfortunately the accepted cultural attitude in many communities and religions today. No amount of name-calling should slow down the movement to put women on an equal pedestal with men.

I have therefore adopted the well-known principle that I must pray (wish) as hard as if everything depended on my prayers (ambitions), but must also work as hard as if everything depended on my efforts. Most importantly, I must never let one part of this principle dilute the other.

SHIMA K. GYOH  
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# The Church and Condoms

## Conservatives Try to Downplay Pope's Statements

POPE BENEDICT XVI acknowledged that condom use can help prevent the spread of sexually transmitted diseases in an interview released in November. Since then, conservatives in the hierarchy and the media have been scrambling to clarify or dismiss his statement.

In the interview with German journalist Peter Seewald for the book *Light of the World*, the pope said that using a condom to prevent HIV transmission "can be a first step in the direction of moralization, a first assumption of responsibility, on the way toward recovering an awareness that not everything is allowed and that one cannot do whatever one wants." He used the example of a male prostitute, but when pressed by others in the Vatican, the pope said everyone could use condoms to protect themselves and their partners. This was a complete departure from his opinion of just one year ago, when he told reporters that he believed condom use in fact spread HIV.

Vatican spokesman Rev. Federico Lombardi said the pope told him, "It's the first step of taking responsibility, of taking into consideration the risk of the life of another with whom you have a relationship. This is

if you're a woman, a man or a transsexual. We're at the same point."

Catholic AIDS workers and others rejoiced at the announcement, as many have been working throughout the world to prevent the spread of HIV and AIDS,

can actually prevent the Human Immuno-deficiency Virus (HIV). The bad news is that it took the papacy this long to actually acknowledge that."

The Vatican's doctrinal office followed up with a statement that said condoms cannot be viewed as a morally justified "lesser evil," even in regard to HIV and AIDS. Others in the hierarchy moved quickly to try to minimize the impact of the pope's statements.

Archbishop Charles Chaput of Denver also clung to the pope's old condom theology. "The Church holds that condom use is morally flawed by its nature, and that, equally important, condom use does not prevent AIDS and can actually enable its spread by creating a false sense of security," he wrote.

Bishop George Murry of Youngstown, Ohio, said, "A careful reading of [the pope's] remarks reveals, however, that Pope Benedict



Pope Benedict XVI displays his book, *Light of the World*, with German journalist Peter Seewald (L) and Archbishop Rino Fisichella.

promoting condom use despite Vatican disapproval.

The *Lagos Daily Independent* lauded the pope's announcement, calling it "the most revolutionary change in a pope's viewing of sexual condom policy ever." The editorial continued, "And at least the good news is that the pope has decided that condoms

Lombardi told reporters that the pope's statements were given "colloquially," so they are not part of official church teaching. For that reason, Rev. Joseph Fessio of Ignatius Press (the publisher of *Light of the World*) said, "I maintain that nothing new has happened, that the church's teaching hasn't changed."

neither proposed any change to the teaching of the church on the immorality of the use of contraceptives, nor does he justify condom use, or characterize their use as a lesser evil....Pope Benedict was not justifying condom use for male prostitutes or for anyone else," he said.

In Africa, the Kenya Episcopal Conference (which



includes 25 bishops and Cardinal John Njue) said the pope's statement had been misrepresented. "We reiterate and reaffirm that the position of the Catholic Church as regards to the use of condoms, both as a means of contraception and a means of addressing the grave issue of HIV/AIDS infection, has not changed and remains always unacceptable," the conference stated. "The media reports have unfairly quoted the pope out of context and banalized the deeply sensitive medical, moral and pastoral issues of HIV/AIDS and accompaniment of those infected or affected, reducing the discussion on the demands of sexual morality to a mere comment on condoms."

Other conservatives suggested that a person with HIV who uses a condom is actually displaying "some moral sense about the consequences" of having sex, according to the Associated Press. Another view pointed to the pope's original example of a male prostitute, suggesting that condom use is permissible to stop the spread of HIV, but not to prevent pregnancy. Professor Janet Smith of the Sacred Heart Seminary in Detroit suggested that condom use was the smaller problem in the pope's statements. "We must note that what is intrinsically wrong in a homosexual sexual act in which a condom is used is not the moral wrong of contraception but the homosexual act itself," she noted. Jeff Mirus from *Catholic*

*Culture* took the argument a step further, calling all sex outside marriage "intrinsically evil."

Some former Vatican allies flat-out rejected the pope's statements, including Dr. John M. Haas, the president of the National Catholic Bioethics Center, who said, "I think the pope's wrong." Bishop Juan Antonio Martinez Camino said condom use "always" takes place "within a context of immorality, [and thus] can never be recommended."

Phil Lawler, a columnist for *Catholic Culture*, suggested that Giovanni Maria Vian, the editor of the Vatican newspaper *L'Osservatore Romano*, should be asked to resign for breaking the story. He said the pope's words had been "published prematurely and outside of their proper context" and that they were only "speculative remarks by the Pontiff on the subject of condom use.... He was not speaking with authority."

"In past months *L'Osservatore Romano* has often embarrassed the Vatican, with puerile articles gushing about the merits of Michael Jackson, the Beatles and *The Simpsons*. But this editorial blunder is far more serious," Lawler continued. "With its gross mishandling of this very serious issue, the Vatican newspaper has given rise to a worldwide confusion on a very important moral issue—damage that it may take years of painstaking work to undo."

Other opponents of the pope's statements suggested

that the controversy will not die down. "We're in for a long period of confusion," said Russell Shaw of *Our Sunday Visitor*. "The bishops—and clergy especially—will have to go home now to their own dioceses and, whether they like it or not, start speaking very clearly about what just happened."

The furor over the pope's statements is ironic given that he cautions against the "sheer fixation on the condom" in *The Light of the World*. But all the talking in the world won't change most Catholics' minds—a 2003 poll by *The Washington Post* found that 88 percent of Catholics did not agree with the prohibition of modern methods of contraception.

## The Church and Abortion

### St. Joseph's Staff Stands up to Bishop, Catholic Health Association Affirms Olmsted's Authority

A PHOENIX HOSPITAL WILL continue to provide comprehensive reproductive healthcare despite having been stripped of its Catholic status after doctors performed an abortion to save a pregnant woman's life.

In late December 2010, Bishop Thomas Olmsted announced he was revoking the standing of St. Joseph's Hospital as a Catholic institution because it would not comply with his demands. The controversy stems from a life-saving procedure that ended a woman's pregnancy but saved her life.

The procedure performed at St. Joseph's was approved by the hospital's board of directors, including Sister Margaret McBride, whom Olmsted said had excommunicated herself by approving an abortion. McBride remains a member in good standing of her order.

Olmsted demanded that the hospital and its parent company, Catholic Healthcare West, promise it would never perform the procedure again and instead submit to diocesan reviews and comply with his own interpretation of the ethical and religious directives from the United States Conference of Catholic Bishops (USCCB). The hospital's president, Linda Hunt, said she was "deeply saddened" by Olmsted's decision, but that the hospital staff would continue to follow their consciences regarding compassionate healthcare and provide birth control and life-saving procedures to the women and men who need them, principles it was founded on by the Sisters of Mercy. "The fact that this situation stems from our decision to save a young woman's life is particularly sad," she added.

The *National Catholic Reporter* pointed to the remarks of Margaret Steinfelds of Fordham University, who said that the hospital controversy demonstrates that "Sr. McBride has all sorts of other kinds of authority" in contrast to the juridical authority of the bishops. While conservatives are taking the side of

the bishops' conference in this instance, they often disagree with them over subjects like war or the death penalty.

The Catholic Health Association (CHA) has emerged as a defender of the bishops, although initially it appeared to support the hospital's actions. In a Dec. 22 statement, CHA president Sister Carol Keehan said that St. Joseph's "correctly applied the Ethical and Religious Directives for Catholic Health Care Services to [the situation], saving the only life that was possible to save." On Feb. 1, however, Keehan told the *National Catholic Reporter* that "CHA has constantly taught that the bishops have the right to make the decisions. They have the right to interpret the ERDs [Ethical and Religious Directives for Catholic Health Care Services] in their own diocese."

Keehan exchanged a series of letters with Archbishop Timothy Dolan, president of the USCCB, including a Feb. 18 message affirming that "the local bishop is the authoritative interpreter in that diocese of [ethical and religious] directives." The correspondence left Dolan "convinced that Sr. Carol believes she serves the bishops as much as she serves the hospitals."

Keehan maintains some ambivalence about Olmsted's revocation of St. Joseph's standing as a Catholic hospital, stating that "We deeply regret what he did, but we never thought he didn't have the right to do it."



Judges of the European Court of Human Rights enter a courtroom in Strasbourg, France, in June 2010.

### Court Rules Irish Abortion Restrictions are Human Rights Violations

THE EUROPEAN COURT OF Human Rights has taken the first step in striking down Ireland's ultra-conservative abortion laws by declaring they violated one woman's human rights.

The decision comes down almost a year after the court first heard the woman's case, along with two others, in *A. B. and C. vs. Ireland*. Each woman needed an abortion for various reasons but, unable to obtain one in Ireland, was forced to travel to the United Kingdom for the procedure, which would mean additional waiting time and stress.

Ireland, highly influenced by the Catholic hierarchy, has one of the most restrictive abortion laws in Europe, allowing the procedure only when there is a "real and substantial risk" to a woman's life. Government leaders say the laws are based on "profound moral values embedded in Irish society."

Though the court ruled favorably for only one of the

women, all three represent the thousands of Irish women who travel out of their country to receive abortion care. After the ruling, Ireland is required by law to amend its laws so that they are no longer human rights violations—an important first step in making abortion accessible to its citizens.

## The Church and Sexual Abuse

### Mass Suspension of Priests in Philadelphia

IN THE SINGLE MOST sweeping suspension in the ongoing saga of sexual abuse within the Roman Catholic church in the US, the Archdiocese of Philadelphia announced the suspension of 21 priests for accusations ranging from sexual abuse to inappropriate behavior with minors. The move, made by the archdiocese in early March, came in response to a Feb. 10 grand jury report that alleged a widespread cover-up of predatory priests, including as many as

37 who remained active despite credible accusations against them. The archdiocese did not name the 21 suspended individuals, leaving parishioners to discover that their priest was one of the accused when he did not show up for Mass.

After he placed three priests on administrative leave, Philadelphia's Cardinal Justin Rigali backtracked about previous statements that the archdiocese had no active priests "who have admitted or established allegation of sexual abuse of a minor against them." Rigali issued an apology about the "harm done to the victims of sexual abuse, as well as to the members of our community."

Some suggested that the charges in Philadelphia might lead to more accusations as other victims are inspired to follow suit, similar to the outpouring that occurred in Boston in 2002.



Monsignor William Lynn leaves a Philadelphia courthouse after a hearing related to charges that he covered up the sexual abuse of minors.

## Archdiocese of Milwaukee Files for Bankruptcy as Part of Abuse Victim Compensation Process

IN JANUARY THE ARCHDIOCESE of Milwaukee filed for Chapter 11 bankruptcy protection after it failed to reach a settlement with two dozen men and women who were molested as children. The victims accuse the archdiocese of moving priests with known histories of sexual abuse from parish to parish without notifying families.

The US Bankruptcy Court listed \$40.7 million in assets and \$24 million in liabilities as it began proceedings to determine what assets are available to compensate victims. Among the liabilities was \$702,000 for payments to sex abuse victims who had already gone through a mediation process with the archdiocese. The court will also oversee a plan to keep the archdiocese in operation.

## The Vatican Faces Its Legacy on Mandatory Reporting to Civil Authorities

EARLY THIS YEAR, IRISH public service broadcaster RTE revealed a letter from the papal ambassador to Ireland that set off a furor among critics of the Vatican response to the sexual abuse scandal. In 1997 then-nuncio Archbishop Luciano Storero wrote that mandatory reporting of sex abuse allegations “gives rise to serious reservations of both a moral and canonical nature.” American attorney Jeffrey Anderson, who has filed

hundreds of clergy abuse lawsuits, said that the letter was evidence of a cover-up that “severely undermines claims of Church hierarchy that officials in Rome were not part of a conspiracy to suppress evidence of sexual assault by Catholic priests.”

Others, such as Jeffrey S. Lena, a lawyer for the Vatican, say that the document is enjoining church officials to make sure that their punishments were not overturned on procedural grounds.

Some church figures, however, object to any pressure to report abuse to civil authorities, because, as Cardinal Dario Castrillon Hoyos said, “a well-developed judiciary does not force anyone to testify against a child, a father.... Why would they ask that of the church?” Castrillon Hoyos was the head of the Vatican’s Congregation for Clergy, which reviewed the letter in 1997.

Vatican spokesman Rev. Federico Lombardi says the letter “refers to a situation we’ve now moved beyond.” The Irish church adopted mandatory reporting of child sex abuse cases in 1996. Recognizing the impact the scandal has had on the country, Pope Benedict XVI called for an apostolic visitation of Ireland, a process that began early this year.

## Father Tom Euteneuer Explains Sudden Departure

FR. TOM EUTENEUER, former head of the ultraconservative antichoice organization Human Life International, issued a statement in January accepting



Father Tom Euteneuer (center) celebrates mass with Monsignor Thaddeus Malanowski (L) and Father Frank Pavone in 2005.

responsibility for “violations of chastity [that] were limited to one person only, an adult woman” and “did not involve the sexual act.”

Euteneuer, a priest in the Diocese of Palm Beach whose high-profile lifestyle as an exorcist once had him traveling around the country, denies that any sexual impropriety took place during an exorcism. In his public statement he stresses that the diocese, which removed him from public ministry, is “without blame” for the way they handled the affair.

Nevertheless, Tom O’Toole of the right-wing organization Renew America, who calls Euteneuer “a man I have long admired,” says he talked to an unnamed source who said the priest had relationships with “more than one woman ... many women ... targeting confused, vulnerable

women, often under the guise of spiritual director.”

## Delaware Diocese Settles Priest Abuse Claims for \$77M

IN EARLY FEBRUARY, DELAWARE’S Diocese of Wilmington reached a \$77 million settlement with nearly 150 alleged victims of sexual abuse. Lawyers for the case pointed to the church’s agreement to release related documents on the Internet as a historic step. In 2009, the diocese sought Chapter 11 bankruptcy protection due to the liability created by the abuse cases.

The settlement comes on the heels of a lawsuit settled in December 2010 that awarded \$30 million in damages to one man who claimed he was repeatedly abused by a priest. The December verdict was the first that held the local parish, in addition to the diocese, liable.



# The Church and Politics

## Majority of Filipinos Support Reproductive Health Care Bill

AS FILIPINO LEGISLATORS move closer to deciding on a reproductive health bill, nearly seven in every 10 Filipinos said they supported its passage.

According to a Pulse Asia survey, 69 percent of Filipinos support the reproductive health bill. Eighty percent of those surveyed knew the measure existed.

Several forms of the new reproductive health guidelines have been proposed over the past decade. The latest version includes House Bill 96, which allows for freedom of informed choice for parents, couples and women to choose natural or artificial family planning methods. House Minority leader Edcel Lagman wrote in the bill's introduction that it was designed to be "pro-poor, pro-women and pro-life."

The Catholic hierarchy have opposed the bill, however, threatening politicians who support it with excommunication. Fr. Melvin Castro, executive secretary to the Episcopal Commission on Family and Life of the Catholic Bishops' Conference of the Philippines (CBCP), said the CBCP will have to intensify its information drive in opposition to the bill, as the results of the survey may influence legislators.

The CBCP's efforts may be futile, though, as the bill has both public and political



Filipina women show their support of the reproductive health bill during International Women's Day celebrations in March 2011.

support, including the support of President Benigno Aquino, and is expected to be passed by June of this year.

## First Female Brazilian President Takes Office

DILMA VANA ROUSSEFF HAS taken office as Brazil's first female president after a contentious election that split the country's Christian community. While she is not overtly pro-choice, she has called abortion "a public health concern" that ought to be examined and decriminalized. Abortion is illegal in Brazil except in cases of rape or immediate danger to a woman's life. The only official figures on illegal abortion in the country show that 202,766 post-abortion procedures were carried out by the public health service (which serves poor women) in 2009. Between 2.5 and 3 million illegal abortions are estimated to occur in Brazil every year, however.

In a campaign that split the Catholic vote, Rousseff faced criticism from Arch-

bishop Aldo Pagotto of Paraiba, who released a video accusing her party of "deceiving voters" about Rousseff in order to promote "the culture of death in our country."

Those words sparked the bishops' furor and, despite the former president's attempts to quell the hierarchy's outcry, abortion dominated the campaign—masking what some analysts believe was a "power struggle" between churches. In defiance of a Brazilian bishops conference (CNBB) ban on endorsing parties or candidates, Bishop Luiz Gonzaga Bergonzini of Guarulhos printed 2.5 million copies of a leaflet called "An Appeal to All Brazilians," which the São Paulo region of the CNBB passed off as official church teaching. The CNBB later forced the São Paulo bishops to withdraw endorsement of the leaflet.

"Did the right-wing campaign discredit the Catholic Church and open the way for a more plural

religious debate?" Francis McDonagh of Catholic publication *The Tablet* wondered. Intellectual leaders in Brazil seem to hope so.

"The various demonstrations of resistance to the Bishop of Guarulhos indicate how far Brazil is from relapsing into religious fundamentalism," said Cândido Mendes. "The largest Catholic population in the world has the sort of political maturity that Vatican II defined as appropriate to the laity in the Church."

## Bishop Supports Divorce for Domestic Abuse Victims

ONE BISHOP HAS ANNOUNCED his support for making divorce an option available to victims of domestic violence.

Bishop David McGough of Birmingham, England, said that ending a marriage might be the only option for victims in some cases of abuse. His announcement came during the launch of the Catholics Experiencing Domestic Abuse Resources (Cedar) initiative, which is designed to raise awareness of and find solutions for domestic violence among Catholics in England and Wales.

McGough added that priests "usually" suggest separation if a spouse is in danger.

"We would never advise anyone to continue in a situation that is possibly dangerous to themselves or anyone else living in that household," he said. "The church would most certainly recommend in that situation that that person should move out."



## Conference of Bishops Outlines New US Congressional Priorities for 2011

ARCHBISHOP TIMOTHY Dolan of New York wrote on behalf of the United States Conference of Catholic Bishops (USCCB) in January, urging Congress to “defend the life and dignity of all, especially vulnerable and poor persons.”

In addition to more conservative recommendations against abortion and gay marriage, the letter takes this charge to mean more progressive legislation such as access to healthcare, most notably for illegal immigrants, and equal access to the Internet for religious and nonprofit organizations as well as economically disadvantaged areas.

The message urges Congress to find an end to the wars in Iraq and Afghanistan while concentrating US leadership on the global fight against HIV and AIDS. In a statement that fits with the USCCB's recent focus on conscience clauses, the letter said, “If it is not to become inhuman, the world of healthcare cannot disregard the moral rules that must govern it.”

## The Church and the Arts

### National Portrait Gallery Exhibit Censored

THE NATIONAL PORTRAIT Gallery caved to pressure and removed part of its “Hide/Seek: Difference and Desire in American Portraiture” exhibit, in response to

bullying by political and religious conservatives.

David Wojnarowicz's video, “A Fire in My Belly,” is in honor of a partner and colleague who died of AIDS. It contains a short scene in which ants crawl upon a crucifix. Protests by several politicians, including Speaker of the House John Boehner as well as the conservative Catholic League, prompted the gallery, part of the Smithsonian Institution, to remove the video from the exhibit in December. Martin Sullivan, the director of the National Portrait Gallery, resigned in protest of the piece's removal.

Lauding the decision, Catholic League president Bill Donohue called the video a “vile display.” However, hundreds of protestors supported the work and urged the gallery and the Smithsonian to reverse the decision. The Warhol Foundation threatened to remove its funding unless the video was restored, and its president, Joel Wachs,



The Smithsonian's removal of David Wojnarowicz's video, “A Fire in My Belly,” at the insistence of the conservative Catholic League, sparks protests against censorship in December 2010.

said the Smithsonian had bowed “to the demands of bigots who have attacked the exhibition out of ignorance, hatred and fear.”

“A Fire in My Belly” was not restored to the exhibit, but tens of thousands were able to view the video on YouTube and in a protest van that was parked outside the entrance to the gallery until the exhibit ended.

## The Church and Bioethics

### Canadian Bishops Discourage Married Couples from Focusing on Sex Acts Other than Intercourse

THE CANADIAN CONFERENCE of Catholic Bishops wrote a pastoral letter distinguishing sex acts that are both “unitive and procreative” from other acts that are not “chaste.” “Though pleasure may be present, some acts are a misuse of sex when they fall short of what God intended,” the letter said.

Hille Haker, professor of moral theology at Loyola University, says the letter was reminiscent of thinking before Vatican II, when classifying different kinds of arousal was abandoned for an emphasis on love as “the prime function of sex in marriage.”

According to Moira McQueen, a Catholic bioethicist and theologian, the hierarchy was not attempting to say that people cannot enjoy acts other than intercourse, as long as such activities eventually lead to intercourse. It did specify that

sexual intercourse should not become mere “recreation or physical gratification.”

### German Theologians Support Same-Sex Marriage, End to Celibacy

AN OPEN LETTER FROM 144 leading Catholic theologians from Germany, Switzerland and Austria called for Vatican reforms because “2011 must be a year of departure for the Church.”

The German church has been hard-hit by sex abuse scandals and criticisms that it has not responded adequately. “The church promised to look into the sources of the scandals but nothing has happened,” said Christian Weisner of the grassroots organization Wir sind Kirche (We are Church).

The letter, released Feb. 3, said, “The Church needs married priests and women in the ministry” and should not “exclude people who live responsibly with love, fidelity and mutual respect in same-sex partnerships or as re-married divorcees.”

Peter Seewald, author of the interview with the pope that was published as *Light of the World*, dismissed the statement as “a rebellion in the nursing home” because it was designed to measure church standards by public opinion.

The letter was not the first time that church thinkers in Germany questioned celibacy. The pope, as Cardinal Ratzinger, was one of nine German theologians who wrote to bishops in 1970, asking if celibacy was still necessary, according to the German newspaper *Sueddeutsche Zeitung*. ■







# Is Obama Prochoice?

By Jodi L. Jacobson

**W**HAT DOES BEING “prochoice” mean? And what does it mean to be a prochoice president today?

These two questions are far from academic at a time when the majority of state and federal policymakers are focusing—not on jobs, deficits, the economy, education or the health of the US population writ large—but instead on incessant, invasive and often pornographic efforts to monitor the vaginas and wombs of the country’s female citizens. The resulting loss of freedoms will indeed have negative effects upon the basic human rights, health, economic prospects and educational attainment of women, and thus on their children and families.

## WHAT DOES “PROCHOICE” MEAN?

In its most narrow sense, the term “prochoice” is shorthand for a group or individual who believes that a woman should be able to choose an abortion. But in the fullest sense, “prochoice” is a political worldview that sees women as equal actors and full participants in society, and is based on the belief that every born child should be wanted, loved and cared for. Being prochoice stems from the understanding that unless women have the means to manage fertility, none of these conditions can exist.

Prochoice means believing in the right of women to choose whether, when and with

whom to make the lifelong commitment to bear a child or not. It means understanding that self-determination for women regarding motherhood is a fundamental precursor to women’s ability to achieve their own educational, economic and familial aspirations, to the health and well-being of individuals and families, and to the long-term stability and health of society. Being prochoice is being concerned as much or more about living and sentient women and children as it is about fetuses.

Being prochoice in the most comprehensive sense means understanding that there is no justifiable political trade-off in allowing one group of citizens to exercise their rights—to vote, to freedom of speech or to bodily integrity—while denying the same rights to citizens of other states or economic classes for reasons of political expediency.

And finally, being a prochoice politician today—and most especially a prochoice president—means not standing for, and certainly not being cowed by, the incessant bullying tactics used by antichoice, antiwoman politicians who use abortion politics to deflect from the realities of their own antipoor, antihuman-rights corporatist agenda.

It means understanding that in order to win the fight, you have to engage the fight.

## BY THESE MEASURES, IS OBAMA PROCHOICE?

During the 2008 campaign, then-Senator Barack Obama ran on what was, rhetorically at least, a solidly prochoice platform.

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For example, in answering a questionnaire sent by RH RealityCheck to all 2008 presidential candidates including Senators Barack Obama, Hillary Clinton, Christopher Dodd and John Edwards, Obama's campaign asserted that, among other things, he:

- “believes that reproductive healthcare is basic healthcare. His healthcare plan will create a new public plan, which will provide coverage of *all essential medical services*. [Emphasis added.] Reproductive healthcare is an essential service—just like mental healthcare and disease management and other preventive services under his plan. [P]rivate insurers that want to participate will have to treat reproductive care in the same way.”
- “supports comprehensive sex education. He believes that we should not continue to fund abstinence-only programs.”
- “supports adolescents’ access to confidential family planning and reproductive health services, without having to seek permission from their parents.”
- “believes contraception should be covered by private insurance plans and under insurance plans for federal employees.”

The Obama campaign also stated:

“Obama does not support the Hyde Amendment. He believes that the federal government should not use its dollars to intrude on a poor woman’s decision whether to continue or to terminate her pregnancy and selectively withhold benefits because she seeks to exercise her right of reproductive choice in a manner the government disfavors.”

The campaign further declared that Obama was against federal funding for crisis pregnancy centers and that he would overturn the Global Gag Rule.

Not long after his inauguration, however, I realized that Obama’s campaign convictions and considerable intellect might not translate into good, courageous strategy in practice. He did not seem to understand that his practice of alternating calls for common ground

with deafening silence on reproductive rights would be exploited by the anti-choice movement to further escalate the war on women. And I began to wonder if he cared.

Yes, it is true that President Obama rescinded the gag rule soon after taking office. That he did so late on a Friday night with little fanfare wasn’t a big issue at the time, but in retrospect it appears to have been an accurate early indicator of how he would handle the issue of choice throughout his presidency.

Moreover, while he was lauded widely by the public health and women’s rights communities for having gotten rid of a policy known to do nothing but compromise the very lives and health of women throughout the world, the administration nonetheless withheld from the International Planned Parenthood Federation and other providers the funds that had been denied them by the gag rule for the next 18 months. So while *de jure* the policy was rescinded, it remained in place *de facto*, thereby denying women in the poorest regions on the world desperately needed contraception and other services. Funding has now been restored, but not without a lapse during which both health and lives were on the line.

The first public evidence of the president’s inability to stand up for reproductive health and rights came during the 2009 stimulus debate. Included in the original stimulus package was a provision to allow states to expand funding of Medicaid family planning services. This was totally justifiable as part of an economic package since, as noted above, reproduction is an economic issue and the economic status of both women and families is profoundly affected by reproductive decisions. Evidence shows that during an economic downturn, demand for family planning services often increases as more women seek to avoid pregnancy in order to keep their jobs, feed their kids and pay their mortgages. This issue, however, quickly became a politically expedient means of attack on the stimulus package by both the far right and the mainstream media, as “serious men” like George

Stephanopoulos and Chris Matthews turned the family planning provision into a gotcha joke played on Speaker Nancy Pelosi and others who tried to explain the connections.

The administration was unprepared for this completely foreseeable attack. But what is more telling is that the president was stone silent: he never defended the issue nor tried to explain it, and hung Speaker Pelosi out to dry in television interviews. No one in the administration seemed to be able or willing to articulate the very clear connections between reproductive rights and economic security. In their failure to seize such a teachable moment, the narrative was driven by far-right members of Congress such as Congressman Joe Pitts (R-PA), Congressman Chris Smith (R-NJ) and Congressman Bart Stupak (D-MI).

The debate focused, as always, on abortion, when, in fact, the issues at stake were prevention of unintended pregnancy, effective family planning services and related essential reproductive health services such as cancer screenings and testing and treatment for sexually transmitted infections, including HIV. But instead of seizing the opportunity to reframe the choice debate, the White House instructed legislators to take out the Medicaid family planning provision. The cumulative effect of this first battle was to concede the framing of family planning services as frivolous and unimportant, and allow the deliberate and malicious conflation of pregnancy prevention with abortion. Instead, low-income women who could have been served were denied urgently needed services during a severe recession because it was considered “sensible politics.” An unparalleled opportunity to reframe the debate was lost.

Next came the debate and process around healthcare reform. Unless you were from another galaxy, you would anticipate that Republicans, who from the day after the election revealed their sole purpose was to bring Obama down, would frame any healthcare debate as an abortion debate. This was predict-



able despite the fact that federal funding for poor women in need of an abortion is essentially non-existent, even under the “permissible” conditions of rape, incest or threats to the life of a woman.

But rather than stepping out ahead and in front to frame the debate, the president again remained silent—for months. He allowed a situation to develop in which the healthcare reform debate appeared to include federal funding of abortion care—a “moral issue” as defined by antichoice—which implied there was rampant federal funding of abortion.

The president then led a hugely hyped “healthcare summit” to bring Republicans and Democrats together to resolve differences. When Speaker of

passed, his administration also then went a step further. In May of last year, abortion restrictions were applied to high-risk insurance pools, the very sources of health insurance for women most likely to need coverage for abortion care due to chronic or terminal illnesses.

Rather than including contraception as part of the original package of preventive care required to be covered under health reform, the administration punted, leaving this issue to a panel that won’t deliver its decision until August. This action effectively raises questions about whether or not contraception is preventive care, gives time to the US Conference of Catholic Bishops and others to frame the debate in misleading terms and, finally, leaves the issue to be

more broadly to ensuring that our daughters have the same rights, the same freedoms and the same opportunities as our sons to fulfill their dreams,” read the president’s statement.

When abortion provider Dr. George Tiller was murdered, the White House came out with a tepid statement opposing violence, and did not take on in any material way the violence against providers that has increased under this administration. There are conferences on bullying in schools but no discussion at the national level of bullying women and providers experience on a daily basis. There is also no mention of the domestic terrorism that is called for by the antichoice community.

Between silence and accommodation, the president has spoken in vague terms

**The president has presided over the greatest erosion to women’s reproductive health and rights in the past 30 years, and a continuing degradation of our rights at the state level.**

the House of Representatives John Boehner claimed there was federal funding of abortion in the health reform bill, the president again remained silent. Like his broader concession of the healthcare debate to Congress and the Tea Party, he said nothing until well after things had gotten out of hand. By staying “above the fray” he allowed a chaotic and unproductive debate to become that much more chaotic until it was too late to contain or reframe. Rather than exacting a high price from either Bart Stupak or Ben Nelson for their demands in the health reform debate, he embraced them.

When he did finally speak about the issue, he broke his own campaign pledge by re-affirming the Hyde Amendment as “the law of the land,” without addressing the adverse effects on poor women of said law. He not only signed an executive order reaffirming the Hyde Amendment after the health reform bill

decided during the heat of the 2012 election campaign. This alone is a mystifying and seemingly politically naive decision for a “prochoice” president.

On the 38<sup>th</sup> anniversary of *Roe v. Wade* this January, the White House’s statement again came out at the end of the day and, as a slap in the face to the nation’s women, did not even mention the word abortion.

“Today marks the 38<sup>th</sup> anniversary of *Roe v. Wade*, the Supreme Court decision that protects women’s health and reproductive freedom and affirms a fundamental principle: that government should not intrude on private family matters. I am committed to protecting this constitutional right. I also remain committed to policies, initiatives and programs that help prevent unintended pregnancies, support pregnant women and mothers, encourage healthy relationships and promote adoption. And on this anniversary, I hope that we will recommit ourselves

about “common ground” and about “moral issues” in abortion care, but appears to have ditched the (ill-conceived) White House effort to find this elusive common ground.

As a candidate, Obama said all the right things. As a president, his actions suggest that then-presidential contender and current Secretary of State Hillary Clinton was right—he will not fight for us. While clearly there have been gains for women in other areas under the Obama administration—such as the Lilly Ledbetter Act and provisions of the health reform act that are indeed positive for women—these gains have come at a steep price: The president has presided over the greatest erosion to women’s reproductive health and rights in the past 30 years, and a continuing degradation of our rights at the state level. Yet still he remains silent.

Is Obama prochoice? Not by my definition. ■

# Still Looking for a Champion

REPRODUCTIVE HEALTH UNDER THE OBAMA ADMINISTRATION

By Jon O'Brien



© REUTERS/YURI GRIPAS, 2010.

President Obama in the bleachers—where he sat out the healthcare debate.

**W**HEN BARACK OBAMA was elected president, reproductive rights advocates hoped that we had found a champion.

We looked forward to working with an administration that had promised a solid commitment to women's rights, including a dedication to improved access to contraception and abortion services. This promise helped get Obama elected—surely, we believed, he'd make good on it.

Two years later, we are deeply disappointed. The litany of broken promises is both deep and damaging. Instead of change we believed in, we got further restrictions on federal and personal funding for abortion; an unwillingness to advocate for meaningful healthcare reform that included reproductive healthcare services; and continued funding for abstinence-only sexuality education programs. The administration has paid lip service to the idea that it stands for and with women.

While Republican action to deny women the rights we all fought for will have its own seat in the circle of hell, we must ask ourselves how we ended up in

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this position. The answer can perhaps be traced back to warning bells that should have sounded right at the beginning of Obama's presidency.

One might imagine that support for and increased access to family planning might be high on a list of priorities for a progressive administration. However, it quickly became apparent that President Obama really wasn't about to bring change after years of a Bush administration that trampled on women's rights. Rather, his promises to work with Republicans to solve the country's many crises meant that he'd jettison commitment to his own purported principles and instead start from their ideological positions to work toward so-called "common ground." Unfortunately for women, right on top of that list was the Republican Party's

Partnerships, Tina Tchen, then director of the White House Office of Public Engagement, and Melody Barnes, staff director and member of the Domestic Policy Council were among the administration officials who were there, we were told, to listen—which, in retrospect, was precisely the problem.

The administration's commitment to listening didn't reflect an openness to new ideas, but rather a willingness to revisit failed policies, even those put forward by groups that opposed family planning and abortion rights. Melody Barnes told participants that the White House was interested in hearing ideas in several areas, including sex education, contraception, maternal and child health, pregnancy discrimination in the workplace and adoption. We have some

tion that claimed a commitment to science and evidence-based interventions to improve the lives of Americans. Yet we had been invited to a meeting to "persuade" the White House that family planning requires more than abstinence-only-until-marriage programs. As you might have guessed, DuBois' plea quickly led the entire exercise into a wonderland inhabited by a nonsense-spouting Mad Hatter uttering bland middle-ground rhetoric and meaningless talking points.

Unsurprisingly, given the lowest-common-denominator approach of the administration, participants at this meeting and during several subsequent calls and meetings trotted out a mixture of the predictable and the unspeakable. We heard about improving access to and

**The administration's commitment to listening didn't reflect an openness to new ideas, but rather a willingness to revisit failed policies, even those put forward by groups that opposed family planning and abortion rights.**

demonization of family planning. We should have seen it coming.

In January 2009, I joined about 30 people for a White House meeting to learn what we might expect as the administration got underway. We expected to hear how the administration would begin making good on what the campaign had promised women. When we arrived, however, the guest list gave us pause.

The White House had invited advocates for reproductive health, rights and justice including Catholics for Choice, NARAL Pro-Choice America, and the National Latina Institute for Reproductive Health, among others. But also invited were staunch conservatives opposed to abortion, contraception and comprehensive sexuality education, such as the Family Research Council, Democrats for Life, the National Abstinence Education Association and Concerned Women for America. Rev. Joshua DuBois, director of the White House Office of Faith-based and Neighborhood

solutions to many of these problems. They involve more and better resources. But the desire to appear in search of "common ground" meant that we merely started rehashing old debates.

The presenters began by asking questions like, "How do you deal with unintended pregnancies?" as if the answer could be formulated in a vacuum, rather than against a backdrop of proven strategies, statistics and science. One way to prevent unintended pregnancies is to provide easy access to a comprehensive range of family planning options and sexuality education. But many who spoke at that meeting vehemently oppose any method or program that does not prioritize abstinence—exclusively or otherwise. Yes, abstinence may work for those who are happy being abstinent. For the rest of us, the majority, we deserve a realistic answer.

"You need to persuade us," intoned the Rev. DuBois on a number of occasions. Really? This was an administra-

tion that claimed a commitment to science and evidence-based interventions to improve the lives of Americans. Yet we had been invited to a meeting to "persuade" the White House that family planning requires more than abstinence-only-until-marriage programs. As you might have guessed, DuBois' plea quickly led the entire exercise into a wonderland inhabited by a nonsense-spouting Mad Hatter uttering bland middle-ground rhetoric and meaningless talking points.

Granted, the White House created the Fatherhood and Mentoring Initiative and suggested that it would send support to the states for women who wanted to continue their pregnancies. Neither program is inherently wrong, but shoring up underfunded Title X programs would be a great place to start helping prevent unintended pregnancies, and investigating the reasons for family breakdown might prove more fruitful than lamenting a "crisis" of



fatherhood, as Rev. DuBois is wont to do.

It's unclear where the administration's lack of commitment comes from. But in the absence of action, our hopes from two years ago have slowly eroded. Some argue that given the current economic and political situation, the administration cannot do anything to improve women's access to reproductive health services. But the president and his party had two years with majorities in both houses of Congress to permanently overturn the Global Gag Rule and significantly improve the situation as regards refusal clauses. The president could have done both, but chose not to expend political capital in doing so.

More fundamentally, however, the administration has adopted a political approach that fails to take a stand. We had hoped for the kind of leadership that begins with believing in something and then takes the risk of finding the supporters—on both sides of the aisle—who will stand with you. We have been disappointed.

Perhaps the White House is choosing to listen most closely to organizations such as the Democratic Leadership Council and its progeny like Third Way, which purports to offer an alternative political approach, “one that discards the false choices presented by both sides.” They claim to speak to “the vital center—moderates.” However, as pollster John Russonello notes, “the center is simply malleable, not vital.”

Tellingly, Third Way's abortion strategy states, “Policies to prevent unintended pregnancies include: comprehensive sex education with an abstinence emphasis.” Read that again. An allegedly progressive ally of the Democratic Party wants us to emphasize abstinence in sexuality education programs. There may well be something rotten in the state of Denmark.

Sadly for those who do advocate for abortion rights, the Democratic Party is apparently also listening closely to the US bishops. During the healthcare reform debate we were told that Nancy

Pelosi and other Democratic leaders had representatives of the United States Conference of Catholic Bishops in back-room meetings with them drafting compromise proposals. Asking for advice on



Part of a mural painted along the route of Obama's motorcade from New Orleans to Grand Isle, LA, in 2010.

abortion from people who are fundamentally opposed to all abortion epitomizes the abrogation of leadership. And that is not what the American people want to see.

Another possibility is that President Obama is not the leader we thought he would be. Russonello, a founding partner at the firm Belden Russonello and Stewart, explained why the absence of strong, consistent presidential actions is problematic. “People expect the president to lead. The problem so far for President Obama has been that the country elected him because they wanted demonstrable change from the Bush

policies—change they can see. But so far, he has not been all that different than Bush.”

Russonello outlined three specific examples of areas in which Obama had failed.

- On the most important issue, the economy, he refused to hold anyone on Wall Street accountable for the behavior that caused millions of people to lose their jobs. Prosecuting five investment bankers instead of lending them taxpayers' money to continue in operation would have accomplished more for his ability to boost the economy than the billions spent on the stimulus bill. People were stunned that he gave Wall Street a pass.
- On taxes, he said he would not go along with the Bush tax breaks to the wealthy—then he capitulated without a fight.
- On healthcare, he took a seat in the bleachers and watched public derision rise over congressional horse-trading, producing a law that did not lower people's health insurance premiums.

In contrast to previous presidents, Russonello concluded, “President Obama has taken weak positions on everything—so everything is up for grabs. He has already been marked as a softy.”

President Obama's failure to lead on the reproductive rights front has exemplified the high price of standing still. In early 2011, a political argument broke out over some heavily doctored, dishonestly acquired video footage of the activities of a handful of Planned Parenthood staff. As a result, in a foot-stomping, petulant huff, the House of Representatives defunded the entire Title X program. We have been assured that President Obama would never sign such legislation, but did he call out the Republicans and Democrats who supported the move? No. And when it comes to abortion, we are being offered the choice of two evils: an all-promise, no action option from the Obama administration and a slash-and-burn option from the Republican leadership.



Writing in *Politico* John Harris and James Hohmann expressed Obama's problem succinctly. "By declining to speak clearly and often about his larger philosophy—and insisting that his actions are guided not by ideology but a results-oriented 'pragmatism'—he has bred confusion and disappointment among his allies, and left his agenda and motives vulnerable to distortion by his enemies."

John Russonello contrasted Obama's leadership style with Ronald Reagan's. In 1981, Reagan fired 11,000 striking air traffic controllers when they refused to return to work. After Reagan was informed that 85 percent of Americans were against him, he is said to have replied that he would just have to go out and convince them that he was right. He did, and went on to become immensely popular. It was a signal to the whole country that the new president was not to be trifled with and resonated with Congress and the public throughout his two terms in office.

"While I completely disagree with what Reagan did," Russonello continued, "It is obvious that ability to lead was never in doubt. On the other hand, President Obama never laid out any markers during the healthcare debate about what he wanted, so he didn't get any of the things that he promised us during the campaign. Those who say we made progress may be right, but it's not the progress we were promised. If presidents don't lead they necessarily follow."

A recent Pew poll shows that Americans prefer a leader who refuses to compromise. The poll found that 54 percent of voters state that they like elected officials who stick to their positions, while 40 percent prefer officials who make compromises with people with whom they disagree. Perhaps unsurprisingly, more Republicans were of the former view than Democrats.

Not everybody is as surprised or disappointed with the Obama administration's record. Clare Coleman, the president and CEO of the National Family Planning & Reproductive Health Association (NFPFHA), says that she did not

have huge expectations when Obama was elected. Nonetheless, she believes that "overall he has delivered, but not in the time frame that we would expect." Coleman rejects the idea that there has ever been a golden age when it was easy to be an advocate for reproductive rights on Capitol Hill. However, she acknowledges, a significant barrier has arisen because "the administration has accepted the opposition's view that family planning is controversial."

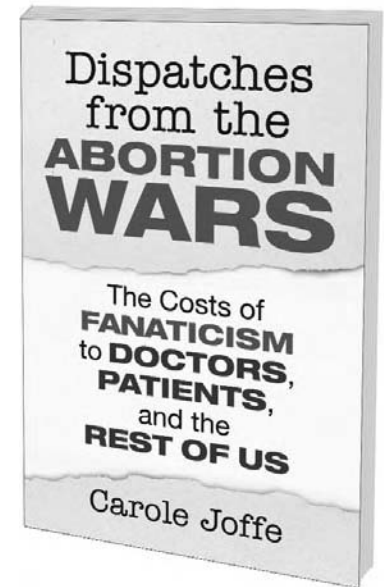
Coleman noted that while Congress has moved to the right—with far fewer moderate Republicans and fewer but more entrenched antichoice Democrats—it has led, paradoxically, to more discussions about family planning on both sides of the aisle. Whether that has long-term benefits is unknowable at this time, but it has not led to any short-term victories. Just ask Planned Parenthood clinics, or Coleman's own NFPFHA, both of which rely on the now-embattled Title X program to ensure that women, especially low-income women, have access to family planning.

Unfortunately, it appears that we never managed to get out of that room in which we first met in January 2009. Progressives are still receiving the same bland assurances that we are being heard while we continue to debate the same questions. Meanwhile, an economic downturn has been met with an uptick in conservative antichoice legislation. Beyond the concern about reproductive freedom, the long-term damage of being served by an administration that does not deliver and that does not even dare articulate publicly what it claims to believe in private has yet to be discovered.

As I write, President Obama is announcing his bid for reelection. I expect we'll be hearing more promises about improving the lives and health of women in this country, whether through education and family planning, or support for women who want to continue a pregnancy as well as for those who do not. The new campaign website asks, "Are you in?" Perhaps a better question is, "Mr. Obama, are you?" ■

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# Better the Devil You Know?

DISAPPOINTED AND DISILLUSIONED WITH THE PRESIDENT'S HIV & AIDS AGENDA

By Jonathan Stern



© REUTERS/LEONHARD FOEGER, 2010.

AIDS activists protest US policy at the World AIDS Conference.

**A**N EXTRAORDINARY achievement in global health emerged from the 2008 presidential campaign: Nearly every major candidate—from Hillary Clinton to John McCain to Joe Biden—agreed to support

**JONATHAN STERN** was director of strategic communications for the Global AIDS Alliance.

a \$50 billion, five-year US funding plan to prevent and treat HIV and AIDS worldwide. This was an astounding tripling of the initial formidable commitment by President George W. Bush to fight global AIDS.

By the time the primaries had ended in June 2008, Senators Obama and McCain each followed through on the earlier commitment by adding their

names to a bill that would reauthorize US funding for one of the key organizations fighting AIDS: The Global Fund to Fight AIDS, Tuberculosis and Malaria, an independent international body that has saved millions of lives over the past decade.

The global health community was exuberant at this extraordinary bipartisan financial commitment. For decades,

it had fought to treat HIV and AIDS with little political support. But President Bush was different. A man of religion, he views every life as precious, and he wanted to have an impact. Scott Evertz, the national AIDS policy coordinator under President Bush, recounted in a conversation last month that when Evertz first met with the president in the White House, he was asked a pointed question: Can the United States provide the same kind of care to those living with HIV and AIDS in sub-Saharan Africa as is provided to Americans?

"I told him yes," Evertz recalls. And the president responded with a familiar line derived from Luke 12:48: "To whom much has been given, much is expected."

"The president then told me to—and I quote—'Go do it,'" Evertz said. "I

as Rep. Jim Leach of Iowa, Rep. Henry Hyde of Illinois and Sen. Richard Lugar of Indiana). Within two years, Bush would also create the President's Emergency Plan for AIDS Relief (PEPFAR). Billions of dollars poured into these programs, and they worked, saving the lives of an estimated 6.5 million people. (Recent media reports about corruption in Global Fund programs are vastly exaggerated. The information was reported transparently by the Global Fund itself last year regarding four of its 145 grant-receiving countries. Problems occurred in less than 0.3 percent of grants, and most of the money has been recovered.)

Now, let's return to 2008, when Obama dedicated himself to expanding the US commitment to fight HIV and AIDS and using his time as president to

and the just-nominated Secretary of State Hillary Clinton. AIDS activists thought they had hit the trifecta.

But soon enough, we learned that Obama and his cabinet do not see this funding in strictly humanitarian terms. America's work with HIV and AIDS also is tied closely to American diplomacy and defense policy. When Clinton appeared at her confirmation hearing before the US Senate Foreign Relations Committee in January 2009, she emphasized that Obama would use "Three Ds: Defense, Diplomacy and Development" to advance American interests. She dubs this "smart power."

President Obama further pointed out this connection when in May 2009 he announced his Global Health Initiative, a program to invest \$63 billion over six

**President Obama has not kept his word. Rather than spend an additional \$1 billion per year on PEPFAR, he added only \$155 million in his 2011 budget request.**

warned him that he would get little to no credit, and he said: 'I don't care, and I don't want to have this conversation again. Now go do it.'"

There were many disagreements at the time about whether the global health community should fully support President Bush in this effort. There were restrictions on how the funding could be used: The purchase of condoms with US funds was out of the question, as were needle exchanges. There also was a hyper-focus on abstinence education. But Bush followed through by asking Congress for massive funding to assist those suffering with HIV and AIDS in the world's poorest countries.

When Democrats in Congress—particularly California Reps. Barbara Lee, Tom Lantos and Howard Berman, and Sens. Dick Durban (Ill.), John Kerry (Mass.) and Sherrod Brown (Ohio)—pushed for swift creation of the Global Fund in 2001, they had a partner in George W. Bush (and in Republicans such

work toward ending this global pandemic. Obama promises to increase PEPFAR funding by \$1 billion per year, from about \$6 billion. This means millions more people with HIV and AIDS would be treated, about a third of them orphans and vulnerable children. This funding means that tens of thousands more babies would be born HIV-free to mothers who are HIV-positive.

What's more, his choice as running mate is Sen. Joe Biden, who not only was the first candidate to sign the \$50 billion pledge—pushed by HIV and AIDS advocacy organizations to each of the presidential campaigns—but was the lead drafter of the legislation in the Senate Committee on Foreign Affairs that funded it. Biden's \$50 billion request far surpassed President Bush's \$30 billion request.

Zoom ahead to December 2008. Three of the key candidates who committed to the \$50 billion pledge now control US foreign policy: Obama, Biden

years in a variety of areas extending well beyond HIV and AIDS, including nutrition, safe water and maternal and child health. The AIDS community has had concerns about this initiative because it removes the focus from HIV and AIDS. But we soon discovered that Obama's "smart power" approach also shifted funding from HIV and AIDS to cover other development challenges.

#### **BUSH VS. OBAMA: BETTER THE DEVIL YOU KNEW THAN THE ANGEL YOU DIDN'T**

President Obama has not kept his word. Rather than spend an additional \$1 billion per year on PEPFAR, he added only \$155 million in his 2011 budget request. As a result, the administration's operational plan for PEPFAR includes funding cuts for 21 of 34 countries. This means reductions in nearly every program, including \$56 million from adult treatment services, \$34 million from the antiretroviral treatment (ART) budget and \$13 million from coun-



selling and testing. Yet it includes a \$135 million increase to fund management and operations.

Yes, the United States faces a difficult fiscal environment. There is enormous pressure from Congress to rein in spending. The easiest of targets is international aid, particularly when it is detached from US military priorities. Cutting foreign assistance doesn't matter much to voters back home. The US commitment to the Global Fund—now \$4 billion through 2014 (\$1.3 billion per year)—is a lot of money. But it's tiny compared with many programs and choices. Consider by comparison that the US has chosen to forego \$68 billion through recent changes to the estate tax in order to exempt inheritances of \$5 million or more.

lion below maintenance levels. This has forced the Global Fund to scale back its programs, rather than scale up or simply maintain treatment levels. The result is that three million HIV-infected people will not receive ART and 500,000 babies will be left vulnerable to transmission from their mothers.

This funding shortfall is particularly disturbing in light of the UNAIDS 2010 Global AIDS Epidemic Report, released in December, which indicates the number of new infections declined globally to 2.6 million. That's great news, due in large part to US funding. However, 33.3 million people remain infected with HIV, with 1.8 million people dying of AIDS-related complications each year. This is because just 35 percent of those who need ART receive it.

There is a political imperative, too. The 2012 International AIDS Conference (IAC) is scheduled to convene in Washington, DC, in July 2012—at the height of President Obama's re-election campaign. In the nation's capital will arrive tens of thousands of HIV and AIDS activists who have been known to use coffins and blood as props, when necessary. President Obama will want a political win at the IAC. An easy win would be to commit the United States to ending pediatric HIV and AIDS once and for all, an achievement entirely within the possibilities of sufficient US funding. We know how to do it.

During another of those interminable candidate interview sessions in July 2008, Barack Obama was asked by NBC News correspondent Brian Williams why poll respondents viewed him as the riskier

**Instead of building upon American values—regardless of a difficult fiscal environment  
—President Obama has instead chosen to shrink from America's obligations.**

To be fair, President Obama has taken strong actions in the fight against HIV and AIDS. In particular, his policy changes—such as removal of abstinence-only education requirements and the integration of family planning and reproductive health into PEPFAR'S work—have been critical.

And in October, the administration made a three-year funding pledge to the Global Fund, representing our nation's first multi-year commitment. This will help sustain programs and aid the commitments of other nations that budget on a multi-year basis. And the president demonstrated strong leadership in February by dedicating \$1.3 billion to the Global Fund in his 2012 budget request, and thus meeting—rather than cutting—the US commitment.

But the size of the US pledge—\$4 billion over 3 years—does not come close to meeting the country's fair share of \$6 billion. Our actions contributed to a low level of pledges overall that was \$5.3 bil-

lion below maintenance levels. This has forced the Global Fund to scale back its programs, rather than scale up or simply maintain treatment levels. The result is that three million HIV-infected people will not receive ART and 500,000 babies will be left vulnerable to transmission from their mothers.

Instead of building upon American values—regardless of a difficult fiscal environment—President Obama has instead chosen to shrink from America's obligations. He did not say a single sentence about global health in his State of the Union address this year. The Global Fund and even PEPFAR clearly are not priorities. Yet the US commitment to fight global HIV and AIDS is a rare issue that cuts across political lines, a place where Republicans and Democrats have stood together. For a relative pittance, America can help save millions of lives, enhance its international status and protect vulnerable nations from collapse. It is not too late for the Obama administration and Congress to do the right thing. This can be done—with a little “audacity of hope,” to borrow a phrase from Obama. We look for the kind of audacity demonstrated by Pope Benedict XVI with his statement about the value of condoms in preventing transmission of HIV.

choice in his race against John McCain. This was Obama's response:

“It's not surprising that people would say that the guy we're more familiar with is the less risky choice,” Obama said. “And in some ways, I guess [another Republican president] would be safe. It's the devil you know versus the devil you don't.”

He went on to say that change was necessary to fix US economic, tax, energy and foreign policy. He did not mention global health, as he already had committed to extending the Bush administration's work in that area.

While many of us strongly support President Obama's economic, tax, energy and foreign policy—particularly compared with those of President Bush—we are very disappointed, even disillusioned, with his global health policy. His “commitment” was a bait and switch. In effect, on this topic, the “devil” we knew was better than the angel we didn't. ■



# Broken Promises

## HOW THE OBAMA ADMINISTRATION PROMOTES MISINFORMATION THROUGH ABSTINENCE-FOCUSED SEX EDUCATION

By Jen Heitel Yakush



© REUTERS/ RICK WILKING, 2007.

Father-daughter Purity Balls like this one take place around the country.

IN HIS 2008 WORLD AIDS DAY address, then-President-elect Barack Obama told Americans that, “We must engage in honest, open dialogue and reach out to those most at risk.” He spoke of how his administration would “work with Congress to enact an extensive program of prevention, including access to comprehensive age-appropriate sex education for all school-age children.” At that point, it seemed a question of “when” not “if” federally funded sex education would be backed by science, not ideology. Now, two years into his term, the question is whether the president has followed through on his promise. It seems evident that, while inroads have been made, we still have a long way to go.

It all began so well. Never before had someone elected to the presidency made such a clarion call to bring comprehensive prevention information to America’s youth. In his inaugural address, President Obama said, “We will restore science to its rightful place.” I am a vocal supporter of moving our nation’s agenda away from the abstinence-only-until-marriage programs, which, after nearly 30 years of federal support and over 1.5 billion taxpayer dollars spent during the previous administration, were providing young people with nothing more than misinformation and harmful fear- and shame-based messages. It was to be hoped that

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the president would see that sexuality education for youth is too important to continue to fall victim to long-standing partisan divides and culture wars and that in his first term President Obama would bring increased support and funding for evidence-based interventions and an end to federal funding for the abstinence-only-until-marriage approach.

At that time, nearly 200 local, state and national organizations had spoken up for a curriculum that, while presenting the value of abstinence and delaying sexual initiation, does so in the context of age-appropriate and medically accurate information. This comprehensive sexuality education prepares young people for making healthy and protective decisions when they choose to become sexually active by teaching them about contraception, including condoms. These programs give young people the skills and tools they need to make healthy and responsible decisions about their daily lives, addressing such topics as healthy relationships, communication skills, family communication, how to avoid unwanted verbal, physical and sexual advances and the potential impact of alcohol and drugs on decision making.

Sex education advocates were thrilled when President Obama introduced the first budget request of his presidency, which eliminated all abstinence-only-until-marriage funding and created a \$114.5 million Teen Pregnancy Prevention Initiative. This initiative set aside money for public and private entities to fund medically accurate and age-appropriate programs that aimed to reduce teen pregnancy. Of this funding, at least \$75 million was slated for replicating effective, evidence-based programs and at least \$25 million for testing additional models and innovative strategies.

In practice, the Teen Pregnancy Prevention Initiative may have fallen short of its true potential. In a subtle but crucial distinction, its focus was primarily on preventing teen pregnancy, not providing all young people with sex education that addresses all of their needs. The reality is that over half of young people have sexual intercourse by the age of 18

and are at risk of both unintended pregnancy and STDs, including HIV. By not addressing these risks head-on, the Obama administration and Congress missed an opportunity to provide true, comprehensive sexuality education that promotes healthy behaviors and relationships for all young people, including lesbian, gay, bisexual and transgender (LGBT) youth. At the urging of advocates, the final legislative language did at least ensure that eligibility would include programs that address risk behaviors underlying unintended pregnancy. These allow evidence-based HIV- and STD-prevention programs to be included in the list of programs that grantees can use. However, grantees still had to walk through a pregnancy prevention door.

Another misstep was not requiring a core curriculum that included discussion of both abstinence and contraception, leaving the door wide open for grantees using the exact same programs funded under the George W. Bush administration. When the newly established Office of Adolescent Health announced the award of \$110 million to more than 100 grantees in September 2010, advocates were dismayed to see that several abstinence-only-until-marriage programs received grants from the pool earmarked for “innovative” initiatives. For example, Live the Life Ministries of Tallahassee, Florida, received \$891,533 to “try” the WAIT Training abstinence-only-until-marriage program. Lighthouse Outreach in Hampton, Virginia, received nearly \$1 million to use the Choosing the Best curriculum. These are the same types of programs the House Government Oversight Committee had found to be providing medical misinformation, fear- and shame-based messages and gender stereotypes, and which were proven ineffective by the government’s own study. By no stretch of the imagination should these programs be considered “innovative” or cutting-edge.

There is no scientific evidence that broadly supports an abstinence-only-until-marriage approach. A 10-year government study of programs funded by

the Title V abstinence-only funding stream found that such programs did not delay sexual initiation—the entire supposed purpose of the programs—and had no beneficial impact on young people’s sexual behavior. Furthermore, in early November 2007, the National Campaign to Prevent Teen and Unplanned Pregnancy released *Emerging Answers 2007*, which discussed what programs work in preventing teen pregnancy and STDs, including HIV. The report found strong evidence that abstinence-only-until-marriage programs do not have any impact on teen sexual behavior and no evidence to support the continued investment of public funds in this approach. Significantly, sex education programs that promote abstinence as well as the use of condoms have been demonstrated not to increase sexual behavior and actually to be more effective at getting young people to delay sexual activity than abstinence-only-until-marriage programs.

The fight for forward-thinking comprehensive sexuality education is dragged down by having to mitigate the harm caused by programs that have been proven to be ineffective. Abstinence-only-until-marriage programs focus on marriage promotion and consistently ignore many young people who are most in need of information, education and skills training. One example of such a program is the Title V program, which, after nearly 30 years of federal funding, was allowed to expire in June 2009. The definition of “abstinence education” found in the Title V statute promotes marriage as the only acceptable family structure; ostracizes LGBT youth; stigmatizes youth who have been sexually abused; denies information to sexually active youth and HIV-positive youth; and ensures that young people who have already engaged in sexual activity or those living in “nontraditional” households are presented with fear- and shame-based messages. Many aspects of the definition and guidelines for this program directly oppose the goals and tenets of comprehensive sex education, which seek to help young people navigate

adolescence and become healthy adults.

However, following months of negotiations and partisan bickering, conservatives in the US Congress were ultimately successful in resurrecting the Title V abstinence-only program in recent healthcare reform legislation (the Patient Protection and Affordable Care Act). The law set aside \$75 million for the Personal Responsibility Education Program, including more than \$55 million for a first-ever-of-its-kind state grant program for more comprehensive approaches to sex education. But the failed Title V abstinence-only-until-marriage program remained in the final bill signed by President Obama. Programs that had been proven to be ineffective would receive another \$250 million over the next five years (2010–2014).

totals \$75 million per year for a period of five years, 2010–2014, with just over \$55 million dedicated to state grants. Initiatives supported by PREP's state grant program are required to provide information on both abstinence and contraception, placing a substantial emphasis on both. In addition, PREP programs must also address adulthood preparation issues in order to assist young people in making informed and healthy decisions in areas such as relationships, adolescent development, financial literacy, education and career success and life skills.

The Teen Pregnancy Prevention Initiative and PREP have finally put us on the right track, but our federal government has to do better for our nation's young people. Studies from the Centers for Disease Control and Prevention show that by

Poll after poll shows us that a majority of voters in nearly every demographic category, including Democrats, Republicans and Independents, support comprehensive sexuality education and believe young people should be given information about how to protect themselves from HIV, other STDs and unintended pregnancies. History has shown us, however, that policymakers do not necessarily listen to their constituents. The recent elections and corresponding shift to the right in the United States House of Representatives is already presenting new challenges to advocates for comprehensive sexuality education. The president's Teen Pregnancy Prevention Initiative is under attack in the first funding bill put forth by the House Republicans and more attacks on evi-

**If this administration is serious about science and evidence, rather than ideology, then abstinence-only-until-marriage programs have no place in their healthy youth agenda.**

The Title V abstinence-only-until-marriage program was never about public health or even pregnancy prevention. As the creators of the program made clear, it “was intended to align Congress with the social tradition ... that sex should be confined to married couples.” It had absolutely no place as part of legislation dedicated to improving the health of our nation and never should have remained in the final version signed by the president. How this program was included in the final version of the most ambitious and progressive social legislation in decades should baffle anyone who believes in putting science- and evidence-based decision-making ahead of cheap political gimmicks. Title V should be swiftly and permanently eliminated.

The Personal Responsibility Education Program (PREP), on the other hand, was created to reduce the rates of unintended pregnancy and STDs, including HIV, among young people. PREP funding

their senior year nearly 65 percent of high school students in America have had sexual intercourse. Unprotected teen sex and other risky behaviors have led to a variety of negative health outcomes—such as the alarming reality that, in the US, every hour two young people under the age of 29 become HIV positive. Moreover, while making up only one-quarter of the sexually active population, young people aged 15–24 account for roughly half of the approximately 19 million new cases of STDs each year and the proportion of unintended pregnancies remains highest among women under age 20 (about 85 percent). If we are going to adequately address the prevention needs of all young people, stemming the tide of HIV and other STDs as well as unintended pregnancy, and get to the root issues that affect the ability to have healthy relationships, the federal government must commit to funding comprehensive sexuality education as a foundation for sexual health.

dence-based prevention efforts, such as PREP, have already begun.

The president must eschew the ideological advances of a desperate minority who do not want our nation's young people to receive the sexual health information they need and deserve. Instead, he should follow through on his promise to fund comprehensive sex education for all school-age youth. President Obama needs to commit not only to holding his ground and fighting against attempts to slash critical prevention funding but also to breaking new ground. If this administration is serious about science and evidence, rather than ideology—and about setting the standard for policy—then abstinence-only-until-marriage programs have no place in their healthy youth agenda. More comprehensive approaches to sex education should be the foundation of a curriculum created from the best of what we have to offer our young people. ■



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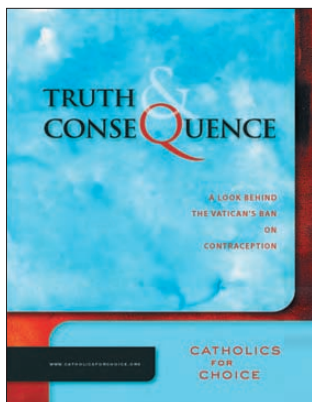


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# Church, State and Obama

THE GOOD, THE BAD AND THE UGLY

By Rev. Barry W. Lynn



© REUTERS / WIN MCNAMEE, 2004.

The Supreme Court has intervened in numerous cases related to the separation of church and state.

**T**HERE WAS A FORESHADOWING of the Obama administration's ambivalent view of the role of religion in public life even before Inauguration Day in 2009.

The president had chosen Pastor Rick Warren, author of the book *The Purpose Driven Life*, to do an invocation. Many of us would prefer presidents not add religious messages to what is essentially a governmental event, but in this case, the choice was even more startling. Warren had notoriously supported Proposition 8 in California, which sought to invalidate a California Supreme Court ruling requiring the state to recognize same-sex marriages. The court noted that marriage is a "fundamental right" and that persons needed to be treated equally in regard to such rights.

Warren disagreed, making a video in support of the proposition and asserting

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in one interview that being gay was like taking part in incest or bestiality. Even after weeks of objections, Warren ended up performing a lengthy prayer at the inauguration, invoking Jesus in four different languages, and appending the Lord's Prayer, an explicitly Christocentric affirmation, in conclusion. So much for a nod to diversity.

But then, just a few minutes later, the newly sworn-in president gave a "shout out" to America's "nonbelievers." It has been rare for any chief executive, or any candidate for that position, to recognize that at least 15 million Americans are nonbelievers, although, in candor, even George W. Bush did so on occasion.

create new lines. He pointed out earlier regulations in which "rather than furthering discovery, our government has forced ... a false choice between sound science and moral values." This was a notable advance over the previous administration, which seemed to be more interested in promoting a medieval theological analysis than a 21<sup>st</sup> century biological or medical one.

Regrettably, one federal judge has put a preliminary halt to the policy after several anti-embryonic cell researchers (who claimed they could lose grant money for their research on adult stem cells) sued in partnership with fundamentalist Christian groups. Making

the controversial and unsuccessful District of Columbia "opportunity scholarship program"—the voucher system dumped on the city by the Bush administration. Most of the funding for this program ended up in the coffers of private religious schools. Bush's own education department concluded on four occasions that the program not only failed to generally improve academic performance but didn't even increase the satisfaction students had about going to school.

Both House Speaker John Boehner and Senator Joseph Lieberman of Connecticut have indicated that the proposed 2011 appropriation of \$40 million to DC public schools might turn out to be con-

**In a number of religious liberty cases, the administration has weighed in on the wrong side, defending the seemingly indefensible.**

The incident was telling—and the pattern it set is still sending ripples. It is accurate to conclude that in the first two and a half years of President Obama's role in matters of church and state, we've seen a mix of "the good, the bad and the ugly."

This article takes a look at how Obama has dealt with three types of issues. First, what has he done in policy matters where the previous administration had displaced evidence with theology? Second, what does his engagement with major church and state legal cases tell us? Third, what can we learn from his personal religious observance and his "out-reach" to religious communities?

The president should be credited with having the right instincts and taking the proper initial steps on two issues where Bush had allowed ideology to sweep away a cavalcade of scientific principles and evidence. Early in the administration, Obama signed new regulations that allowed federally funded research to be conducted on nearly 800 new lines of embryonic stem cells developed by private researchers. Federal law still precludes tax dollars to

matters worse, the National Institutes of Health has been slow in developing new rules for the Bush-era stem cell lines.

The second area in which Obama took note of a paucity of supporting evidence was in the justification of the continued funding for so-called "abstinence-only" sex education programs. His first budget virtually eliminated all the money for such programs. An estimated \$2 billion has been spent on these efforts over the past 15 years, but no reliable data exists that such programs significantly reduce the onset of sexual activity; in fact, some research indicates that they may even make slightly delayed encounters more dangerous because young people have not learned the basics of safer sex and contraceptive use.

But even here Obama had to swallow an amendment to his healthcare reform package by Sen. Orrin Hatch (R-Utah), which added \$50 million over the next five years for the same useless initiatives. (For more on this subject, see the article by Jen Heitel Yakush on p23.)

To the president's credit, he has sought to terminate new student enrollment into

tingent on the mayor's willingness to accept another \$20 million to keep adding students in the voucher program. Obama has said nothing about this ploy.

One other bizarre note had already been sounded by the administration when the Supreme Court took a case, *Arizona Christian School Tuition Organization v. Winn*, involving a "tuition tax credit" scheme in Arizona. Under the legislation, taxpayers could choose to give a portion of what was owed, not to the state treasury, but to one of several "school tuition organizations" (STOs) that gave scholarships to private schools. They would then get a dollar-for-dollar tax credit up to a maximum of \$1000. In 2009, 91.5 percent of the \$52 million collected through donations to STOs went to religious schools with the apparent requirement that scholarship recipients participate in religious activities while at school.

What's worse, the legislation, as originally conceived, allowed participants to contribute to one of the STOs that placed children in, say, only Catholic schools. Legislators didn't want to make the

scheme seem self-serving by allowing contributors to help their own children, but they were allowed to designate that the money would go to a neighbor's child. By making a reciprocal arrangement, the neighbor could give the same amount and designate it for the original contributors' own son or daughter, effectively using the STO as a family scholarship.

The law has been changed a bit to prevent such flagrant abuses, but most observers view this as belated "lipstick on the pig" legislating because the real problem still remains: the tuition tax credits are funneling taxpayer money to religious schools at the expense of public schools. Incredibly, the Obama administration has sided with Arizona to uphold this law by sending the acting solicitor general to help argue the case at the Supreme Court.

In the context of the tax credit legislation, Arizona also asserted that taxpayers do not have standing to raise a constitutional objection. (But who else could?) The Obama administration seconded Arizona in that view as well. It is notable that this move was not an example of an administration seeking some perfunctory manner to uphold the constitutionality of a federal statute passed by a previous administration. The president and the Department of Justice (DOJ) could have avoided the issue completely.

In two other religious liberty cases, the administration has also weighed in on the wrong side, defending the seemingly indefensible. In the first, Elena Kagan (now Supreme Court associate justice, then US solicitor general) argued before the high court in favor of a congressional "deal" in which some obscure acreage in the Mojave National Preserve in California was exchanged by the Veterans of Foreign Wars (VFW) for a single roadside acre which had been, on and off for 40 years, the site of a large Latin cross that the VFW asserted was a memorial to all of America's service members.

That view did not please the Jewish War Veterans organization, nor atheist

veterans (who are, it turns out, found in foxholes) nor a Buddhist who had attempted to add a symbol on the same acre when it was owned by the United States but was rebuffed.

The Supreme Court ruled that the trial court would need to review evidence clarifying that the cross had some secular or at least nonspecific religious meaning, but the majority made it clear that not much evidence would be necessary to prove such a status. (Ironically, the cross was stolen a few days after the opinion was issued.)

In a similar exercise, the DOJ weighed in to overturn a Wisconsin federal trial judge's well-reasoned opinion that the statute enacting a "National Day of Prayer" back in 1952 was unconstitutional.

Since the law specifying this occasion as the first Thursday in May was passed at that time as a way to honor the Rev. Billy Graham—who had just had a big evangelical crusade in Washington—and the statute calls for prayer only in homes and churches (apparently no synagogues, temples, mosques or Wiccan sanctuaries were known at the time), it is difficult to find even a shred of "secular" purpose behind the law. The administration defended it anyway.

Not all of the news out of the DOJ is bad, however. The administration has shifted gears and will not defend the Defense of Marriage Act (DOMA).

In doing so, Obama's DOJ bypassed a demand by that great scholar Newt Gingrich, who preposterously asserted that a president's failure to enforce an existing law violates his oath of office.

In fact, there is no obligation of one branch to kowtow to the constitutional interpretation of another. Thus, when the DOJ—with the avowed personal approval of the president—decided not to defend DOMA (which purports to allow states to decide not to honor the lawful marriage of same sex couples in other jurisdictions), it was operating within clear constitutional boundaries.

When all of the policy matters are set aside, there are some other curious ways in which this president discusses his

faith. He rarely attends church and has not even found a "church home" in Washington. On the other hand, he has repeatedly noted that the head of the White House Office on Faith-Based and Community Partnerships, Joshua DuBois, sends him a message on his BlackBerry early every morning giving him a Bible passage to ponder.

*USA Today* has noted that Obama invokes the name of Jesus with far more regularity than did his predecessor. His "outreach" efforts are mainly to pastors and preachers who could not be confused with the Rev. Jeremiah Wright, the Chicago United Church of Christ preacher who became controversial during the presidential campaign and was thrown under the campaign bus at the earliest opportunity Obama found to distance himself.

When the president set up his Advisory Panel on Faith-Based and Community Partnerships, it contained just the right mix of liberal and conservative members (almost all religious) to guarantee that no truly significant policy recommendations would be forthcoming—and they weren't.

Although a separate article in this issue will discuss the "800-pound gorilla" of the Faith-Based Initiative (see p. 31), it seems apparent that some of the most significant issues in this program inherited by Obama have been either resolved in the same way as they were by Bush (allowing government services to be run out of places where evangelical symbols, icons and scriptures festoon the space) or are being ignored completely (refusing to end the practice of allowing faith-based beneficiaries of government funds to hire only people who share their religious beliefs—also known as religious discrimination).

Where does this leave us? Sadly, it may be safe to conclude that although the president may have been well-regarded as a professor of constitutional law in Chicago, he has since then had some significant memory loss on subject matter from the textbooks he undoubtedly once used. ■

# President Obama's Religion Problem

IGNORING THE LAW AT THE OFFICE OF  
FAITH-BASED AND NEIGHBORHOOD PARTNERSHIPS

By Sarah Posner

**A**FTER PRESIDENT BARACK Obama gave a congratulatory shout-out to Joshua DuBois, director of his Office of Faith-Based and Neighborhood Partnerships (OFBNP), at the National Prayer Breakfast in February, Georgetown University religion scholar Jacques Berlinerblau wondered in the pages of the *Washington Post* “what exactly that office is doing—a never-ending source of confusion, and even awe, among reporters, policy analysts and professors in Washington, DC.”

Berlinerblau compared the OFBNP to the Kremlin—apparently because of its ironclad hold on information about its activities, which are frequently reduced to cheery blog posts on the White House website extolling the virtues of faith-based provision of social services to people in need, but rarely addressing the thornier controversies that plague its mission.

Beneath its do-gooder exterior, the White House has taken few steps that have allayed the concerns of both advocates of church-state separation concerned about the OFBNP's constitutionality and advocates of transparency and accountability. Meanwhile, as taxpayer dollars continue to be dispensed to faith-based organizations, it is still unclear how an executive order Obama signed in November 2010, which set out new requirements intended to reduce some constitutional concerns, will actually be implemented.

**SARAH POSNER** is an associate editor at Religion Dispatches.



Joshua Dubois, Executive Director of the White House Office of Faith Based and Neighborhood Partnerships, speaks to the US Department of Agriculture at a National Food Summit in 2010.

Obama first launched the OFBNP in February 2009, shortly after taking office. At the time, he mostly kept policies from the Bush administration in place, including maintaining the arrangement of having a faith-based office in the White House, as well as offices in twelve federal agencies. Religious contractors and grantees would continue to receive federal funding under the “level playing field,” a Bush-era term meaning that faith-based organizations would not be at a disadvantage relative to secular organizations in applying for federal funds. In one major change, Obama created an

advisory council, to be made up of religious and community service leaders, to develop recommendations on how to improve the functioning of the office and increase partnerships between the government and faith-based groups in addressing societal problems.

Obama's first appointments to the council caused waves: conservatives complained about members it considered too liberal, and liberals complained about conservative members—a circumstance emblematic of how candidate Obama's robust defense of constitutional principles had yielded to political consider-

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ations. The council members served one-year terms, and Obama appointed 10 new members in January 2011, leaving 15 slots still vacant. Unlike the first round, Obama did not publicly lay out an agenda that the advisory council would undertake, but DuBois, through a White House spokesperson, said he would once the full council is appointed.

Over the two-year life of Obama's OFBNP, however, the most controversial aspects of the Bush initiative have remained in place. Although Obama had promised in a July 2008 campaign speech that he would rid the OFBNP of two of its most pressing constitutional problems—allowing faith-based organizations receiving federal dollars to discriminate in hiring, and allowing federal money to

basis,” and has merely encouraged recipients to set up separate nonprofits.

Using federal dollars to hire applicants chosen according to discriminatory practices is “a blatant violation of fairness and religious liberty, and the president knows this,” said Sean Faircloth, executive director of the Secular Coalition for America, also a CARD member. In addition, “If religious organizations wish to help their community with US taxpayer dollars, we believe it's only right that they be required to create a separate, non-religious entity for that purpose—one that would be open to government oversight.... Churches and other religious groups are free to do what they want with their own money, but once they receive federal funds, they

about it in two years. That seems to me to be too long.”

Others doubt that the DOJ will act. “I don't think there's anything going on at DOJ to seriously address this issue,” said Rob Boston, senior policy analyst for Americans United for the Separation of Church and State (AU). “It's the equivalent of kids asking to go to Disney World and the parents saying, ‘We'll see.’”

Without the touchy hiring issue on its agenda, the advisory council was assigned other questions to study and offer recommendations on. Obama asked a council task force on reform to address constitutional issues surrounding the OFBNP. Other issues—including promoting responsible fatherhood, interfaith cooperation, international religious

**Obama promised** that he would rid the OFBNP of two of its most pressing constitutional problems—allowing faith-based organizations receiving federal dollars to discriminate in hiring, and allowing federal money to be dispersed directly into houses of worship. He has done neither.

be dispersed directly into houses of worship—he has done neither. Indeed, many of the evangelical leaders whose approval Obama sought during his run for the White House opposed those reforms, making their feelings known to campaign staff shortly after his stump speech.

In the two years since the OFBNP launch, church-state separation and civil liberties advocates, acting individually and through the Coalition Against Religious Discrimination (CARD), have repeatedly pushed Obama to stop funding organizations with discriminatory hiring practices, as well as ending the practice known as direct funding, which permits taxpayer money to flow directly to houses of worship, rather than requiring them to establish a separate nonprofit entity. Instead, on the hiring discrimination issue, Obama said the Department of Justice (DOJ) would review instances of alleged discrimination on a “case-by-case

should be required to operate by the same laws as any other charity.”

When Obama appointed the 25-member OFBNP advisory council in 2009 to make suggestions for improving the functionality and constitutionality of the office, he explicitly took the hiring issue off the council's to-do list. Harry Knox, formerly the head of religious outreach for the LGBT rights group the Human Rights Campaign and now pastor to Resurrection Metropolitan Community Church in Houston, Texas, served on the first advisory council. “It was frustrating to me that we were specifically told not to deal with the issue of co-religionist hiring,” he said, using the term frequently employed by advocates for permitting employment discrimination. “The reason given to us informally was that that issue had been passed to the Department of Justice. And the Department of Justice has not done anything

freedom, environment and climate change, global poverty, economic recovery and domestic poverty—were assigned to other task forces. The council submitted its recommendations to Obama last spring.

When asked about how the White House has implemented the recommendations of the task forces, DuBois pointed to two blog posts at the White House website, one which described how faith-based groups could help the poor better access government benefits, and another that largely described meetings to further engage faith communities in the topics addressed by the task forces.

To date, though, the most substantive action Obama has taken has been the November 2010 executive order, based in part on the recommendations of a reform task force that was divided on many issues and could not reach consensus. In one example, the group could not come

to an agreement on the question of whether an organization receiving federal dollars would have to cover up religious iconography in its building when dispensing social services. Ultimately, Obama said in the executive order, it did not.

Still, the executive order contained some bright points. It “addressed some of the issues of concern, at least on paper,” said Frederica Kramer, an independent social policy consultant who has studied the implementation of faith-based policies since the Bush era. Among other things, the order prohibits organizations receiving federal grants from discriminating against or proselytizing the people it serves; requires the grantees to offer secular or other religious alternatives; and requires that “explicitly religious activities” must take place at a separate time and location from the federally funded services.

The executive order requires a working group to submit a report, which will include model regulations to be adopted by the agencies, to the White House within 120 days of November 17, 2010. The order further requires the Department of Justice to issue guidance to agencies on implementation.

While this scenario plays out—and while federal dollars continue to be used by faith-based organizations without oversight—Kramer added, “We don’t know what it looks like in reality.”

The order’s requirements are difficult to monitor and enforce, particularly in rural areas or smaller towns, where alternative services may not be available, or because people seeking social services are often vulnerable and may not feel empowered to question an organization’s practices.

“Certainly, it’s better than no regulation,” said Boston, but “I don’t think there’s any serious effort to provide much oversight with these grants. It would take an army of inspectors—it’s just not plausible,” especially in light of current budgetary constraints.



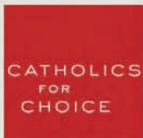

Rabbi David Saperstein, director of the Religious Action Center of Reform

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LETTER TO CONGRESS

**Catholics for Choice Letter to the 112th Congress**


Many people were shocked at the strength of the Catholic bishops' lobbying efforts during the debate over healthcare reform. Recently, the US bishops Committee on Pro-Life Activities has been active again, sending a series of letters to the US Congress on recently introduced legislation. Catholics for Choice is also active on Capitol Hill, and a recent letter we sent to Congress rebuts the bishops' arguments and exposes the fallacies in their claims. [Read the letter.](#)

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Judaism, who served on the council and the reform task force, said the executive order “involved months of discussions through all of the faith-based offices in all of the [agencies] ... They really spent a lot of time about what was practical, what was not practical, how it would happen.” He added that the order is aimed at moving “the entire government into universal application of standards, which have been very random from department to department.” Saperstein maintained that the agencies are “much better positioned to monitor” and that the grantees are also required under the order to monitor themselves and “be held accountable.”

But Kramer, who is working on a book assessing the delivery of social services through faith-based initiatives, has doubts. “The punchline is—how do

person, DuBois said that each agency would have its own process, and that this process was independent from the OFBNP.

At the Department of Health and Human Services (HHS), as one example, the Administration on Children and Families (ACF) administers the Healthy Marriage Initiative, which includes grant recipients with explicitly faith-based—and often sectarian Christian—mission statements and approaches. According to the Initiative’s website, one Pittsburgh, Pennsylvania, grant recipient, Skillful Couples Vibrant Marriages, provides services “that transform families into ones that are spiritually alive: each person has a growing, personal relationship with Jesus Christ that impacts every aspect of their lives.”

When asked about how the ACF is complying or will comply with the exec-

What’s more, while the executive order requires agencies to post a list of entities that “receive federal financial assistance for provision of social service programs,” it doesn’t require them to designate which recipients are faith-based groups. As a result, the taxpayer money flowing to religious groups remains, as it was during the Bush administration, difficult to track. There is, for example, still no single place to track which federal grants went to religious organizations. “I think it would be next to impossible for a member of the public to begin tracking” such grants, said AU’s Boston.

An analysis of American Recovery and Reinvestment Act spending by the political journalism organization Politico last year found that \$140 million went to faith-based groups—all before

**There’s no conclusive evidence** that religiously based programs deliver services as well as or better than secular ones.

you know?” she said, referring to questions that social service providers are actually offering the secular alternative or complying with the prohibition on proselytization. “There’s nothing about evaluation or understanding how this is really administered,” she added. “A working group looking at guidelines and regulations is different from implementation.”

The White House, however, stands behind the order. “The important reforms put forth in President Obama’s executive order on faith-based and neighborhood partnerships are well on the way to being completed,” DuBois said in a statement. “An interagency working group of General Counsels from multiple federal agencies has been formed to implement the executive order, and the group has met several times to move towards implementation.”

Still, though, the White House couldn’t answer how that implementation will take place. Through a spokes-

utive order, a representative from HHS replied by e-mail, “As part of the executive order issued by the president, a working group was established to ensure uniform implementation across the federal government. There are representatives from HHS participating in the working group that are evaluating existing agency regulations, guidance documents and policies that have implications for faith-based and other neighborhood organizations. The next step, following the executive order and the establishment of the working group, will be recommendations to the president and the Office of Management and Budget (OMB) by the working group. After the recommendations, OMB, in coordination with the Department of Justice, will issue guidance to federal agencies.”

The question remains—how long is this all going to take? Meanwhile, all these organizations are providing services without the regulations in place.

Obama acted to implement reforms to the office—including replacing an HVAC system in a church and replacing windows in a Catholic school. Robert Tuttle, a professor of law and religion at The George Washington University and an expert on faith-based initiatives, told Politico that Obama’s OFBNP was “almost entirely identical” to the Bush policy.

In the end, says Kramer, there’s no conclusive evidence that religiously based programs deliver services, such as substance abuse treatment, as well as or better than secular ones. And that’s why, she maintains, evaluation of the programs, an element missing from the executive order, is so important.

If religiously-based programs “have something powerful that they do in an intervention, we need to know about it, because it needs to be replicable,” she said. “You need to know what the methodology is, and whether it can be applied in a secular way.... We can’t fund Jesus Christ.” ■



# All at Sea: USAID under Obama

By Michelle Goldberg

**I**N APRIL 2009, HILLARY CLINTON appeared before the House Foreign Affairs Committee and voiced the strongest support for global reproductive rights ever heard from an American Secretary of State. She was speaking in response to a question from New Jersey Republican Congressman Chris Smith, who wanted to know if the Obama administration would work to “weaken or overturn prolife laws and policies in African and Latin American countries,” and whether the United States considers “reproductive health” to include abortion.

For most politicians, such a question would evoke nervous hedging and temporizing, but Clinton was remarkably clear. She began by talking about the human suffering she’s seen worldwide in places where abortion is restricted: “I’ve been in hospitals in Brazil where half the women were enthusiastically and joyfully greeting new babies, and the other half were fighting for their lives against botched abortions.” She continued, “So we have a very fundamental disagreement. It is my strongly held view that you are entitled to advocate, and everyone who agrees with you should be free to do so anywhere in the world, and so are we. We happen to think that family planning

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US Secretary of State Hillary Clinton, visiting a USAID funded refugee camp, listens to a representative of women who were raped during the civil war in the Democratic Republic of Congo.

is an important part of women’s health, and reproductive health includes access to abortion.”

Around the world, women’s health advocates cheered. The United States, after all, has a profound effect on reproductive rights across the globe, and during the Bush years that effect was overwhelmingly negative. Already, President Obama had reversed two of the Bush administration’s most hated policies.

On his third day in office, he repealed the “global gag rule,” the executive order that denied US funding to any group that performs abortions or counsels about the procedure, even if it does so with its own money. Then he reinstated American support for the United Nations Population Fund (UNFPA). Clinton’s statement suggested that once again the United States could be a leader in pushing for reproductive rights worldwide.

But two years into President Obama's administration, many in the field are grumbling. They are grateful for much that the administration has done, but they complain that it hasn't been proactive in fighting for reproductive rights, and that a disorganized, risk-averse United States Agency for International Development (USAID) interprets restrictions on abortion funding more strictly than it has to. "What we're seeing on abortion-related policy is no change from the Bush administration," says Barbara Crane, executive vice president of Ipas, which promotes safe abortion worldwide.

The United States was once a leader in promoting safe abortion globally. The first head of USAID's population program, Reimert Ravenholt, was responsible for having the manual vacuum aspiration syringe, a device used in abortion care worldwide, engineered for mass production. But since 1973, even sympathetic American policymakers have been hamstrung by the Helms amendment, which says, "No foreign assistance funds may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions." The restrictions were compounded by the Siljander amendment, which bans foreign assistance funds from being used to "lobby for or against abortion."

Groups advocating for safe abortion were disappointed that the Obama administration didn't come out strongly against the Helms amendment early in his presidency, when there might have been the momentum for repeal. They also wish the president had pushed for permanent legislative repeal of the global gag rule, so that a future Republican president can't simply restore it with the stroke of a pen. "We've lost the opportunity to forever get rid of the policy, and we're likely back now to where it's a political football tossed from White House to White House," says Suzanne Petroni, vice president of global programs at the Public Health Institute.

But even with legislative advances

unlikely, advocates say there are things the administration could be doing to expand access to reproductive health care. American aid programs have to abide by the Helms and Siljander amendments, but they needn't interpret them as narrowly as they do. Abortion "as a method of family planning" isn't well-defined legally. As Crane points out, there's precedent for interpreting the phrase to exclude cases of rape and incest, as well as threats to a woman's life. Yet not only does the United States refuse to fund abortion care for rape victims—it actively impedes such care.

In a report issued in January, the Global Justice Center, a human rights legal organization, concluded that US abortion restrictions constitute "a major force behind the daily denial of abortions for girls and women raped and impregnated in armed conflict.... Aid groups fear that education and dissemination of information about abortion services for rape victims may result in the revocation of US funding." It's not just American funds that are affected. According to the Global Justice Center, "US funds are rarely, if ever, segregated from other donor funds," which means that USAID restrictions end up infecting the entire pot of money.

Given the widespread use of rape as a weapon of war, denying abortion services can compound grave human rights abuses. That's why Norway, in a report to the United Nations Human Rights Council, recommended the "removal of blanket abortion restrictions on humanitarian aid covering medical care given women and girls who are raped and impregnated in situations of armed conflict." Speaking to the British House of Lords last October, Labour peer Baroness Uddin urged her country to work around the United States on behalf of rape victims. "We should do what no other country has done: to ensure that the humanitarian medical aid provided to girls and women in places such as Congo, Sudan and Burma—an endless list of countries—gives them choices and access to abortion when pregnancy is a

direct result of rape as a weapon of war," said Uddin, adding, "Neither criminal abortion laws in the conflict state nor foreign aid contracts with the United States can serve as defense to a state provision of discriminatory medical care to all victims under international humanitarian law." For women raped in conflict situations, the United States remains an obstacle rather than an ally.

Ipas complains that a narrow interpretation of the Helms and Siljander amendments curtails the ability of public health professionals to even talk about the impact of unsafe abortion in the developing world. In Malawi, for example, USAID funded Dr. Chisale Mhango to serve as director of the reproductive health unit in the country's ministry of health. Mhango was a principal investigator on a study of unsafe abortion in his country—abortion is highly restricted in Malawi—which found that around 30,000 women are hospitalized each year for complications from clandestine procedures. But a USAID official at the Malawi mission prevented Dr. Mhango from presenting his results at a national meeting, arguing that doing so would violate statutory restrictions on his funding.

"We had hoped the long overdue legal and policy review would be undertaken under the Obama administration," Elizabeth Maguire, president and CEO of Ipas, wrote in a letter to USAID about the case. Maguire served as director of USAID's office of population and reproductive health during the Clinton administration and understood the legal limits the office was operating under. But she argued that the agency was still being excessively censorious. "Overall, apart from the removal of the global gag rule, we are extremely disappointed that we see continuing confusion and unnecessary chill among USAID staff and grantees about what is permissible," she wrote. "Evidence continues to mount that USAID staff and grantees are still censored and gagged—prevented from attending meetings where abortion is discussed or engaging in generating or discussing data on the issues."

In response, Susan Brems, senior deputy assistant administrator at the USAID Bureau for Global Health, basically argued that the law is the law. “We believe that the agency is implementing the statutory restrictions in a manner that is consistent with the Obama administration’s commitment to family planning and reproductive health while ensuring compliance with the restrictions,” she wrote.

The United States remains so fearful of any entanglement with international abortion politics that it even refuses to pay for equipment necessary for post-abortion care, a medical necessity given that, according to the Guttmacher Institute, 5.2 million women are hospitalized each year for complications from unsafe abortion. As Crane explained at a Con-

gressional briefing last spring, while USAID recommends the use of manual vacuum aspiration syringes to treat some consequences of botched abortions, it won’t pay for them because they can also be used as abortion equipment. “We have the same situation now with pharmaceuticals like misoprostol that can be used both for abortion care and for life-saving care in childbirth—but which USAID, so far as we know, does not provide in its programs,” she said.

Part of the problem, say critics, is that USAID has become weak and rudderless, which means few staffers are inclined to challenge the status quo. “The foreign aid program desperately needs a top-to-bottom reorganization and reconceptualization,” says Steven Sinding, who ran USAID’s population division during the Reagan administration and is now a professor at Columbia University’s Mailman School of Public Health. “Everyone agrees on that. The Washington consensus is that USAID is broken, ineffectual, desperately in need of reform.”

As Sinding points out, it took almost a year for the administration to find a coordinator for the agency, and many senior positions remain unfilled. In such an environment, bureaucratic timidity takes over. There are, of course, plenty of people at USAID who are committed to women’s health. Beth Fredrick, deputy project director at the Gates Institute for Population and Reproductive Health, says that in nations where she’s worked, USAID staffers “have really been actively assessing the policy environment to see where services can be improved, where access could be improved, where their leadership role can help the government figure out better ways

effort, no matter how bipartisan.

That’s particularly true now that Republicans have control of the House. In the recent budget negotiations, the GOP attempted to slash global family planning programs by 39 percent, from \$716 million to \$440 million, and to eliminate funding for the UNFPA. It’s highly likely that the GOP will try to use deliberations over future spending bills to reinstate the global gag rule. During the Clinton administration, Republicans demanded the return of the gag rule as a condition of paying back dues to the United Nations. In a complicated compromise, Clinton ended up signing a bill that simultaneously imposed the gag for one year and allowed the president to waive it, though the waiver triggered a

**Two years into President Obama’s administration, many in the field are grumbling ... that it hasn’t been proactive in fighting for reproductive rights, and that a disorganized, risk-averse USAID interprets restrictions on abortion funding more strictly than it has to.**

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Part of the problem, say critics, is that USAID has become weak and rudderless, which means few staffers are inclined to challenge the status quo. “The foreign aid program desperately needs a top-to-bottom reorganization and reconceptualization,” says Steven Sinding, who ran USAID’s population division during the Reagan administration and is now a professor at Columbia University’s Mailman School of Public Health. “Everyone

of serving the women in their country.” Without strong support from above, though, few are inclined to push the limits of what’s permissible.

“I don’t blame the people at AID. They were career people. They weren’t in a position to make those decisions,” says Sinding. But the White House, he says, failed to show “courage to act in an environment in which they knew that Chris Smith was just waiting to pounce, and now, by God, he’s going to.”

Indeed, if the administration was trying to placate the GOP and build some sort of consensus around broader issues of global family planning and women’s rights, it hasn’t worked. In December, a bill to fight international child marriage failed to pass the House due to baseless Republican claims that the bill would channel funds to NGOs that provide abortions. Abortion is simply not an issue that can be evaded by any

\$12.5 million cut in funds for international women’s health. “[T]he House obstructionists held firm, faced down the White House and walked away with a disturbingly large share of what they wanted,” the *New York Times* concluded.

Chris Smith played a leading role then, and he almost certainly will again. “Republicans talk about fiscal austerity,” says Petroni. “Foreign aid is an easy target for them. The community needs to do a good job of articulating [the] importance of investing in reproductive health as well as global health and development.” The fear is that if the administration wasn’t willing to take a strong stand when Democrats were in a position of strength, they’ll be even weaker on the defensive. “I don’t think we know yet how [Obama] will do in that kind of environment,” says Fredrick, “and whether he’s got enough conviction behind women’s health to really fight for those issues.” ■



# Destigmatizing the Practice of Abortion

By Vicki Saporta

## Willing and Unable: Doctors' Constraints in Abortion Care

Lori Freedman

(Vanderbilt University Press, 2010, 200pp)

978-0826517159, \$24.95

**A**LTHOUGH ABORTION IS ONE of the safest and most common medical procedures provided to women of reproductive age, abortion provision has become highly marginalized within medicine. Today, 93 percent of abortions are provided in freestanding abortion clinics, and only 7 percent are integrated into broader healthcare practices or hospitals.

Since abortion was legalized, mainstream medicine has largely avoided involvement with abortion care, even in the area of training. In the 1980s, obstetrics and gynecology (OB-GYN) residency programs were identified as falling short of their responsibility to train physicians in abortion care and contraceptive services. In the mid 1990s, the Accreditation Council for Graduate Medical Education (ACGME) established a requirement that OB-GYN residency programs provide access to experience with induced abortion. As a result of this mandate and efforts by abortion rights advocates, there has been an increase in both abortion training pro-

grams and resident participation in such training in the past decade.

However, the increase in abortion training has not necessarily resulted in increased numbers of abortion providers. According to a recent national survey published in the *American Journal of Obstetrics and Gynecology*, only 22 percent of OB-GYNs in the US had provided an abortion in the previous year. That same survey also found that only half of the OB-GYNs who had intended (pre-residency) to provide abortions went on to do so after they completed their training.

So what happens to residents after they obtain abortion training? Why don't more of them—especially those who plan to provide abortions as part of their practices—go on to do so? To address these questions, sociologist Lori Freedman interviewed physicians who graduated from four residency programs around the US where abortion training was routine. She summarized these interviews and findings in her book *Willing and Unable: Doctors' Constraints in Abortion Care*.

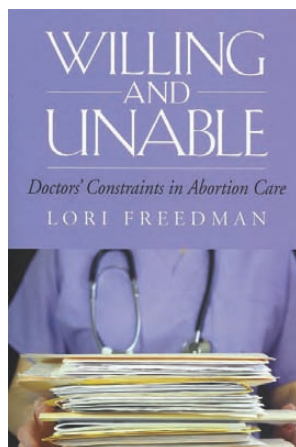
One of the first theories Freedman tackles is whether today's providers simply lack "the guts" to provide abortion care. It is well-documented and fairly widely understood that many of

the older physicians providing abortion care today are those who experienced and witnessed firsthand the trauma and devastation of illegal abortions; a commitment to not return to those days motivates their work. It has been suggested that since the younger clinicians replacing them have little direct experience with the consequences of illegal abortions and the public health benefits of legalized abortion, that they feel less compelled or obligated to ensure that safe abortion care remains available.

Freedman opens her book with an interview excerpt from retired physician Dr. Davis Chasey, who saw abortion training as "a career calling, a way to prevent abortion-related deaths and hospitalizations such as those he had witnessed before abortion was legalized." Dr. Chasey founded a residency abortion clinic, yet few of his trainees provided abortion care after graduation. He expresses his deep disappointment that his residents did not "have the guts to stand up" and provide abortion care.

Yet, Freedman argues that "while physicians may need 'guts' or bravery to provide abortion care ... that is rarely enough for them to overcome additional barriers presented by major changes in the organization of medicine" that prevent them from integrating abortion into their practices. Many of the physicians she interviewed were in fact *willing* to provide abortion care, but *unable* due to constraints of their practice environments, such as "contention in their communities, and/or restrictions placed on abortion by medical groups, hospitals, HMOs or religiously affiliated institutions where they practiced."

Freedman provides an historical context for the relationship between abortion and American medicine and details what she has termed as "the institutional buck-passing" that has marginalized abortion practice and isolated it to free-standing clinics. For doctors who wish to go into private practice or provide a comprehensive range of OB-GYN services, it can be difficult to integrate abortion care.



**VICKI SAPORTA** is president and CEO of the National Abortion Federation.

She reports that, “ultimately, *willing* and even highly motivated physicians find the current organization of health-care all but prohibits abortion practice within mainstream medicine.” The larger trend toward managed care has presented a number of challenges for integrating abortion care. As more doctors join larger group practices or work as employees without ownership stakes in hospitals or HMOs, they have less autonomy over their practices or control over their ability to provide abortion care.

Furthermore, freestanding abortion clinics fit well into the managed care model of contracting out specialized procedures in order to save the managing bodies money. And since many only provide abortion care, these freestanding clinics are often very efficient and more convenient for patients. Even in cases when they aren’t restricted by managing bodies, Freedman heard from some physicians who choose not to provide services themselves and refer to outside abortion clinics because they are often more cost-efficient for patients and better able to accommodate their schedules.

**W**ILLING AND UNABLE CHALLENGES the notion that the decision of whether to provide abortion care or not relies solely on a physician’s training, ideology or “guts.” Rather, through their own words, Freedman reveals a population of would-be abortion providers constrained by environmental factors and a flawed healthcare system that they may be *willing* to challenge, but *unable* to overcome completely on their own.

Ultimately, Freedman concludes that “by looking beyond stories of physician bravery or lack thereof” her study “found widespread constraints on physicians’ abilities to provide abortion.” To address these barriers, she emphasizes that abortion *practice* must gain the same legitimacy that has been gained by abortion *training*, and one way for this to happen is for medical

associations to weigh in and legitimize abortion within mainstream medicine. Freedman also encourages advocacy groups to continue their efforts and

suggests that non-physician providers such as advanced practice clinicians could be the key to increasing abortion access. ■

## Bookshelf

### **The Abacus and the Cross: The Story of the Pope Who Brought the Light of Science to the Dark Ages**

*Nancy Marie Brown (Basic Books, 2010, 310pp)*

Science and technology writer Nancy Marie Brown dispels the myth of ignorance in the Dark Ages, shining a light on “The Scientist Pope” and a time when faith and science were intertwined in the Catholic church. Following Gerbert of Aurillac’s ascension to the papal throne as Sylvester II, Brown shows how Gerbert’s knowledge and love of science, math and astronomy helped him rise to power.

### **Abortion Then & Now: New Zealand Abortion Stories from 1940 to 1980**

*Margaret Sparrow (Victoria University Press, 2010, 304pp)*

Abortion is legal in New Zealand when there is a risk to the woman’s physical or mental health, or if there is a risk the fetus might be handicapped. However, this is a recent development, and author Margaret Sparrow hopes to enlighten those who take abortion rights for granted with the stories contained in *Abortion Then & Now*. First-person accounts of abortion throughout the last century bring a personal tone to this book.

### **Augustine of Hippo: A Life**

*Henry Chadwick (Oxford University Press, 2009, 177pp)*

One of the first Doctors of the Church, St. Augustine, is examined thoroughly in Henry Chadwick’s posthumous work, *Augustine of Hippo: A Life*. Augustine’s teachings played a great role in the shaping of the modern church, but Chadwick delves deeper, examining the saint’s brush with education, Manichaeism and the arts before he became the Bishop of Hippo whose decree that early abortion is not murder helped early Catholics follow their consciences.

### **The Church and Abortion: A Catholic Dissent**

*George Dennis O’Brien (Rowman and Littlefield Publishers Inc., 2010, 171pp)*

Author George Dennis O’Brien is an antiabortion Catholic who believes the hierarchy must not continue its antichoice doctrine. In *The Church and Abortion*, he explains the history of abortion legislation in the US, as well as legal and faith-based perspectives on abortion. In the end, O’Brien tells the reader he hopes to convince them that “an absolute condemnation of abortion is futile in law and inadequate in morals.”

*(continued on page 41)*

# A Deadly Cocktail: Civil Strife, Repressive Regimes and a Lack of Innovation

By Sahlu Haile

## Famine & Foreigners: Ethiopia since Live Aid

Peter Gill

(Oxford University Press USA, 2010, 304pp)

978-0199569847, \$27.95

READ THIS BOOK WITH PLEASURE, twice in as many weeks. It is the recent history of Ethiopia, its struggle with an enduring challenge to feed its people, its relationship with the outside world, the generosity of people wherever they are and the dirty games of politics. It is a detailed account of what the country went through in the last four decades, where it is now and where it is going. It is a refreshing reminder of the tremendous journey accomplished but also the even more tremendous travel ahead.

Peter Gill loves Ethiopia; there is no doubt about it. He knows the country more than most of us Ethiopians do. He traveled extensively in places that are perceived to be no-go areas, and he met Ethiopians of all walks of life: from the top leaders to local administrators, peasants, intellectuals and opposition figures. This book is an account of what they have to say, their hopes and aspirations, their fears and doubts.

Ethiopia went through three major droughts and famines in the last three

decades under three different regimes: 1973 during Emperor Haile Selassie's time, 1984 under a brutal military dictatorship and 2008 under the current government. Hundreds of thousands of

men, women and children died, millions were displaced and, as a result, two regimes have fallen. Whether we have learned the lessons of these failures remains to be seen, although the last drought, which touched more than 13 million people, ended with fewer deaths than the previous two.

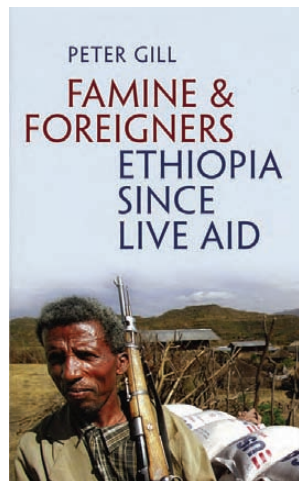
The description of the international response to the droughts is quite interesting. It shows how

western governments respond to humanitarian emergencies and what really makes them tick. In 1973, what triggered the worldwide response was the projection of skeletal children on television, and in 1984 it was the involvement of high profile individuals including singers, actors and other activists. In 2008 it was the threat of a friendly government destabilizing in an era of international terrorism. In all cases, saving human lives is secondary to geopolitical considerations. One wonders how many children could have been saved if, in 1984, UK Prime Min-

ister Margaret Thatcher and US President Ronald Reagan had responded rapidly to an impending catastrophe that they knew was coming.

Obviously we can't blame the outside world for all our woes. The famines that afflicted the country in the last several decades are the result of an extended drought—but only partially. The situation was aggravated by prolonged civil strife, repressive regimes and lack of innovation in the agricultural sector. Unless we address these issues head-on, our fate will remain in the hands of foreigners and our independence and sovereignty will be forever compromised. The current government, which made agricultural development its top priority, is trying to address some of the underlying causes of the problem. But with an ever-decreasing plot of land to cultivate, it is difficult to see how we can get out of the developmental quagmire in which we find ourselves. Ethiopia still has 85 percent of its population engaged in agriculture and most of them live in areas that are inaccessible most of the time. This situation raises the question of marketing when we have a bumper harvest and distribution when we face drought. While Gill asserts that the situation has improved dramatically in recent years, improvement is not resolution. And no one can say today what will be the consequences of another severe drought, which, I believe, is inevitable sooner or later.

THIS BRINGS US TO THE ISSUE OF population growth, which is core to the many developmental challenges that we face in the country. Between 1973 and 2010, the population of Ethiopia has increased almost three-fold (from less than 30 million to almost 85 million today). Most of the population lives in the highlands where agricultural land is scarce, deforestation and soil erosion are recurring problems and public services are difficult to reach due to the topography of the region. As a result, family planning services reach only a third of the population, although another third would like to space or stop



**SAHLU HAILE** lives and writes in Ethiopia.



childbearing. Primary education is reaching more and more young people but access to secondary and tertiary education is still limited to the privileged few. As a result, the population continues to grow by more than 2.2 million people every year.

Indeed, the country has made remarkable progress in the last decade in bringing health, education and infrastructure to the rural population. Today, enrollment in primary education is quasi-universal; more than 35,000 trained young girls are deployed throughout the country providing basic health services and there are new rural road networks that connect the agricultural sector with potential

little attempt to explain the root causes of the problems we are facing. However, for someone who wants to understand what the country went through in the last 30 years, how different

regimes dealt with the same problem and how the international community reacted at different times to the same problem, this book is an excellent source of information. ■

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**While Gill asserts that the situation has improved dramatically in recent years, improvement is not resolution.**

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markets. Admirable as they are, these developments are still inadequate to address the structural developmental problems the country faces. At the end of the day, we will be able to handle the myriad problems we are facing when we are able to control the growth of our population. And I am sure we can do it—we only need conviction and resolve. Peter Gill is not saying the contrary when he asserts, “In an era when individual rights and choices have become the watchwords for aid-givers, it has not been acceptable to voice alarm at such prodigal family life.... There may one day be a more robust approach towards family size and self-support.” I hope we don’t get there, but the only way to avoid such a scenario is to act today and to act decisively.

Peter Gill gives us a comprehensive picture of our struggle to feed ourselves since the 1970s. The book is more descriptive than analytical. There is

## Bookshelf

(continued from page 39)

### Control and Sexuality:

#### The Revival of Zina Laws in Muslim Contexts

Ziba Mir-Hosseini and Vanja Hamzić (*The Russell Press, 2010, 235pp*)

This book, a collaboration between the Violence is Not Our Culture campaign and Women Living Under Muslim Laws, explores the rise of zina laws (laws regarding sexual intercourse between unmarried people) in Muslim cultures and communities. As human rights are debated in international venues around the world, authors Ziba Mir-Hosseini and Vanja Hamzić show how women, minorities and those who support them must identify gender-based violence, name it and work against it. Zina laws are particularly harsh for women, who are seen as violating “the right of God” if they are accused of having illicit sexual relations—even if they were raped or coerced. This is a sobering account of the criminalization of sexuality that may be on the rise in many countries.

### Meeting God on the Cross:

#### Christ, the Cross, and the Feminist Critique

Arnfríður Guðmundsdóttir (*Oxford University Press, 2010, 175pp*)

Can Christianity and feminism coexist? Arnfríður Guðmundsdóttir, author of “Meeting God on the Cross,” believes the answer is yes. Though many Christian traditions relegate women to submissive or abusive roles (or deny them roles altogether), Guðmundsdóttir describes the message of redemption available to women and all Christians through the image of the cross of Christ, who suffered as they do.

### Our Bodies, Our Crimes:

#### The Policing of Women’s Reproduction in America

Jeanne Flavin (*New York University Press, 2009, 307pp*)

From the decision on whether and when to have and raise children, author Jeanne Flavin explores how American women and their bodies are policed in *Our Bodies, Our Crimes*. Flavin’s book shows how American women, especially those who are poor or incarcerated, face societal pressure, stigma and even legal procedures in attempts to force them to become the “right” kind of mothers—if they are deemed worthy of motherhood at all.

### The Pope Who Said Abortion Is Not Murder

John McCloskey (*self-published, 2010, 113pp*)

Author John McCloskey chronicles his journey to find truth behind the story of Pope Innocent III, who in the early 13<sup>th</sup> century declared early abortion was not murder. McCloskey’s research regarding delayed versus immediate ensoulment, dogmatic language and the search for definitive answers about papal decrees regarding abortion encourages readers to read further.

# Before *Roe v. Wade* and Almost 40 Years After

By **Mónica Roa**

## Before *Roe v. Wade*:

### **Voices that Shaped the Abortion Debate Before the Supreme Court's Ruling**

*Linda Greenhouse and Reva Siegel*

*(Kaplan Publishing, 2010, 352pp)*

*978-1607146711, \$26.00*

**A**LMOST 40 YEARS AFTER the Supreme Court of the United States set the most important precedent for abortion rights in the world, it's fascinating to look back at the documents that portray the different debates that were taking place at the time.

The first question to cross my mind was, "Why now?" When we filed the constitutional challenge that culminated in the partial liberalization of abortion laws in Colombia, we published every amicus filed both by the opposition and our allies, as well as articles that nourished the public debate, on our website. Of course, we had the necessary technology to do so without too much effort. The authors, Greenhouse and Siegel, had a more difficult task. They researched and hunted around the country for all of the records that could shed light on the arguments that formed part of the debate at the time *Roe* came down. So, again, why go through all that trouble?

The authors are looking for answers, for alternative ways to respond to the increasing threats that abortion rights have come to face nowadays. The most remarkable part is that those are not so

different from the ones we face in Colombia just five years after a 2006 decision from the Constitutional Court declared the absolute ban on abortion unconstitutional.

All prochoice advocates know that succeeding in changing the law is only one battle, since it does not guarantee the end of the struggle to ensure all

women can access safe and legal abortion services when needed. In fact, some post-legality challenges might be harder to address because in society's perception, judicial decisions such as *Roe v. Wade*, or in our case C-355/06, have already solved the problem. Therefore, even though it may appear that we are coming from very different corners, I can see at least some shared issues where it might be useful for us to read your amici briefs and for you to read ours.

## **PRIVACY VERSUS HEALTH**

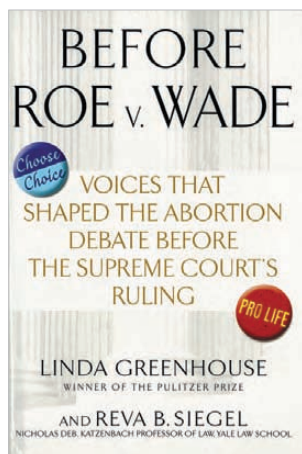
The main argument in *Roe v. Wade* was the right to privacy. It means that regard-

less of who one is, the state should not interfere with the decisions and actions that one makes in the privacy of one's home. In practice, after this decision, women with resources could have a reliable physician give them the procedure. However, women without resources or easy access to sympathetic physicians, such as many African-Americans, Latinas or immigrants, did not and still today do not have a real choice to make. This second scenario is the one we have always had in Latin America, even before any liberalization of the laws: Women with resources could get a safe abortion and women without them could not. The amendment of laws has changed this situation only slightly, if at all, except perhaps in Mexico City. The difference remains in the main argument used by the Colombian court: the right to life, health and integrity. It is true that in both cases women in the most vulnerable circumstances do not possess abortion rights, but in Colombia's constitutional framework they should.

International human rights law played a key role in having the Colombian court go down that road. Of course, the health system in the US and the lack of use of international human rights law by the courts explain the difference, but then why did the Supreme Court rely mostly on public health arguments?

## **THE RIGHT TO LIFE FROM CONCEPTION**

Another common challenge is the opposition and its attempts to have the fetus's right to life legally recognized. Both the Supreme Court and the Constitutional Court in Colombia clearly stated that the unborn does not have the right to life but that the State did have an interest in protecting developing human life. However, opposition groups throughout Latin America and the United States keep campaigning to have the right to life granted from the moment of conception, or in other words, have the personhood of the fetus recognized by the State. And in many cases they have been



**MÓNICA ROA** is programs director at Women's Link Worldwide.

successful: in the last couple of decades the constitution of El Salvador was modified to protect the right to life from the moment of conception, as was the constitution of the Dominican Republic. In 18 Mexican states similar moves have taken place as a reaction to the liberal law adopted by Mexico City. In Costa Rica, in vitro fertilization treatments were declared unconstitutional using the same argument, and emergency contraception was banned in Chile, Peru and Argentina. The conservative party, in alliance with the Catholic hierarchy and following the pope's mandate, recently announced a bill that aims to reform the right to life and nullify abortion rights in Colombia. Furthermore, the same campaigning was witnessed by Kenyans during their recent constitutional referendum—fortunately not successfully. In the US during the last election, a ballot initiative on personhood was proposed in Colorado. It did not win, but it did show that the personhood campaign is alive and well.

The arguments are the same and the groups are similar. Even the funding sources are more or less the same. The need to identify ourselves as struggling against the same force is a critical way to foster greater cooperation through sharing information, strategies, expertise and funding.

#### CONSCIENTIOUS OBJECTION

The political and legal debate around conscientious objection is a global polemic currently taking place in Latin America, the United States and even in Europe. Conscientious objection as an expression of freedom of conscience and religion is now being used as a Trojan horse to fight against reforms that recognized the right to have sexual and reproductive health services, particularly by demanding this option be extended to hospitals and institutions.

The provision of abortion services in the public health system is one of the biggest challenges everywhere. The role of doctors and their commitment to the provision of these services is

therefore the only way to ensure women's rights, at least until science offers new answers or possibilities. What doctors and scientific associations have had to say, both in the US and in Colombia, has proven very effective in terms of persuasion for the courts. The conversations doctors have had among themselves and with us—attorneys and activists—are valuable in molding our strategies. Thus the value of several such documents compiled in this book

is revealed. There is little new, but much to learn.

*Before Roe v. Wade* is an invitation to look for voices other than the ones adopted by the *Roe* precedent. I would invite anyone interested in the book to look beyond the US and start a conversation with advocates from other regions of the world who have had similar experiences that might enrich our views and strategies. I, for one, will certainly be doing the same. ■

## Reports Worth Reading

### Assessing Hospital Policies & Practices Regarding Ectopic Pregnancy and Miscarriage Mismanagement

*Ibis Reproductive Health, 2011*

### Below the Radar: Health Care Providers' Religious Refusals Can Endanger Women's Lives and Health

*National Women's Law Center, 2011*

This two-pronged report uses the survey by Ibis Reproductive Health into the impact that the "Ethical and Religious Directives for Catholic Health Care Services" have on the care pregnant women receive at Catholic hospitals. It concludes that women have been denied legal treatments and information about possible treatments because of the Vatican-approved guidelines that govern Catholic hospitals in the US. The study team interviewed 25 medical and administrative personnel at 16 hospitals—eight of the latter were Catholic.

### Examining the Association of Abortion History and Current Mental Health: A Reanalysis of the National Comorbidity Survey Using a Common-risk-factors Model

*Julia R. Steinberg, University of California, San Francisco*

*Lawrence B. Finer, The Guttmacher Institute*

*Social Science and Medicine, Vol. 72, No. 1, 2011 pp. 72-82*

Steinberg and Finer re-analyzed data that purported to show that women who reported having an abortion were at a higher risk of "several anxiety, mood and substance use disorders" than those who reported having no abortion. Steinberg and Finer were unable to replicate the original findings. In this same study, Steinberg and Finer also investigated whether reporting a previous abortion was related to current mental health state. They found that in analyses that do not control for factors common among women having abortions and women with mental health problems—such as prior mental health problems or experience of violence—there was an association between abortion history and current mental health. However, in analyses which take common risk factors into account, there was no association between abortion history and current mental health or it was at least reduced, suggesting that the relationship between abortion and mental health was driven by "structural, psychological and sociodemographic risk factors" common among women having abortions and women with mental health problems.

(continued on page 45)



# A Radical, and Radically Changing, Time

By Regina Bannan

## The American Catholic Revolution: How the Sixties Changed the Church Forever

Mark S. Massa, SJ

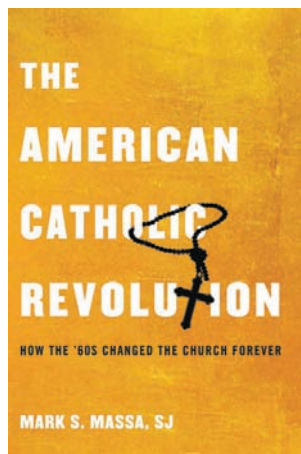
(Oxford University Press, 2010, 224pp)

978-0199734122, \$27.95

**M**ARK MASSA BEGINS *The American Catholic Revolution: How the Sixties Changed the Church Forever* with the liturgy—my starting point. I was prepared to love this book, though I wondered how anyone, especially an historian, could say that the church was changed forever, considering the recent papacies. Massa acknowledges that he's not writing history from the bottom up. He identifies this book as a history of ideas, and each chapter focuses on a thinker, broadly defined. Yet revolutions need more than good ideas to accomplish the changes these thinkers imagine. This is a good read, beautifully written, for those who want to understand some of what happened in that decade. Using individual vantage points, Massa describes various important changes in Catholicism as well as providing clear summaries of theological arguments and thoughtful reflections on historical events.

**REGINA BANNAN** is president of the Southeastern Pennsylvania Women's Ordination Conference. She teaches American Studies and Women's Studies at Temple University and is chair of the Adjunct Organizing Committee of the faculty union.

Chronology is a concern of historians—to others, it's obvious when the 1960s began and ended: Jan. 1, 1960 to Dec. 31, 1969. Historians like “long decades,” or at least ones they can shape for their purposes, so Massa's decade



begins on the first Sunday in Advent in 1964 with American implementation of the changes in the Mass. What he doesn't say up front is that his 1960s extend to the 1974 publication of Avery Dulles' *Models of the Church*.

The chapters that may be of most interest to readers of *Conscience* are those beginning with the birth control encyclical, *Humanae Vitae*, and the “Mayflower Statement,” the response orchestrated by Charles Curran, as they illustrate his approach to this entire period.

Massa summarizes all of *Humanae Vitae* well, not only the problematic sections. He explains why these sections are problematic—and that they were when the document was issued in 1967. Massa details the thought of seven theologians who wrote before and after the encyclical: George J. Lynch, John Noonan, Germain Grisez, Richard McCormick, Joseph Komonchak, Janet Smith and John Ford. He concludes that the division of these thinkers into “liberal” and “conservative”

is a mistake. Rather, “the older classical concepts and arguments from neoscholastic natural law could no longer provide a believable substructure for Catholic moral teaching. It was precisely the ‘timeless’ categories presupposed in those natural law arguments in the encyclical—timeless categories of science, evidence, and even of moral reasoning—that now appeared naïve, or at least dated and implausible.” Yet this new way of thinking, Massa acknowledges, created “fissures,” the most dramatic of these at Catholic University with Charles Curran.

But it was not only these theologians whose response to the encyclical caused them to be distanced from the official teaching. Massa notes, “If these ostensible ‘intellectual explanations’ [in *Humanae Vitae*] for moral teaching failed to convince Catholic moral theologians, what could one expect the theologically unsophisticated laity to make of it?” “Theologically unsophisticated laity?” I was part of the early ‘60s generation educated at Catholic colleges; we were required to take the equivalent of a major in Catholic theology and philosophy. My friends and I did not consider ourselves unable to evaluate the arguments ourselves, and we were not relying on these experts as we made our decisions about what we did in our own lives. Most Catholics were not, as a matter of fact; Massa concludes his treatment of the Curran affair with the studies by Andrew Greeley and others which confirmed that Catholic women were using artificial birth control by the 1950s. The tragedy—my word—of *Humanae Vitae* was that its insistence on prohibiting artificial contraception was met by a laity “empowered”—his word—by Vatican II, which no longer accepted a static view of moral teaching.

But dealing with this right away would not have allowed Massa to focus on the conflict symbolized by Charles Curran, a Rochester, NY, priest teaching at Catholic University. The many theologians and priests who signed on to a statement he orchestrated without benefit of the Internet or even faxes, as Massa notes, were willing to criticize Rome because it

did not take into consideration the experience of faithful Catholics. But “the most substantive criticism offered in their document was aimed squarely at the ‘specific ethical conclusions contained in the encyclical.’” The church could no longer rely on the past to teach in the present, which terrified those who felt that “the very foundations of Catholic moral and theological teaching were being attacked.” Those included, even before *Humanae Vitae*, the bishops on the Board of Trustees at Catholic University, whose decision not to reappoint Curran resulted in a strike by faculty and students. The university leaders caved and Curran was reinstated and promoted. In describing this series of events, Massa moves from intellectual history to revolutionary protest and ultimately bureaucratic gridlock, which left Curran teaching at CU for the time being.

This treatment of *Humanae Vitae* suggests Massa’s key argument: that most Catholics in the ‘60s moved from a classical understanding of an unchanging church to one that allowed for development in doctrine and practices. In the other chapters, Massa focuses on Canadian Jesuit theologian Bernard Lonergan, who articulated the changed historical consciousness among Catholics; diocesan priest Frederick McManus, whose columns in *Worship* illuminated the historical validity of the liturgical reforms; Los Angeles Immaculate Heart of Mary Sister Anita Caspary, who led her congregation to reform its practices in light of the intentions of the order’s founders, which in turn caused difficulties with the archdiocese; Jesuit Daniel and Josephite Philip Berrigan and others in the Catonsville Nine, who challenged traditional Catholic patriotism as well as the US draft system (like the Curran chapter, this one is focused on events at least as much as ideas) and finally, Jesuit theologian Avery Dulles. This chapter Massa titles “The Law of Unintended Consequences,” but he highlights unexpected results as a lesson of history in each case study. He argues that Dulles’ position did not change—events changed

around him to make a theologian who seemed like a liberal into a conservative. I suspect that he used the long ‘60s to include his interpretation of the contributions of his Jesuit colleague.

Are these clerics and sisters and theologians enough to constitute a revolution? As in the case of birth control, the real revolution occurred when Catholic people adopted the new way of thinking. American Catholic use of contraception was a revolution, as were the liturgical changes with which Massa begins his study; Catholic worship is really different than it was in 1959. But if that is true, is the theology of the people of God that underlies those changes being further eroded by a new/old English translation to be imposed in Advent 2011? American sisters are being investigated; the Catholic peace movement protests two current

wars; theologians are still circumspect if they teach at Catholic colleges. Are we witnesses to a counter-revolution?

Or are we really postmodern Catholics? Massa’s church of the 1960s is white and largely male and clerical; his study makes us realize that the diversity we have embraced during the past 40 years is really new. Massa concludes by embracing the historical consciousness of modernism, both as defined and condemned by Pope Pius X in 1907 and as it evolved in Euro-American thought over centuries. Trying to tie together the loose ends of the ‘60s takes us back to the beloved community of Vatican II. The tendency to elevate the Council to a position like that of traditional Catholicism before 1960 is dangerous. We need to remember the ‘60s—we need to move on—and we have. ■

## Reports Worth Reading

(continued from page 43)

### **Towards a Future without Fundamentalisms: Analyzing Religious Fundamentalist Strategies and Feminist Responses**

*Cassandra Balchin, Association of Women’s Rights in Development (AWID), 2011*

The immensely readable publication examines the rise of religious fundamentalists, what strategies they use and what feminists can do to counter them. Focusing on a diverse group of regions, issues and religions, the text explores the work of local, national, regional and international organizations as they seek to work towards “a future without fundamentalisms.”

### **Who Decides? The Status of Women’s Reproductive Rights in the United States**

*NARAL Pro-Choice America Foundation, 2011*

This annual report summarizes the state of women’s access to reproductive healthcare services in the United States. It provides both a federal and a state-by-state overview, examining pro- and antichoice legislation, as well as a political assessment of the national situation.

### **Whose Choice? How the Hyde Amendment Harms Poor Women**

*Center for Reproductive Rights, 2010*

The Center for Reproductive Rights looks at how the Hyde Amendment has made getting an abortion difficult or impossible for many poor women. The Hyde Amendment, a 1976 measure to take away federal Medicaid funding for abortion except in cases of rape, incest or life-endangerment, remains controversial today. Looking at statistics as well as interviews with 15 women personally impacted by the amendment, “Whose Choice?” expounds on how and why the Hyde Amendment remains a road block for women’s health.

# Silence, Repression and Power

By Lon Newman

## Dispatches from the Abortion Wars: The Costs of Fanaticism to Doctors, Patients, and the Rest of Us

Carole Joffe

(Beacon Press, 2010, 208pp)

978-0807035023, \$27.95

**B**ILLBOARDS, BUMPER STICKERS, bullies and barricades are impositions. They are not weapons of nuance. They are not tools of reason or discourse. They are chosen because they are emotionally evocative and not because they are thought-provoking. Recently released in paperback, Carole Joffe's *Dispatches from the Abortion Wars* analyzes the costs and consequences to reproductive rights and health of enabling repressors to say whatever they like to whom-ever they please whenever and wherever they want to say it. At the same time, defenders of those rights have been largely silenced and left with what Joffe calls "heroic acts of resistance" to "stem the tide."

Although the subtitle of the book is "The Costs of Fanaticism to Doctors, Patients, and the Rest of Us," Carole Joffe's text barely begins to make the necessary calculation: the horrific murder of Dr. George Tiller; the loss of necessary healthcare by hundreds of thousands of desperate women; the denial of funding for family planning

services to millions—both domestically and internationally; and the deliberate and nearly decade-long sabotage of the nation's dedicated family planning program (Title X) through the political appointment of "unqualified ideologues." These are a few of the initial entries on Professor Joffe's balance sheet. Joffe calls abortion, in political discourse, a "brilliant distraction"—a strategic construct that has given power brokers a cohesive set of tactics to divert scientific, evidence-based and realistic public policy discussions in order to elicit a more visceral and emotional response.

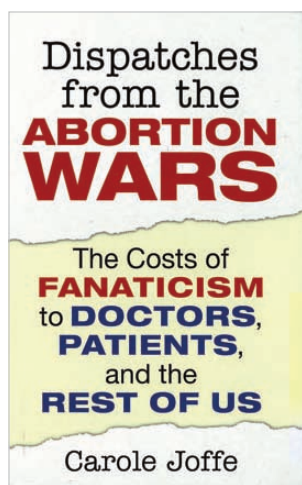
Readers of *Conscience* might see the strategy of "brilliant distraction" as having some resonance within their institutions of faith, but Joffe didn't make this point specifically and I'm unqualified (and uncalled) to explore it in this review. However, it is an example of how *Dispatches* explores a central theme of power in a manner that engenders further pursuit.

The theme of stigma—also familiar in Catholic thought and in current events—is explored in *Dispatches* as the social context within which abortion is acted and reacted upon. It seems that the

social stigma of abortion as a personal health option or as a medical necessity parallels the stigma of "fanaticism" with which Joffe taints antiabortion activism. Joffe asserts that fanaticism can be fairly applied to those who "legitimate violence" and to those who redefine contraception as abortion. Exploration and clarification of the distinction between those at the extreme (fanatics) and those who all too passively enable them opens an engaging and strategically useful discussion. Readers of *Conscience* and supporters of reproductive rights could put that dialogue to very good tactical use. Joffe unflinchingly describes acts of violence that are vaguely rationalized and defended, if not encouraged, on religious grounds by people who claim to be pious. In doing so, she directs us like an oracle toward reaching out to the reasonable and the fearful—those who silently and unintentionally enable others to use abortion extremism to their own ends.

*Dispatches from the Abortion Wars* is a thought-provoking work that may lead advocates to a blueprint for action. The book contains a strong element of hope throughout that might have been tempered had it been written today. Reproductive health and rights advocates are relearning daily how difficult or impossible it is to reason with fanatics. Regardless of the challenges, Joffe's book shows us that we are forced to reason with everyone else. The most striking backdrop to Professor Joffe's analysis of the reproductive themes of socio-politics is the way reproductive health providers and advocates have been marginalized by bullies who use the constitutional protections of free speech to shout down women's health advocates. There's also the fact that most of us have more immediate and urgent work to do than to organize counter-vigils in front of the churches of the sex-Pharisees on Sunday mornings.

Joffe is primarily a social scientist and not a storyteller. The strength of her work is her illustration and analysis of social relationships. The interrelationship at the heart of *Dispatches* is the



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dynamic between the outspoken and the silenced. These social interactions and relationships play out in a societal context of sexuality, sexual exploitation and exploitation of sex, sexual repression and guilt.

**J**OFFE INSIGHTFULLY EXPLAINS THAT “conservatives” (an appellation that I think is applied too liberally to extremists) learned during the policy debates over childcare in the 1970s that sanctimonious and perhaps even disingenuous marketing appealing to an insatiable need for affirmation could mobilize church groups and homemakers to act politically against their own interests. Since then, she explains, these coalitions have used abortion as a “brilliant distraction” to build a voting majority to enact and protect public policy that has little to do with abortion or any issues of faith or conscience whatsoever. With this analysis, Joffe explores the degree to which abortion is a tool used by political and/or canonical leaders to distract and persuade the members of these communities to vote against their own interests to preserve their power structure.

*Dispatches* also clearly identifies that the energy for successful repression of science and evidence is sexual guilt and the “ick factor” of abortion. Joffe’s exploration forces us to examine the issues of whether our church leaders and elected officials are truly obsessed with sexuality, whether they simply have not matured past a normal stage of adolescent impairment or whether they are tapping the enormous force of sexual anxiety and guilt in our sexually-saturated society to maintain their position—though these are not mutually exclusive.

“The climate of intolerance, if not fanaticism, that too often emanates from antiabortion circles has been insufficiently challenged by our leaders, and this silence has helped create conditions for violence,” Joffe writes. The force—fueling repression over reason—has clearly been the silence of leaders, advocates and people within the faith communities who might facilitate a more

civil and rational dialogue but whose voices have been suppressed by force, by fear or by self-censorship. Joffe’s stories parallel the experiences of this reviewer. Recent examples of speech-repression for my family planning agency include:

Movie theatre advertising on emergency contraception has been refused because the ads stated, “prevent unwanted pregnancies—prevent abortions.”

Radio ads for sexual health are declined because they are “controversial.”

Television spots with young Catholics for Choice explaining emergency contraception are pulled or refused because of real or feared telephone protests by anti-family planning activists.

Billboards—even for wic—are difficult to put up because a local Catholic hospital complained that we are “competitors” (figure that one).

Too many politicians, demagogues and bullies, like the self-styled “prayer

warriors” in front of our (non-abortion-providing) clinics, prey upon the weakest and most vulnerable in our communities. Using the tools of sanctimony and self-righteousness, they risk the healthcare of teens, the poor and the undocumented to maintain their own status and influence. They also permit—and in some cases bless—violence and intimidation. Carol Joffe’s analysis of the social interactions of power, sexual repression and silence gives us an outline for understanding and a framework for thinking about how to overcome the “Hell no, you can’t!” that is just around the bend.

One of the brief “dispatches” tells the story of an abortion clinic manager who finds herself “pleading with the plumber” in a desperate effort to maintain needed medical care for her patients. Joffe’s work will help advocates and readers of *Conscience* to get up off our knees. ■

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## *"We knew nothing about it."*

—Cardinal Adrianus Simonis, retired bishop of Utrecht, about the hundreds of sexual abuse complaints being leveled at the church<sup>1</sup>

*"Ireland is a prime example of what the church is facing, because they made this island into a concentration camp where they could control everything.... And the control was really all about sex. They told you if you masturbated, it meant you were impure and had allowed the devil to work on you. Generations of people were crucified with guilt complexes. Now the game is up."*

—Mark Patrick Hederman, abbot of Glenstal Abbey, County Limerick, Ireland<sup>2</sup>

*"That's right: Christians are going to be required to accept and approve what their faith tells them is disordered and immoral when acted upon. In other words, the principal consequence of ending discrimination against homosexuals is going to be the imposition of a new form of discrimination on everybody else."*

—Kenneth D. Whitehead, author and former US Assistant Secretary of Education, about the reversal of the military's "don't ask, don't tell" policy<sup>3</sup>

*"I'm not telling people how to vote, I'm telling people how I think they should vote. I'm an Australian citizen and I have as much right to do that as any other citizen."*

—Cardinal George Pell, who disagrees with euthanasia and gay marriage measures proposed in Australia and with lawmakers who cite primacy of conscience as a reason for voting against "Christian teachings"<sup>4</sup>

*"Here's the first and most important do. It's very simple: Do become martyrs. I said it was simple. I didn't say it was easy. Be ready to pay a price.... In the America of our lifetimes, we may never be asked to shed our blood in witnessing for our faith. But we do see character assassinations, mud-slinging and lies used against good people every day in the public media. And we should be ready to pay the same price. Nothing, not even our good name, should stop us from doing what we know to be right."*

—Archbishop Charles Chaput of Denver, in an address titled "Building a Culture of Life" to the Diocese of Fargo<sup>5</sup>

*"If they are no longer priests, have no more (church) responsibilities, I doubt that taking some kind of vengeance ... is a humane solution."*

—Archbishop André-Joseph Léonard of Mechelen-Brussels, in a television interview regarding his view that retired pedophile priests need not be punished<sup>6</sup>

*"[They're often] low-level munchkins who have no idea what's going on, but are happy to talk over a free cappuccino or a Campari and soda."*

—Papal biographer George Weigel, about officials of the Roman Curia<sup>7</sup>

*"In the 1970s, pedophilia was theorized as something fully in conformity with man and even with children.... It was maintained—even within the realm of Catholic theology—that there is no such thing as evil in itself or good in itself. There is only a 'better than' and a 'worse than.' Nothing is good or bad in itself."*

—Pope Benedict XVI, in his Christmas address to cardinals and officials in Rome, expressing his view that pedophilia was considered 'normal' by society as recently as 40 years ago<sup>8</sup>

*"The civil court must determine the compensation and the offender must pay."*

Archbishop André-Joseph Léonard of Mechelen-Brussels, on why the church does not need to compensate victims of sexual abuse<sup>9</sup>

<sup>1</sup> *New York Times*, "News reports say Cardinal protected an abuser," February 10, 2011. <sup>2</sup> *New York Times*, "The Irish affliction," February 9, 2011. <sup>3</sup> *New Oxford Review*, "The consequences of ending 'discrimination' against homosexuals," December 2010. <sup>4</sup> *Sunday Herald Sun*, "Pell's blast for defiant politicians," January 2, 2010.

<sup>5</sup> Archdiocese of Denver, "Building a culture of life," February 25, 2011. <sup>6</sup> Associated Press, "Conservative Belgian archbishop in eye of storm," November 10, 2010.

<sup>7</sup> *National Catholic Reporter*, "The press and the sex abuse crisis of 2010," November 19, 2010. <sup>8</sup> *Belfast Telegraph*, "Pope's child porn 'normal' claim sparks outrage among victims," December 21, 2010. <sup>9</sup> *National Catholic Reporter*, "Archbishop: church not obligated to compensate abuse victims," December 27, 2010.

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## CATHOLICS FOR CHOICE

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# WikiLeaks: The US Embassy Cables Regarding the Vatican

In November 2010, several newspapers began printing classified US diplomatic cables from embassies around the world that had been unearthed by WikiLeaks. The cables contain some points of interest for *Conscience* readers who may want to see how the Vatican seeks to influence public policy through diplomatic channels.

The Holy See will continue to play a role in the [Middle East Peace Process], while denying this intention. Embassy Vatican [sic] continues to recommend a high-level visit to encourage the Vatican to play a more constructive, or at least less unhelpful, role in the process.<sup>1</sup>

... the Vatican is often reluctant to appear to compromise its independence and moral authority by associating itself with particular lobbying efforts. Even more important than the Vatican's lobbying assistance, however, is the influence the Pope's guidance can have on public opinion in countries with large Catholic majorities and beyond.<sup>2</sup>

[At the UN General Assembly] the Vatican observer was, as always, active and influential behind the scenes.<sup>3</sup>

The Holy See's communications operation is suffering from "muddled messaging" partly as a result of cardinals' technophobia and ignorance about 21st century communications.... These factors have led to muddled, reactive messaging that reduces the volume of the moral megaphone the Vatican uses to advance its objectives.<sup>4</sup>

A Tin Ear at the Top: Normally reserved Vatican commentators have directed withering criticism [toward the small group of decision-makers who advise the Pope]. [Redacted] recently wrote that "curial chaos, confusion and incompetence" had made clear "how dysfunctional the curia remains in terms of both crisis analysis and crisis management."<sup>4</sup>

The Holy See has been publicly silent to date on the current crisis [violence and human rights violations in Iran], in part to preserve its ability to act as an intermediary if an international crisis emerges. (The Vatican helped secure the release of British sailors detained in Iranian waters in April 2007).<sup>5</sup>

The Murphy Commission's requests [to answer questions about the sex-abuse scandal in Ireland] offended many in the Vatican, the Holy See's Assessor Peter Wells (protect strictly) told DCM, because they saw them as an affront to Vatican sovereignty.<sup>6</sup>

[Regarding] aggressive attorneys [who filed suits related to the sexual abuse scandal against the Vatican], it's one thing for them to sue bishops, but another thing entirely to sue the Holy See.<sup>7</sup>

<sup>1</sup> *Guardian*, "Vatican reaction to WikiLeaks claims," December 12, 2010. <sup>2</sup> US Embassy to the Vatican, "The Vatican—supranational power," July 3, 2001. <sup>3</sup> US Embassy to the Vatican, "[U.N. General Assembly, 64th Session] UNGA64: EU and EFTA member states welcome and support new US priorities," December 21, 2009. <sup>4</sup> US Embassy to the Vatican, "The Holy See: a failure to communicate," February 20, 2009. <sup>5</sup> US Embassy to the Vatican, "Vatican 'helped secure release' of British sailors captured by Iran," June 26, 2009. <sup>6</sup> US Embassy to the Vatican, "Sex abuse scandal strains Irish-Vatican relations, shakes up Irish church and poses challenges for the Holy See," February 26, 2010. <sup>7</sup> US Embassy to the Vatican, "Cardinal Angelo Sodano meeting with US Ambassador James Nicholson, 2002.