

When the Archbishop Met the President

Cardinal Dolan thought he heard Barack Obama pledge respect for the Catholic Church's rights of conscience. Then came the contraception coverage mandate.

By James Taranto, March 31, 2012, *New York*

The president of the U.S. Conference of Bishops is careful to show due respect for the president of the United States. "I was deeply honored that he would call me and discuss these things with me," says the newly elevated Cardinal Timothy Dolan, archbishop of New York. But when Archbishop Dolan tells me his account of their discussions of the ObamaCare birth-control mandate, Barack Obama sounds imperious and deceitful to me.

Mr. Obama knew that the mandate would pose difficulties for the Catholic Church, so he invited Archbishop Dolan to the Oval Office last November, shortly before the bishops' General Assembly in Baltimore. At the end of their 45-minute discussion, the archbishop summed up what he understood as the president's message: "I said, 'I've heard you say, first of all, that you have immense regard for the work of the Catholic Church in the United States in health care, education and charity. . . . I have heard you say that you are not going to let the administration do anything to impede that work and . . . that you take the protection of the rights of conscience with the utmost seriousness. . . . Does that accurately sum up our conversation?' [Mr. Obama] said, 'You bet it does.'"

The archbishop asked for permission to relay the message to the other bishops. "You don't have my permission, you've got my request," the president replied.

"So you can imagine the chagrin," Archbishop Dolan continues, "when he called me at the end of January to say that the mandates remain in place and that there would be no substantive change, and that the only thing that he could offer me was that we would have until August. . . . I said, 'Mr. President, I appreciate the call. Are you saying now that we have until August to introduce to you continual concerns that might trigger a substantive mitigation in these mandates?' He said, 'No, the mandates remain. We're more or less giving you this time to find out how you're going to be able to comply.' I said, 'Well, sir, we don't need the [extra time]. I can tell you now we're unable to comply.'"

The administration went ahead and announced the mandate. A public backlash ensued, and the archbishop got another call from the president on Feb. 10. "He said, 'You will be happy to hear religious institutions do not have to pay for this, that the burden will be on insurers.'" Archbishop Dolan asked if the president was seeking his input and was told the modified policy was a *fait accompli*. The call came at 9:30 a.m. The president announced the purported accommodation at 12:15 p.m.

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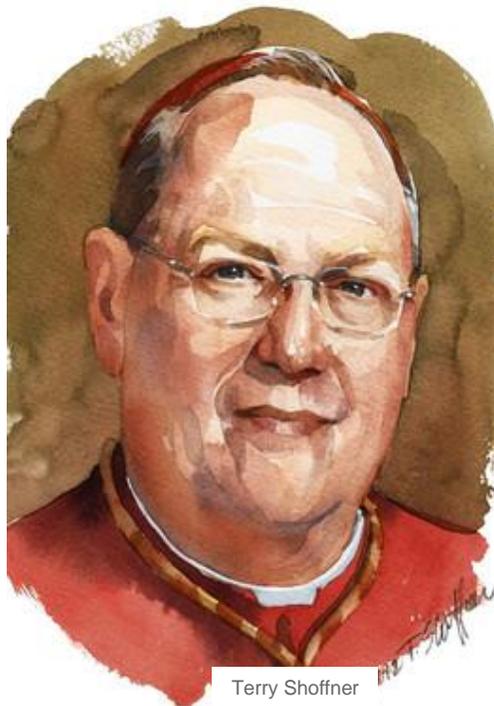
For a thorough review of HHS mandate "concerns" see <http://onemoresoul.com/news-commentary/obey-mandate-or-scripture.html>

Sister Carol Keehan of the pro-ObamaCare Catholic Health Association immediately pronounced herself satisfied with the change, and the bishops felt pressure to say something. "We wanted to avoid two headlines. Headline 1 was 'Bishops Celebrate . . . Accommodations.' . . . The other headline we wanted to avoid is 'Bishops Obstinate.'" They rushed out a "circumspect" statement, which Archbishop Dolan sums up as follows: "We welcome this initiative, we look forward to studying it, we hope that it's a decent first step, but we still have very weighty

questions."

Within hours, "it dawned on us that there's not much here, and that's when we put out the more substantive [statement] by the end of the day, saying, 'Whoa, now we've had time to hear what was said at the announcement and to read the substance of it, and this just doesn't do it.'" Having rushed to conciliate, they got the "Bishops Obstinate" headlines anyway.

Archbishop Dolan explains that the "accommodation" solves nothing, since most church-affiliated organizations either are self-insured or purchase coverage from Catholic insurance companies like Christian Brothers Services and Catholic Mutual Group, which also see the mandate as "morally toxic." He argues that the mandate also



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infringes on the religious liberty of non-ministerial organizations like the Knights of Columbus and Catholic-oriented businesses such as publishing houses, not to mention individuals, Catholic or not, who conscientiously object.

"We've grown hoarse saying this is not about contraception, this is about religious freedom," he says. What rankles him the most is the government's narrow definition of a religious institution. Your local Catholic parish, for instance, is exempt from the birth-control mandate. Not exempt are institutions such as hospitals, grade schools, universities and soup kitchens that employ or serve significant numbers of people from other faiths and whose main purpose is something other than proselytization.

"We find it completely unswallowable, both as Catholics and mostly as Americans, that a bureau of the American government would take it upon itself to define 'ministry,'" Archbishop Dolan says. "We would find that to be—we've used the words 'radical,' 'unprecedented' and 'dramatically intrusive.'"

It also amounts to penalizing the church for not discriminating in its good works: "We don't ask people for their baptismal certificate, nor do we ask people for their U.S. passport, before we can serve them, OK? . . . We don't serve people because they're

Catholic, we serve them because *we* are, and it's a moral imperative for us to do so."

To be sure, not all Catholics see it that way. Archbishop Dolan makes an argument—which he prefaces with the admission that "I find this a little uncomfortable"—that federal intrusion bolsters those who are more selfishly inclined: "Some Catholics . . . are now saying, 'Fine, we'll get out of all that. It's dragging us down anyway. Rather than be supporting 50 Catholic schools in the inner city where most of the kids are not Catholic, and using a big chunk of diocesan money to do that, we'll just use it for the schools that have all Catholics, and it'll serve us a lot better.' . . . "I find that, by the way, to be rather un-Catholic," he continues. "I don't know what that would say to the gospel mandate to be 'light to the world' and 'salt of the earth.' It's part of our religion to be right out there in the forefront, right there in the nitty-gritty."

An insular attitude, Archbishop Dolan suggests, plays into the hands of ideologues who favor an ever-more-powerful secular government: "I get this all the time: I would have some people say, 'Cardinal Dolan, you need to go to Albany and say, 'If we don't get state aid by September, I'm going to close all my schools.'" I say to them, 'You don't think there'd be somersaults up and down the corridors?'"

Another story comes from the nation's capital: "The Archdiocese of Washington, in a very courteous way, went to the City Council and said, 'We just want to be upfront with you. If this goes through that we have to place children up for adoption with same-sex couples, we'll have to get out of the adoption enterprise, which everybody admits we probably do better than anybody else.' And one of the City Council members said, 'Good. We've been trying to get you out of it forever. And besides, we're paying you to do it. So get out!'"

What about the argument that vast numbers of Catholics ignore the church's teachings about sexuality? Doesn't the church have a problem conveying its moral principles to its own flock? "Do we ever!" the archbishop replies with a hearty laugh. "I'm not afraid to admit that we have an internal catechetical challenge—a towering one—in convincing our own people of the moral beauty and coherence of what we teach. That's a biggie."

For this he faults the church leadership. "We have gotten gun-shy . . . in speaking with any amount of cogency on chastity and sexual morality." He dates this diffidence to "the mid- and late '60s, when the whole world seemed to be caving in, and where Catholics in general got the impression that what the Second Vatican Council taught, first and foremost, is that we should be chums with the world, and that the best thing the church can do is become more and more like everybody else."

The "flash point," the archbishop says, was "Humanæ Vitæ," Pope Paul VI's 1968 encyclical reasserting the church's teachings on sex, marriage and reproduction, including its opposition to artificial contraception. It "brought such a tsunami of dissent, departure, disapproval of the church, that I think most of us—and I'm using the first-person plural intentionally, including myself—kind of subconsciously said, 'Whoa. We'd better never talk about that, because it's just too hot to handle.' We forfeited the

chance to be a coherent moral voice when it comes to one of the more burning issues of the day."

Without my having raised the subject, he adds that the church's sex-abuse scandal "intensified our **laryngitis** over speaking about issues of chastity and sexual morality, because we almost thought, 'I'll blush if I do. . . . After what some priests and some bishops, albeit a tiny minority, have done, how will I have any credibility in speaking on that?'"

Yet the archbishop says he sees a hunger, especially among young adults, for a more authoritative church voice on sexuality. "They will be quick to say, 'By the way, we want you to know that we might not be able to obey it. . . . But we want to hear it. And in justice, you as our pastors need to tell us, and you need to challenge us.'"

As we talk about sex, Archbishop Dolan makes a point of reiterating that his central objection to the ObamaCare mandate is that it violates religious liberty. In their views on that subject, and their role in politics more generally, American Catholics have in fact become "more like everybody else." When John F. Kennedy ran for president in 1960, he found it necessary to reassure Protestants that, in the archbishop's paraphrase, "my Catholic faith will not inspire my decisions in the White House."

"That's worrisome," Archbishop Dolan says. "That's a severe cleavage between one's moral convictions and the judgments one is called upon to make. . . . It's bothersome to us as Catholics, because that's the kind of apologia that we expect of no other religion." But times have changed. Today devout Catholic Rick Santorum is running on the promise that his faith will inform his decisions—and his greatest support comes from evangelical Protestants.

The archbishop sees a parallel irony in his dispute with Mr. Obama: "This is a strange turn of the table, that here a Catholic cardinal is defending religious freedom, the great proposition of the American republic, and the president of the United States seems to be saying that this is a less-than-important issue." Religious freedom has received a more sympathetic hearing at the U.S. Supreme Court—which, coincidentally, has had a Catholic majority since 2006. In January, in *Hosanna-Tabor v. EEOC*, the court ruled unanimously in favor of an evangelical Lutheran church's right to classify teachers as ministers and therefore not subject to federal employment law. Archbishop Dolan sums up the decision: "Nowhere, no how, no way can the federal government seek to intrude upon the internal identity of a religion in defining its ministers."

But whether the government has the authority to define a *ministry*—excluding, as the ObamaCare mandate does, church-affiliated institutions like hospitals and schools—is a separate legal question, one that may be resolved in litigation over the birth-control mandate.

It's possible that the Supreme Court or a new president will render the issue moot. After our interview, the archbishop has a question for me: If the high court rules against ObamaCare, will that be the end of the birth-control mandate? Probably not, I tell him—though such an outcome seems much likelier now than it did early in the week when we met. The justices could end up striking a blow for religious liberty without the question even having reached their docket.

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