



Office of the President

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Cardinal Timothy M. Dolan
Archbishop of New York
President

March 2, 2012

My brother bishops,

Twice in recent weeks, I have written you to express my gratitude for our unity in faith and action as we move forward to protect our *religious freedom* from unprecedented intrusion from a government bureau, the Department of Health and Human Services (HHS). I remain deeply grateful to you for your determined resolve, to the Chairmen of our committees directly engaged in these efforts - Cardinal Daniel DiNardo, Cardinal Donald Wuerl, Bishop Stephen Blaire and Bishop William Lori -who have again shown themselves to be such excellent leaders during these past weeks, and to all our staff at the USCCB who work so diligently under the direction of the Conference leadership.

How fortunate that we as a body have had opportunities during our past plenary assemblies to manifest our strong unity in defense of *religious freedom*. We rely on that unity now more than ever as HHS seeks to define what constitutes church ministry and how it can be exercised. We will once again dedicate ample time at our Administrative Committee meeting next week, and at the June Plenary Assembly, to this critical subject. We will continue to listen, discuss, deliberate and act.

Thank you, brothers, for the opportunity to provide this update to you and the dioceses you serve. Many of you have expressed your thanks for what we have achieved together in so few weeks, especially the data provided and the leadership given by brother bishops, our conference staff and Catholic faithful. And you now ask the obvious question, “What’s next?” Please allow me to share with you now some thoughts about events and efforts to date and where we might go next.

Since January 20, when the final, restrictive HHS Rule was first announced, we have become certain of two things: *religious freedom* is under attack, and we will not cease our struggle to protect it. We recall the words of our Holy Father Benedict XVI to our brother bishops on their recent *ad limina* visit: “Of particular concern are certain attempts being made to limit that most cherished of American freedoms, the freedom of religion.” Bishop Stephen Blaire and Bishop William Lori, with so many others, have admirably kept us focused on this one priority of protecting *religious freedom*. We have made it clear in no uncertain terms to the government that we are not at peace with its invasive attempt to curtail the *religious freedom* we cherish as Catholics and Americans. We did not ask for this fight, but we will not run from it.

As pastors and shepherds, each of us would prefer to spend our energy engaged in and promoting the works of mercy to which the Church is dedicated: healing the sick, teaching our youth, and helping the poor. Yet, precisely because we are pastors and shepherds, we recognize that each of the ministries entrusted to us by Jesus is now in jeopardy due to this bureaucratic intrusion into the internal life of the church. You and I both know well that we were doing those extensive and noble works rather well without these radical new constrictive and forbidding mandates. Our Church has a long tradition of effective partnership with government and the

wider community in the service of the sick, our children, our elders, and the poor at home and abroad, and we sure hope to continue it.

Of course, we maintained from the start that this is not a “Catholic” fight alone. I like to quote as often as possible a nurse who emailed me, “I’m not so much mad about all this as a Catholic, but as an American.” And as we recall, a Baptist minister, Governor Mike Huckabee, observed, “In this matter, we’re all Catholics.” No doubt you have heard numerous statements just like these. We are grateful to know so many of our fellow Americans, especially our friends in the ecumenical and interreligious dialogue, stand together in this important moment in our country. They know that this is not just about sterilization, abortifacients, and chemical contraception. It’s about *religious freedom*, the sacred right of any Church to define its own teaching and ministry.

When the President announced on January 20th that the choking mandates from HHS would remain, not only we bishops and our Catholic faithful, but people of every faith, or none at all, rallied in protest. The worry that we had expressed -- that such government control was contrary to our deepest political values -- was eloquently articulated by constitutional scholars and leaders of every creed.

On February 10th, the President announced that the insurance providers would have to pay the bill, instead of the Church’s schools, hospitals, clinics, or vast network of charitable outreach having to do so. He considered this “concession” adequate. Did this help? We wondered if it would, and you will recall that the Conference announced at first that, while withholding final judgment, we would certainly give the President’s proposal close scrutiny. Well, we did -- and as you know, we are as worried as ever.

For one, there was not even a nod to the deeper concerns about trespassing upon *religious freedom*, or of modifying the HHS’ attempt to define the how and who of our ministry. Two, since a big part of our ministries are “self-insured,” we still ask how this protects us. We’ll still have to pay and, in addition to that, we’ll still have to maintain in our policies practices which our Church has consistently taught are grave wrongs in which we cannot participate. And what about forcing individual believers to pay for what violates their *religious freedom* and conscience? We can’t abandon the hard working person of faith who has a right to *religious freedom*. And three, there was still no resolution about the handcuffs placed upon renowned Catholic charitable agencies, both national and international, and their exclusion from contracts just because they will not refer victims of human trafficking, immigrants and refugees, and the hungry of the world, for abortions, sterilization, or contraception. In many ways, the announcement of February 10 solved little and complicated a lot. We now have more questions than answers, more confusion than clarity.

So the important question arises: What to do now? How can we bishops best respond, especially united in our common pastoral ministry as an Episcopal Conference? For one, under the ongoing leadership of Cardinal Daniel DiNardo, Cardinal Donald Wuerl, Bishop Blaire and Bishop Lori we will continue our strong efforts of advocacy and education. In the coming weeks the Conference will continue to provide you, among other things, with catechetical resources on the significance of *religious freedom* to the Church and the Church’s teaching on it from a doctrinal and moral perspective. We are developing liturgical aids to encourage prayer in our efforts and plans on how we can continue to voice our public and strong opposition to this infringement on our freedom. And the Ad Hoc Committee on Religious Liberty, that has served

the Conference so well in its short lifespan, will continue its extraordinary work in service to this important cause.

Two, we will ardently continue to seek a rescinding of the suffocating mandates that require us to violate our moral convictions, or at least insist upon a much wider latitude to the exemptions so that churches can be free of the new, rigidly narrow definition of church, minister and ministry that would prevent us from helping those in need, educating children and healing the sick, no matter their religion.

In this regard, the President invited us to “work out the wrinkles.” We have accepted that invitation. Unfortunately, this seems to be stalled: the White House Press Secretary, for instance, informed the nation that the mandates are a *fait accompli* (and, embarrassingly for him, commented that we bishops have always opposed Health Care anyway, a charge that is scurrilous and insulting, not to mention flat out wrong. Bishop Blaire did a fine job of setting the record straight.) The White House already notified Congress that the dreaded mandates are now published in the Federal Registry “without change.” The Secretary of HHS is widely quoted as saying, “Religious insurance companies don’t really design the plans they sell based on their own religious tenets.” That doesn’t bode well for their getting a truly acceptable “accommodation.”

At a recent meeting between staff of the bishops’ conference and the White House staff, our staff members asked directly whether the broader concerns of *religious freedom*—that is, revisiting the straight-jacketing mandates, or broadening the maligned exemption—are all off the table. They were informed that they are. So much for “working out the wrinkles.” Instead, they advised the bishops’ conference that we should listen to the “enlightened” voices of accommodation, such as the recent, hardly surprising yet terribly unfortunate editorial in *America*. The White House seems to think we bishops simply do not know or understand Catholic teaching and so, taking a cue from its own definition of *religious freedom*, now has nominated its own handpicked official Catholic teachers.

We will continue to accept invitations to meet with and to voice our concerns to anyone of any party, for this is hardly partisan, who is willing to correct the infringements on *religious freedom* that we are now under. But as we do so, we cannot rely on off the record promises of fixes without deadlines and without assurances of proposals that will concretely address the concerns in a manner that does not conflict with our principles and teaching.

Congress might provide more hope, since thoughtful elected officials have proposed legislation to protect what should be so obvious: *religious freedom*. Meanwhile, in our recent debate in the senate, our opponents sought to obscure what is really a *religious freedom* issue by maintaining that abortion inducing drugs and the like are a “woman’s health issue.” We will not let this deception stand. Our commitment to seeking legislative remedies remains strong. And it is about remedies to the assault on *religious freedom*. Period. (By the way, the Church hardly needs to be lectured about health care for women. Thanks mostly to our Sisters, the Church is the largest private provider of health care for women and their babies in the country.) Bishop William Lori, Chairman of our *Ad Hoc Committee on Religious Liberty*, stated it well in a recent press release: “We will build on this base of support as we pursue legislation in the House of Representatives, urge the Administration to change its course on this issue, and explore our legal rights under the Constitution and the Religious Freedom Restoration Act.”

Perhaps the courts offer the most light. In the recent *Hosanna-Tabor* ruling, the Supreme Court unanimously defended the right of a Church to define its own ministry and services, a dramatic rebuff to the administration, apparently unheeded by the White House. Thus, our bishops' conference, many individual religious entities, and other people of good will are working with some top-notch law firms who feel so strongly about this that they will represent us *pro-bono*. In the upcoming days, you will hear much more about this encouraging and welcome development.

Given this climate, we have to prepare for tough times. Some, like *America* magazine, want us to cave-in and stop fighting, saying this is simply a policy issue; some want us to close everything down rather than comply (In an excellent article, Cardinal Francis George wrote that the administration apparently wants us to "give up for Lent" our schools, hospitals, and charitable ministries); some, like Bishop Robert Lynch wisely noted, wonder whether we might have to engage in civil disobedience and risk steep fines; some worry that we'll have to face a decision between two ethically repugnant choices: subsidizing immoral services or no longer offering insurance coverage, a road none of us wants to travel.

Brothers, we know so very well that *religious freedom* is our heritage, our legacy and our firm belief, both as loyal Catholics and Americans. There have been many threats to *religious freedom* over the decades and years, but these often came from without. This one sadly comes from within. As our ancestors did with previous threats, we will tirelessly defend the timeless and enduring truth of *religious freedom*.

I look forward to our upcoming Administrative Board Meeting and our June Plenary Assembly when we will have the chance to discuss together these important issues and our way forward in addressing them. And I renew my thanks to you for your tremendous, fraternal support and your welcome observations in this critical effort to protect our *religious freedom*.

With prayerful best wishes, I am

Fraternally in Christ,

A handwritten signature in black ink that reads "Tim. Card. Dolan". The signature is written in a cursive, slightly slanted style.

Timothy Cardinal Dolan
Archbishop of New York
President, United States Conference of Catholic Bishops