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The President, the Pill, and Religious Liberty in Peril

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In 1808, President Thomas Jefferson stated the matter bluntly: “I consider the government of the United States as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline, or exercises.”

Fast forward 204 years and President Barack Obama has reversed that logic, ordering religious institutions to provide insurance coverage for employees that must include contraceptives, including those that may induce an abortion.

Secretary Kathleen Sebelius of the Department of Health and Human Services made the announcement January 20, stating: “Today the department is announcing that the final rule on preventive health services will ensure that women with health insurance coverage will have access to the full range of the Institute of Medicine’s recommended preventive services, including all FDA-approved forms of contraception.”



The ruling had been much anticipated as a consequence of President Obama’s health care reform. The new law required the administration to determine what elements would be included in the mandated coverage. The administration first determined that the preventative care provision would include coverage of contraceptives. The second step was determining that this coverage would include, as Secretary Sebelius restated it, “all FDA-approved

forms of contraception.” These include drugs known as Plan B, which is taken after the possibility of fertilization, thus functioning as an inducer of abortion. The plans must also provide sterilization procedures for women without deductibles or co-payments.

The final step in the process was the decision to require all employers to provide this coverage, including church-affiliated institutions and organizations. The only exemption is offered to churches and religious bodies that neither employ nor serve any significant number of people who do not share their faith. As one church leader commented, this would not allow an exemption even for the ministry of Jesus and his disciples, who ministered to those outside the faith.

Nonetheless, Secretary Sebelius had the temerity to claim, in her statement: “This decision was made after very careful consideration, including the important concerns some have raised about religious liberty. I believe this proposal strikes the appropriate balance between respecting religious freedom and increasing access to important preventive services. The administration remains fully committed to its partnerships with faith-based organizations, which promote healthy communities and serve the common good.”

In actuality, the Obama Administration trampled religious liberty under the feet of the leviathan state, forcing religious employers to do what conscience will not allow. Religious organizations such as schools, colleges, and hospitals will be required to pay for services that they believe to be immoral and disobedient to God.

In a final insult, the administration allowed that religious employers could, if qualified, have an extra year to comply with the decision. As Sen. Orrin Hatch of Utah made clear, this intentionally evades the point. “The problem is not that religious institutions do not have time enough to comply,” he said, “It’s that they are forced to comply at all.”

Roman Catholic authorities were among the first to respond with outrage. Archbishop Timothy M. Dolan of New York City, president of the United States Conference of Catholic Bishops, who had personally made the case to President Obama for a broader exemption, said simply: “We are unable to live with this.”

This last Sunday, Catholics around the nation heard letters from their local bishops with the same message. The Bishop of Marquette, for example, put the matter with severe simplicity: “We cannot — we will not — comply with this unjust law.”

In other words, the nation’s Roman Catholic bishops have signaled their clear intention to defy the law rather than to violate their conscience. Will evangelical Christians demonstrate the same courage and conviction?

The Roman Catholic Church teaches against the use of any artificial birth control and

considers these to be assaults upon the dignity of all human life. In more recent years, evangelicals have had to rethink the contraception issue. At the very least, the issue of abortion has required evangelicals to realize that any form of birth control is a matter of great moral significance and thus of moral conscience.

The inclusion of Plan B and other forms of “emergency contraception” raises the stakes considerably, since the issue of abortion is now unavoidable. Will evangelical colleges and institutions now comply with a law we know to be both unjust and unconscionable?

The National Association of Evangelicals made a statement that described the situation well, but promised no particular action: “Employers with religious objections to contraception will be forced to pay for services and procedures they believe are morally wrong.”

The Obama Administration knew exactly what it was doing. It had received no shortage of advice on this question, and advocates for a broader exemption were vocal even within the Administration. Members of the President’s own party shared the disappointment in the decision. Sen. Bob Casey of Pennsylvania lamented the administration’s “bad decision.”

Others wondered aloud why President Obama had, in the words of Washington Post columnist E. J. Dionne, thrown those with religious objections “under the bus.” The editors of that paper made their own disappointment clear as well:

“The best approach would have been for HHS to stick to its original conclusion that contraception coverage should generally be required but to expand the scope of its proposed exemption for religiously affiliated employers who claim covering contraception would violate their religious views. The administration’s feint at a compromise — giving such employers another year to figure out how to comply with the requirement — is unproductive can-kicking that fails to address the fundamental problem of requiring religiously affiliated entities to spend their own money in a way that contradicts the tenets of their faith.”

The one-year extension is indeed “unproductive can-kicking,” but the far larger issue is “the fundamental problem of requiring religiously affiliated entities to spend their own money in a way that contradicts the tenets of their faith.”

Every president faces decisions that test his character and principles. President Obama has failed this test, and the results will be tragic. He has trampled religious liberty underfoot and has announced his intention to force religious institutions to violate their consciences or go out of business.

This decision will lead to nothing less than the secularization of the good work

undertaken by these religious institutions. Faith-based adoption agencies, hospitals, and educational institutions are being forced to secularize or cease operations already. This decision will add tragic momentum to that process.

Religious organizations are being told to comply with the government's order, or face the consequences. A Roman Catholic college in North Carolina has challenged the Obama Administration in court, an action now also taken by Colorado Christian University, an evangelical college. Concerted calls for a legislative rescue from Congress are being made.

And yet, the decision of the Obama Administration is clear. The edict from President Obama to religious institutions is this — violate conscience and bend the knee to the government, or face the consequences.

We will soon learn just how much faith is left in faith-based institutions.

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