



Catholic Diocese of Sioux Falls

Office of the Bishop

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February 24, 2012

To the Members of the Congressional Delegation from South Dakota:

Religious freedom is a fundamental right of all. This right does not depend on any government's decision to grant it: it is God-given, and just societies acknowledge and respect its free exercise. The Founding Fathers of our nation appreciated this and prioritized it by protecting both our freedom of religion and its expression when they adopted the First Amendment to the Constitution. By doing so they acknowledged the potential abuse of governmental power and so adopted the Constitutional principle that protects persons or groups from the government forcing them to violate their most deeply held religious convictions or interfering in the internal affairs of religious organizations.

As you know, on January 20 the Department of Health and Human Services announced its final regulations that would force practically all employers, including many religious institutions, to pay for abortion inducing drugs, sterilizations, and artificial contraception. By doing so it rejected providing the traditional exemption for religious conscience. The regulations would provide no protections for institutions such as Catholic charities, hospitals, and educational institutions of the Church that all serve the broader community—including here in South Dakota—to exercise their consciences and uphold the Church's teachings both as institutions and as believers. The regulations strike at the heart of our fundamental right to religious liberty, which also affects the Church's ability to serve those in need outside our faith community. This regulation and what will flow from it threatens social outreach to many who depend on religious agencies for the basics of life.

On Friday, February 10, the Administration issued final rules related to the mandate. By their very terms, the rules were reaffirmed "without change." Called an accommodation, it is not; it is rather a shell game with people's rights at stake. Called a compromise, it is not; for religious liberty is not something that can or will be compromised.

The mandate to provide services that violate the teachings of the Catholic Church remain with only an exceedingly narrow exemption for churches. Most non-profit religious employers, the religiously-affiliated insurer, the self-insured employer, the for-profit religious employer, or other private businesses owned and operated by people who rightly object to paying for abortion inducing drugs, sterilization, and contraception will not qualify for the exemption.



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Further, because it has been instituted only by executive fiat, even this unduly narrow exemption can be taken away in an instant. In its totality, the mandate by the Administration reduces the free exercise of conscience to a “privilege” arbitrarily granted by the government. It is not for the government to decide which of our ministries is “religious enough” to warrant religious freedom protection or which of our beliefs are “acceptable.”

This issue is not simply about contraception, abortion-causing drugs, and sterilization as proponents have suggested. This is first and foremost a matter of religious liberty for all. If the government can tell Catholics and others of faith that they must provide health insurance for employees that violates their religious convictions less they face punishment, where else will the government choose to wield its power illicitly? The Administration has forced a confrontation that has touched a nerve in our state and nation that will not and must not go away until resolved. It is more than a political or an election year issue. This mandate stands as an attack on our fundamental religious freedom. As Catholics and citizens of this great nation, we will not cede. It will be contested in every forum possible until it is rescinded.

Therefore, I urge you and your colleagues to counsel the administration to provide a real religious exemption and to support legislation that does so. I also urge you to support legislation that assures that the threat to religious liberty and freedom of conscience by any administration will not confront us again.

Thank you for your consideration.

Yours in Christ,

<signed copy on file at the Chancery archives>

The Most Reverend Paul J. Swain
Bishop of Sioux Falls