

16 September 2011

The Honorable Kathleen Sebelius, Secretary
U.S. Department of Health and Human Services
200 Independence Avenue S.W.
Washington, D.C. 20201

Dear Secretary Sebelius:

On behalf of the Catholic bishops in the Ecclesiastical Province of Detroit, I would like to take this opportunity to express the Catholic Church in Michigan's fervent opposition to the Department of Health and Human Services' recent Rule mandating almost all private health plans to cover contraception and sterilization as "preventative services" for women. Such a mandate infringes upon the religious freedom of all Catholics, primarily those employers who choose to offer their employees health care benefits that are in concert with Catholic social and moral teaching.

Just as the mandate for employers to include in their health benefit plan coverage for morally unacceptable services is an affront to the First Amendment right to religious freedom, so too is the Rule's effort to define religious employer in such a narrow manner that many, if not all Catholic institutions that serve the general public would be unable to qualify for an exemption. In its current form, the Department's definition of religious employer fails to recognize the Catholic Church's Gospel-mandated mission to extend assistance to any person who seeks comfort and care. The Church's agencies that serve the poorest of the poor and the sickest of the sick - with compassion and dignity - have no "Catholics Only" sign on their door. The Catholic Church serves every person who seeks assistance simply because *we* are Catholic, not because those in need may be Catholic.

While the Department's proposed "preventative services" mandate is an affront to those with deeply held religious convictions regarding human sexuality and fertility as a gift from God, rather than a pseudo-disease that must be "prevented" or incapacitated, the Department's Rule from an historical perspective is just as alarming. The United States of America has maintained since its Independence a healthy and functional approach to ensure those with established religious beliefs are protected from state intervention. To this point I bring to your attention a letter composed by President Thomas Jefferson to the Ursuline Sisters of New Orleans, dated May 15, 1804, seeking to assuage the Sisters' concerns that their property would be protected from state intervention:

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Mr. Paul A. Long, *President and Chief Executive Officer*

I have received, holy sisters, the letter you have written me wherein you express anxiety for the property vested in your institution by the former governments of Louisiana.

The principles of the constitution and government of the United States are a guarantee to you that it will be preserved to you, sacred and inviolate, and that your institution will be permitted to govern itself according to its own voluntary rules, without interference from the civil authority.

Whatever the diversity of shade may appear in the religious opinions of our fellow citizens, the charitable objects of your institution cannot be indifferent to any; and its furtherance of the wholesome purposes of society, by training up its younger members in the way they should go, cannot fail to ensure it the patronage of the government it is under.

Be assured it will meet all the protection which my office can give it.

I salute you, holy sisters, with friendship and respect.

President Jefferson's letter not only assures the good Sisters of their right to property, but clearly and eloquently promotes and protects the notion that a religious community is constitutionally permitted to **“govern itself according to its own voluntary rules, without interference from the civil authority.”** Some 207 years later one could state that the Department of Health and Human Services' "preventative services" mandate leaves President Jefferson's protection of religious liberty as an archaic remnant of centuries past. Surely, depressing and archiving to history the Founding Fathers' protection of religious freedom would have unintended (perhaps intended) consequences for our pluralistic democratic society and the common good in these United States of America.

In conclusion, I draw your attention to an August 31, 2011 letter from the United States Conference of Catholic Bishops (USCCB) Office of General Counsel, which deems the Department's "preventative services" mandate a "nationwide government coercion of religious people and groups to sell, broker or purchase 'services' to which they have a moral or religious objection," and as such must be considered "an unprecedented attack on religious liberty." As a public policy organization which offers health benefit plans to its employees, Michigan Catholic Conference concurs with the USCCB assessment that the mandate is "unprecedented in federal law and more radical than any state contraceptive mandate enacted to date."

Secretary Sebelius, I urge the Department to contemplate with esteem for constitutional principles the importance of religious freedom in our great nation, and I further encourage the Department either to rescind the Rule or broaden the religious exemption in a manner that recognizes the self-effacing work the Catholic Church accomplishes in service to all human persons in the name of Jesus Christ.

Sincerely,

Paul A. Long
President and C.E.O.

Cc: Center for Medicare & Medicaid Services