

65 East Wacker Place • Suite 1620  
Chicago, Illinois 60601  
(312) 368-1066  
FAX (312) 368-1090



108 East Cook Street  
Springfield, Illinois 62704  
(217) 528-9200  
FAX (217) 528-7214

September 9, 2011

The Honorable Kathleen Sebelius  
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 Church in Illinois, we write to express our opposition to the Interim Final Rules on Preventive Services issued by your department on August 3, 2011. The rules include two highly objectionable provisions: (1) a mandate on all private health care plans to cover prescription contraceptives approved by the FDA – including abortifacient drugs -- surgical sterilizations and related patient education and counseling; and (2) an incredibly narrow definition of religious employer for exemption from the mandate.

Our faith teaches that human fertility cooperates with God in the creation of new human life and ensures the extension and prosperity of our society. The government's treatment of pregnancy as a disease to be prevented or terminated on any whim undermines not only our teaching but also the respect for human sexuality and human life intrinsic to well-ordered society.

Moreover, the rules directly contradict previous law and the will of Congress. Many proposed mandates of this type have been introduced and failed in Congress. And the prohibition on requiring coverage for abortions in the Patient Protection and Affordable Care Act, the Weldon Amendment, the Church Amendment and conscience protections in Medicare, Medicaid and federal employee health benefit programs are all undermined. The rules abrogate a generations-old, bipartisan consensus to protect religious freedom and rights of conscience in health care.

Of equal concern is the rules' extremely narrow exemption offered to religious employers. There are no protections offered for health care insurers, practitioners or purchasers. Only the employer has any semblance of protection, and the exemption is drafted so narrowly, the only religious entity that could qualify is one completely withdrawn from public life. An organization would not be "religious enough" for the exemption if it served people of different faiths, failed to hire based on religion or did not restrict its mission to the inculcation of religious values.

The Catholic Church cannot qualify for the exemption as we do not confine our concern, employment or service to members of the Church. Does the federal government desire the Catholic Church out of public ministry? Should our health care, education and social services institutions

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employ and serve only Catholics? As Catholics, our foundational belief in “love your neighbor as yourself” motivates us to serve the public good and those in need. However, this rule stipulates the Church’s service can be offered only if our teachings and conscience are simultaneously violated. The impossible dilemma arising from the rule requires either the forced withdrawal of the Catholic Church from public ministry or the violation of deeply-held religious belief.

The Catholic Church’s teaching on the immorality of contraception and sterilization as a rejection of God’s life-giving will may not enjoy popular support. The Church may be one of the last major structures in American society to hold this belief. For this reason, the rule seems not only to target religious freedom generally but Catholicism in particular – an egregious violation of the Free Exercise and Establishment Clauses of First Amendment.

Until now, our nation’s foundational commitment to protecting the free-exercise of religion has ensured conscience exemptions from mandates concerning abortion, contraception and sterilization. Unfortunately, the rules as written ignore individual religious conscience and define public ministries of the Church as not “religious enough” for an exemption. Many existing federal and state laws, as well as the indispensable free-exercise protections of the First Amendment, are thereby dismantled.

For these reasons, we ask that the regulation be revoked. If not, we urge modification to embrace and defend the public ministry of religious institutions.

Thank you for your consideration.

Sincerely,



His Eminence Francis Cardinal George, OMI  
Archbishop of Chicago

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Most Reverend Thomas G. Doran  
Bishop of Rockford

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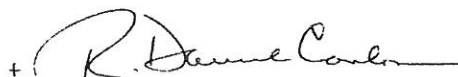
Most Reverend Daniel R. Jenky, C.S.C.  
Bishop of Peoria

+ 

Most Reverend Edward K. Braxton  
Bishop of Belleville

+ 

Most Reverend Thomas John Paprocki  
Bishop of Springfield-in-Illinois

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Most Reverend R. Daniel Conlon  
Bishop of Joliet

cc: Centers for Medicare and Medicaid Services