

Religious Liberty & Freedom of Conscience



Secular Sexism & Religious Liberty

Teresa S. Collett, Professor of Law
tscollett@stthomas.edu

Agenda



- Does the Church have a right to speak about the HHS mandate in the public square?
- What is the HHS mandate?
- Do our teachings on sexual morality contradict common sense and good public policy?



**Does the Church have a Right to Speak
in the Public Square?**

One Nation Under God



**“Preserve me, O God,
for in thee do I put my
trust.”**

Psalm 16:1

Praying George Washington stained glass window in the United States Capital building chapel.

Our Founders' Understanding



Freedom requires morality, and morality requires religion, and religion requires freedom Attack any one and all will crumble.



What is the HHS Mandate and why do we oppose it?

HHS Mandate



- The HHS Mandate is a regulation promulgated by the Secretary of Health and Human Services (“Secretary Sebelius”) under the Healthcare Act.
- It requires employers to provide insurance plans that provide contraception, sterilization, and abortion-inducing drugs, as “preventive medical care.”
- Every employer that does not comply will incur heavy fines.

Very Limited Exemption



- The exemption only applies to a “religious employer” that **employs** primarily members of its own faith and **serves** primarily members of its own faith.
- Organizations such as Catholic hospitals, universities, and homeless shelters will not qualify.
- Whether an organization is exempt will be decided by a government official, not the Church or religious entity.



Separating Facts from Fiction



Necessary for Women's Health?

Claim: The HHS Mandate is central to women's health.

Reality: Women health is not at risk from a lack of access to contraception, abortifacients, and sterilization.

The poor need access?



Claim: This is about ensuring important preventative health measures for those who can't afford them.

Reality: The federal government funds family planning clinic throughout the country that make contraception available for free to those who cannot afford them.

Everybody's doing it?



Claim: Most Catholics/Christians practice birth control and don't agree on the Church's teachings on sexual morality.

Reality: Struggling with or even disagreeing with Church teachings does not equate to support for the mandate. Polls show the overwhelming majority of ALL Americans oppose forcing Mother Angelica to hand out condoms.

The President's accommodation ?



Claim: The administration has compromised with the Church as evidenced by the President's speech.

Reality: There is and never has been an accommodation. There's a speech - nothing more.

The regulations were finalized "without change" from the interim report.



Do our teachings on sexual morality contradict common sense and good public policy?

Contraception: Warnings in *Humanae Vitae*



- Increased marital infidelity
- A general lowering of moral standards
- Men will treat women as “mere instrument[s] for the satisfaction of [their] own desires”
- Public authorities will “intervene in the most personal and intimate responsibility of husband and wife”



Competing Visions of the Good

Modern Vision for a Woman's Life



- Sex education starts at kindergarten.
- Gardasil HPV Vaccine administered at age 11.
- Sexual intercourse between 13 and 19
 - 6 percent of children have had sexual intercourse before age 13, and almost a third have had intercourse by the end of their 9th grade year in high school.
- Casual sex and cohabitation until marriage (abortion if necessary).
- First baby at 30 after establishing career.

Church's Vision for a Woman's Life



- Happy childhood in the home of her married mother and father.
- Developing friendships with men and women based on mutual respect and care.
- Discerning God's plan and committing to follow it.
- Making a total gift of self in marriage OR holy orders OR living a chaste single life.
- Spiritually and often physically fruitful.



What will you do?

Now is the time to decide



“On some positions a coward has asked the question is it safe? Expediency asks the question, is it politic? Vanity asks the question, is it popular? But conscience asks the question is it right? And there come a time when one must take a position that is neither safe nor politic nor popular but he must take it because conscience tells him it is right.”

- Martin Luther King, Jr.

QUESTIONS?