



Office of the President

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Most Reverend Timothy M. Dolan
Archbishop of New York

September 29, 2011

My Brother Bishops,

As we returned to our dioceses from the June plenary session of our Episcopal Conference, we left with a palpable sense of unity and commitment among us regarding the urgent need we face to safeguard religious liberty inherent in the dignity of the human person. We recognized our need to protect this foundational principle of our country, one that has been enshrined in the United States Constitution, further enumerated in the First Amendment, and explicitly extended to all U.S. citizens. The Framers of the Constitution themselves understood this “First Freedom” to be based on the norms inherent in Natural Law – namely, “that all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that among these are Life, Liberty, and the Pursuit of Happiness.”

This basic right, in its many and varied applications for Christians and people of faith, is now increasingly and in unprecedented ways under assault in America. This is most particularly so in an increasing number of federal government programs or policies that would infringe upon the right of conscience of people of faith or otherwise harm the foundational principle of religious liberty. As shepherds of over 70 million U.S. citizens we share a common and compelling responsibility to proclaim the truth of religious freedom for all, and so to protect our people from this assault which now appears to grow at an ever accelerating pace in ways most of us could never have imagined.

At the conclusion of our June plenary session, I asked you whether you wished to take swift action to secure a place in our Conference structure to allow us to address these pressing and immediate needs. You responded with a strong consensus that the time for action is now. In light of that mandate, I consulted with the Committee on Priorities and Plans and with the USCCB Executive Committee to determine what structure might best suit this need. We also discussed what additional, full-time expertise the Conference might benefit from to staff the structure and assist in this work. I brought the results of those consultations to the recent meeting of the Administrative Committee for discussion and possible affirmation. The members of the Administrative Committee unanimously affirmed and approved all aspects of the proposal.

Accordingly, I am pleased now to announce to you the establishment of the *Ad Hoc Committee for Religious Liberty*. I have asked Bishop William Lori to chair the committee and he generously accepted my invitation. Over the next few weeks, members of the committee will

be added who have particular expertise in this area as well as those who have shown interest. The Ad Hoc Committee will work closely with national organizations, charities, ecumenical and interreligious partners and scholars to form a united and forceful front in defense of religious freedom in our nation.

The work of the Ad Hoc Committee will begin immediately. It will report to the bishops of our Conference in November. This is because we cannot waste time in this vital area. To illustrate the point, permit me to list the new threats to religious liberty that have arisen just since our meeting in June:

- The federal Department of Health and Human Services (HHS) has issued regulations that would **mandate the coverage of contraception (including abortifacients) and sterilization** in all private health insurance plans. There is an exception for certain religious employers, but, to borrow from Sr. Carol Keehan, DC, President of The Catholic Health Association, it would cover only the “parish housekeeper.” And the exception does nothing to protect insurers or individuals with religious or moral objections to the mandate.
- HHS is also **requiring that MRS provide the “full range of reproductive services”** to trafficking victims and unaccompanied minors in its cooperative agreements and government contracts—and we all know what that means. This is exactly the position urged by the American Civil Liberties Union (ACLU) in the ongoing lawsuit challenging the constitutionality of MRS’s contracts as, ironically, a violation of religious liberty.
- Catholic Relief Services is also concerned that USAID, under the Department of State, is increasingly requiring comprehensive HIV prevention activities (for example, condom distribution), as well as full integration of reproductive health activities including provision of artificial contraception, within a range of international relief and development programs. Under the direction of the board, CRS is following up on these concerns.
- The federal Department of Justice has **ratcheted up its attack on the Defense of Marriage Act (DOMA) as an act of bigotry**. As you know, in March, the Department stopped defending DOMA against constitutional challenges, and the Conference spoke out against that decision. But in July, the Department started filing briefs actively attacking DOMA’s constitutionality, claiming that supporters of the law could only have been motivated by bias and prejudice. If the label of “bigot” sticks to us—especially in court—because of our teaching on marriage, we’ll have church-state conflicts for years to come as a result.
- The Justice Department has also disappointed us in the **critically important “ministerial exception” case now pending before the Supreme Court**. The Department could have taken the position that the “ministerial exception,” though generally providing a strong protection of the right of religious groups to choose their ministers without government interference, just didn’t apply in the case before the court. Instead, the Department attacked the very existence of the exception as well.

- The New York legislature passed, and the Governor signed, a law **redefining marriage, with only a very narrow religious exemption**. Already, county clerks face legal action for refusing to participate in same-sex unions, and gay rights advocates are publicly emphasizing how little religious freedom protection people and groups will enjoy under the new law.

Additionally, last week I wrote to President Obama to object to the continuing threats to religious liberty in the context of the effort to redefine legal marriage promoted by his Administration. I had previously written to him privately, as had my predecessor Cardinal George, but, since neither of us had received a response, and, since the trends continued, I decided to make this letter public. I have offered to meet with the President to discuss these concerns and to impress upon him the dire nature of these actions by government.

The establishment of the Ad Hoc Committee is one element of what I expect to be a new moment in the history of our Conference. Never before have we faced this kind of challenge to our ability to engage in the public square as people of faith and as a service provider. If we do not act now, the consequence will be grave.

I know you join me, my brother bishops, in praying for our Church and our country so that we might live fully the principles of freedom upon which our nation was founded and which our Church has supported through the centuries. We will hear much more about this urgent topic in November. For now, I wished to inform you of the most recent developments and our determined response to them.

Fraternally in Christ,

Most Reverend Timothy M. Dolan
Archbishop of New York
President, United States Conference of Catholic Bishops