

Obama caves in to Catholic Church, religious right on contraceptives

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President Obama on Friday caved in to pressure from the Catholic Church and the religious right, announcing that religiously affiliated employers would not be compelled to provide access to birth control as part of medical coverage for their women employees under his federal health care overhaul.

Obama said the coverage would instead be provided and funded by insurance companies.

This announcement, reversing an earlier decision to require employers, including church-affiliated universities, schools, hospitals and charities, to fund free access to contraceptives as part of their employee health insurance plans, represents a blow against the fundamental democratic principle of separation of church and state, laid down in the First Amendment to the US Constitution. Obama had already made a major concession to right-wing forces in the rule his administration announced January 20 by exempting churches from the requirement.

Obama and his allies tried to present the reversal as a small adjustment that would retain free access to birth control for women employees while addressing the concerns over “religious liberty” of his critics. But the climb-down has vast legal and social implications. It legitimizes the claim that religion can be used by employers to determine benefits available to their employees, opening the door to more aggressive attacks on workers’ rights on the pretext of religious belief.

It also casts a legal shadow over eight states that have existing laws requiring church-affiliated employers to fund free access to contraceptives for their employees. Friday’s reversal will encourage the religious right and the Catholic Church to mount legal challenges to those states’ laws.

It took exactly three weeks for Obama to capitulate to right-wing agitation, inflated by the media, from

Catholic bishops and Republican presidential candidates and legislators. The rule his administration initially announced on January 20, to take effect in 2013, was met with charges by the Catholic Church and the religious right that Obama was attacking religious liberty and waging a “war on religion.” Some Obama allies and prominent Democrats joined the campaign against the rule.

The White House capitulated despite overwhelming popular support for free access to contraceptives, including among a substantial majority of Catholics. Under conditions of mass unemployment and a ruthless assault on wages, benefits and social programs, many working class families would be financially devastated if they had to pay for this basic form of health care, or faced with an unwanted pregnancy.

Announcing the exemption Friday afternoon, Obama sought to conciliate with the religious bigotry of his critics. After asserting that “no woman’s health should depend on who she is or where she works or how much money she makes,” the president said, “We’ve been mindful that there’s another principle at stake here—and that’s the principle of religious liberty, an inalienable right that is enshrined in our Constitution. As a citizen and as a Christian, I cherish this right.”

These statements turn reality on its head. Obama’s cave-in is an unconstitutional attack on the rights of women at these religious-linked institutions, who will face discrimination in the provision of health care based on the religious outlook of their employers. Denying women access to birth control, which is completely legal in the US, has nothing whatsoever to do with “religious freedom.”

Under the banner of “religious liberty,” the opponents of the health care rule as initially announced are attacking the secularist foundations of the American

republic that are spelled out in the First Amendment. This is part of a broader, long-standing and escalating assault on the Bill of Rights, in which the Obama administration has played a central role—undermining habeas corpus and upholding indefinite military detention without trial, domestic spying and targeted assassinations.

The US Constitution’s framers viewed the injunction against government support of religion as a central tenet of the democracy they were creating, which established freedom *from* religion as well as freedom *of* religion. Obama’s abject capitulation is a demonstration of the lack of commitment to basic democratic principles of his administration, the Democratic Party and liberal establishment, and the ruling class as a whole.

His claim—“Under the [new] rule, women will still have access to free preventive care that includes contraceptive services, no matter where they work”—is by no means guaranteed.

The deal offered by Obama is based loosely on regulations in effect in Hawaii and three other states, which require insurers to provide birth control “riders” for women who work at religious-affiliated institutions. Presently in Hawaii, these women can still get coverage at the price their employer would pay, but neither the employer nor the insurer is required to pick up the tab. Under Obama’s plan the insurers would be required to pay for it.

However, questions remain about how the regulation would be implemented in practice. As religious-affiliated employers would not be required to inform their employees of the availability of the coverage, women might be unaware that it was being offered. It is also not a given that insurers will voluntarily provide the coverage, although the Obama administration claims to have the authority to compel them to do so. Nor is there a clear mechanism to prevent insurers from passing on costs in the form of higher premiums.

Despite Obama’s cave-in, opponents of the original rule were not immediately appeased. Cardinal-designate Timothy Dolan, president of the United States Conference of Catholic Bishops, commented, “While there may be an openness to respond to some of our concerns, we reserve judgment on the details until we have them.”

Brendan Buck, a spokesman for Republican House

Speaker John Boehner, said, “The Catholic Church and others in our nation’s religious community are not yet convinced the president’s mandate doesn’t constitute an attack on religious freedom...”

The latest concession by Obama to the religious right will only encourage more aggressive attacks on democratic rights and the rights of workers in particular.



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