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Compromise? Not So Fast

Michael Sean Winters | Feb. 8, 2012 Distinctly Catholic

Yesterday, Politico reported that David Axelrod [1], the President?s chief political strategist, admitted that the administration needs to revisit the issue of conscience exemptions and the HHS mandates. Axelrod, however, also re-stated the administration?s lame arguments for the original decision.

Also, yesterday, the editors of Commonweal opined [2]that while the administration?s decision was bad, the bishops have over-reacted and that it is time to find a compromise.

Not so fast. I am all for reaching a political solution, rather than a court-ordered solution, but this is politics folks, not a congenial conversation over a game of bridge. To stick with that analogy, the White House did not bid one no trump to open this game, it bid five hearts. Last month, they went for the whole enchilada, refusing any kind of workable compromise, going back on the President?s promise to yield a decision the Catholic Church could live with, and giving in to the most extreme position articulated by groups that are ? and should be ? enemies of the Church. Yes, I said that correctly. Groups like NARAL and Emily?s List, which exist to further the availability of abortion, should consider the Catholic Church an enemy and, in this great, free country of ours, they have every right to pursue their political goals and to defeat the Catholic Church in its efforts to restrict and eventually eliminate abortion. And, while I do not believe the President is himself an anti-Catholic, there is no denying that in this decision he listened to those who are.

The most troubling part of Axelrod?s comment was the idea that finding a compromise will take time. I read that to mean, let?s paper this thing over until after the election. Does he take us for fools? If there is a second Obama term, something that I suspect seems more in doubt because of this decision, which is why Axelrod is saying anything at all, what leverage will Catholic leaders have after the election? Clearly, we cannot count on this president to do the right thing, nor even to do the thing he promised to do.

Secondly, there seems to be widespread agreement that the Church and her various ministries will be vindicated in the courts. The language and the logic of the recently decided case Hosanna-Tabor v. EEOC, which was decided on a 9-0 vote, indicate that the Supreme Court is not likely to buy the administration?s argument that its policy goal, increased access to contraception, can or should trump the First Amendment right of religious institutions to decide how to run their own ministries. So, what incentive do we Catholics have to compromise politically now if we can win a more thorough-going victory in the courts?

Mr. Obama and his advisors decided to walk out on this limb, I didn?t. They chose to punch us Catholics in the nose. If they are now feeling the heat of a backlash they were warned about, that?s how politics works. Their political predicament was foreseeable and they made their choice. I do not want to sit down to negotiations with them unless and until there is a little blood coming from their nose too. Negotiations are more honest when both sides have some essential parity in the bloody nose category. And, if the White House and Mr. Axelrod think the heat is too much for them, they should reverse this decision, not seek negotiations. It is never fun to admit one was wrong. Certainly, as the Komen Foundation brouhaha showed, there will be hell to pay on the other side if the administration reverses course. This is not an issue on which there is an obvious consensus everyone can live with, and because the issues raised entail first principles, there are limits to what any negotiators can

achieve.

The editors of Commonweal admirably recognized that such very fundamental issues are at stake when they wrote: ?The HHS decision comes perilously close to insisting that the government should determine what is or isn?t a religious organization or ministry. The reasoning behind restricting the exemption to institutions that primarily employ and serve coreligionists appear to be based on an essentially sectarian, and historically Protestant, understanding of ?religion.? The Catholic Church, which understands its public presence to be vital to its identity and mission, should not be forced to abide by such restricts.? Amen to that. Religion is not something we only do on Sunday morning and do amongst ourselves. And those who have been castigating the big, bad, bishops on this score need to be reminded of the scores of decisions made by scores of bishops to keep inner city schools open even when the Catholics they were built to serve had fled for the suburbs because, as Catholics, we believe helping the poor is part of our religious mission. Those who fret about Catholic hospitals operating in a pluralistic society should ask themselves why NARAL and Emily?s List have not opened any hospitals. The administration?s logic seems to be that when a poor person comes to a Catholic soup kitchen, we should not ask if he is hungry, we should ask if he is Catholic. Sorry, but that is not how we conceive of our Catholic mission and social justice Catholics should be the first to recognize this instead of shamefully making apologies for the administration or bashing the bishops or shifting the conversation away from these first principles into a defense of contraception.

Unfortunately, the editors of Commonweal seem, like Mr. Axelrod, a little too facile in thinking that a compromise on this can be easily reached. Indeed, I suspect that what might have been agreeable in November might be a tougher sell now because the White House has handled this issue so badly and, to be candid, the President?s word is not as good as it was back then. There is no escaping the fact that this was a political decision. President Obama did not take a course in First Amendment jurisprudence between the time he met with Cardinal-designate Dolan in November and his decision last month. What changed was not the merits of the issue but the administration?s calculus of the politics. The other side ? the pro-choice caucus on Capitol Hill, the fundraisers at Emily?s List, the lobbyists for NARAL - pushed back and pushed back hard and the president caved. Our side should not be all sweetness and light as we suggest negotiations. We need to push back too. And, it is beginning to work. Surely the White House has noticed than when the likes of E.J. Dionne and Chris Matthews are telling them they got this one wrong, they need to walk it back.

Yes, I want a solution to this mess. But, I also want a victory by which I mean I want a really robust conscience exemption. I want any change by the White House not only to work in terms of resolving this issue but to send a clear and unambiguous statement that in this great diverse, pluralistic country of ours, there is room for us Catholics to be Catholic, with all of our quirks, and that the government recognizes that they have no business telling religious organizations what their mission is or how to manage it. I do not want the White House to cry ?uncle? for the sake of crying uncle. But, when somebody punches me in the nose, and when someone punches my friends Sr. Carol Keehan and Father John Jenkins and countless others in the nose, I am not going to rush to make nice with them either. There needs to be an apology. And the President needs to go to the pro-choice caucus and explain that their stance imperils the entire Affordable Care Act, both politically and legally, and without that, they would not be discussing extending contraception to anyone.

Make no mistake about it - those who support denying Catholic institutions a more robust exemption have placed their commitment to pro-choice orthodoxy above their commitment to health care reform. Is that progressive? Is that something progressive Catholics, who fought so hard to pass the ACA, want to defend? It is time for so-called progressive Catholics to stop serving as chaplains to the political status quo and recognize a first principle when they see one. It is time for Catholics to insist that a conscience exemption that only applies to religion on Sunday and no help for the poor unless they are also Catholic is no conscience exemption at all. And, if the White House doesn't see it that way, let them pay the political price for it. This isn't a neighborhood bridge game. It is politics.

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[1] http://www.politico.com/news/stories/0212/72542.html
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