NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

Keller on Conscience of a Corporation

Michael Sean Winters | Feb. 11, 2013 Distinctly Catholic

Bill Keller, of the New York Times, is not my favorite columnist, and his essay about the HHS mandate [1] gives ample reasons why. For example, he writes: "You might ask why a clerk at Notre Dame or an orderly at a Catholic hospital should be denied the same birth control coverage provided to employees of secular institutions. You might ask why institutions that insist they are like everyone else when it comes to applying for federal grants get away with being special when it comes to federal health law. Good questions. You will find the unsatisfying answers in the Obama handbook of political expediency." Actually, I do not think these are good questions and I do not think the answers are unsatisfactory. Keller seems like a reactionary, stuck in the days when the Burger Court could not spend enough time and ink on the Establishment Clause of the First Amendment but had no time to think about the Free Exercise Clause.

But, towards the end of the piece, he quotes Douglas Laycock, a professor law at UVA who is not stuck in the Burger days and is one of the most articulate champions of religious liberty in the country. And Laycock voices a political worry that I have tried to echo in my blogs on this subject. Laycock told Keller, "Interfering with someone else?s sex life is a pretty unpopular thing to do. These disputes are putting the conservative churches on the losing side of the sexual revolution. I think they are taking a risk of turning large chunks of the population against the idea of religious exemptions altogether.? Of course, if the truth revealed by Jesus Christ puts us on the "wrong side" of the sexual revolution, so be it. But, Laycock hits the nail on the head that if the USCCB, for example, puts itself in the position of refusing any accommodation with the administration on the HHS mandate, which does not mandate the use of contraception after all, they do risk imperiling the entire idea of religious exemptions. Be careful what you ask for, goes the old saying.

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[1] http://www.nytimes.com/2013/02/11/opinion/keller-the-conscience-of-a-corporation.html?pagewanted=1&_r=1&nl=todaysheadlines&emc=edit_th_20130211