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## Nat'l Cath Register Attacks Sr. Carol Keehan

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Distinctly Catholic

Are we not all more than tired with the fear-mongering about the Affordable Care Act (ACA) that continues to be spouted on behalf of Catholic officialdom? Yet, here comes the National Catholic Register, now owned by EWTN, publishing an article that is half fear-mongering about the potential for taxpayer funded abortions and half hatchet job on Sr. Carol Keehan. The Register should be ashamed of itself. (Silver lining? Column inches rehashing tired arguments are column inches that can't be used to whip up opposition to immigration reform, an issue on which EWTN seems more than happy to be at odds with the bishops and official Church teaching.)

The Register article repeats a series of claims about the ACA that are simply not true or at least complexly not true. They quote Marie Hilliard of the National Catholic Bioethics Center on this point. Ms. Hilliard, of course, was largely responsible for the NCBC's truly bizarre statement that no Catholic institution should allow its employees to serve as navigators under the terms of the ACA because that would constitute illicit material cooperation with evil. I debunked that claim at the time.

Like Ms. Hilliard, I wish the Stupak Amendment had passed, which would have applied the Hyde Amendment restrictions on abortion funding. The amendment passed the House by a wide margin and then failed in the Senate. Because not a single Republican senator was willing to break party orders on behalf of securing health insurance for millions of Americans, the Democrats had a choice: Pass the ACA without the amendment or let the entire bill fail. The last-minute compromise, putting the Stupak language into an executive order, was not great but it also was not nothing. The President can undo an executive order with a wave of his pen, to be sure. And, a regulation, any regulation, is less of a hurdle to those who want government-funded abortion than statutory language would be. But, let us be clear: The failure to include the Stupak language was as much the fault of Republicans who turned their back on the need for the ACA as it was the fault of Senate Democrats unwilling to back the amendment.

The Register article repeats the claim that the ACA allows federal funding of abortion. This has twice been argued in the courts and twice the courts have said that, on its face, the ACA does not provide government funding for abortions. One such case, in Ohio, is before the Supreme Court today, where the issue of abortion funding is not central to the arguments. The second case was in the Fourth Circuit Court of Appeals which heard the challenge to the ACA from Liberty University. Liberty challenged the ACA on a variety of grounds, one of which was that the law would force them to facilitate abortions. The court stated:

*Plaintiffs present no plausible claim that the Act substantially burdens their free exercise of religion, by forcing them to facilitate or support abortion or otherwise. The Act specifically provides individuals the option to purchase a plan that covers no abortion services except those for cases of rape or incest, or where the life of the mother would be endangered. See 42 U.S.C. § 18054(a)(6) (requiring that at least one plan on each exchange exclude non-excepted abortions from coverage). The Act also does nothing to prevent employers from providing such a plan. Furthermore, the Act allows an individual to obtain, and an employer to offer, a plan that covers no abortion services at all, not even excepted services.*

It is true that these requirements must be monitored. It is true, as well, that finding out whether abortion services are covered or not is no easier, or harder, than discerning other issues about the scope of coverage: The combination of legal language with medical terminology makes many of these policy statements unintelligible to the common reader. But, only if you adopt a string of worst case scenarios, something the pro-life activists have become proficient at, can you conclude as the Register does that the ACA is just one big effort to expand government funded abortions.

What is really galling to me, however, is the lack of outrage among these pro-life activists at Republican governors who have refused to expand Medicaid in their states. Surveys ? and common sense ? tell us that when the poor lack access to basic health care provided by Medicaid, health outcomes worsen appreciably and more people will die. Alas, for too many full-time pro-lifers, those deaths matter less than the death of the Stupak Amendment. And, Medicaid remains subject to the Hyde Amendment, on which the Stupak Amendment was based. It is difficult not to conclude that some pro-life activists just hate the ACA so much, they are all too willing to overlook its achievements.

Regular readers will know that I have been highly critical of the Obama Administration for their handling of relations with the Catholic Church. They picked an unnecessary fight over the contraception mandate without which we might have found more bishops willing to use their network of social service agencies and parishes to help get people enrolled in the ACA. And, of course, the rollout of the website was a disaster for which Secretary Sebelius, belatedly, paid the price. But, truth be told, I am more upset with these pro-life champions who build sloppy arguments based on worst case scenarios, then whip up fear and anger, and fail to admit, let alone applaud, the obvious and undeniable pro-life aspects of the ACA.

So much easier to just beat up on Sr. Carol. The bishops need to ask themselves some profound questions about their pro-life strategy, how it is working and how not, whether it is always truthful, as Christians are obligated to be, and why they allow their own employees to besmirch the reputation of Sr. Carol and the CHA. If there is a more profound pro-life witness in this country than our network of Catholic hospitals, I do not know it. As for the Register, what to say? It is an arm of the Republican Party's conservative wing, pure and simple, dressed in Catholic drag.

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