

Since some of you get the bulletin online days before the weekend arrives, or read it in paper form even before Mass, you already know what my subject is today. For the rest of you, who take your information at a slower pace, I'll tell you now. In the past month, I have taken the opportunity to speak about the Department of Health and Human Services contraception mandate a couple of times--but both times, it was in the northern parishes in our cluster: Holy Trinity, St. John's, and Assumption. What is this issue about? In a nutshell, the HHS contraception mandate is a part of the newly revised health-care law in America. As it currently stands, the mandate requires insurance providers to offer contraceptives which can cause early abortions, as well as sterilization procedures, to all plan holders, at no cost to them. The Church has always opposed abortion and sterilization as grave evils, since they destroy life, or the power to transmit life, respectively. While we cannot control what other people will choose, we do not want to have any part in these kinds of choices. But we will, because we will have to pay for them indirectly through insurance premiums. Insurance companies will have to come up with the money to pay for these options, now that these options will have to be offered free of charge. And further, since many Catholic organizations are self-insured, which is common among large American institutions, we wonder how we will be able to detach ourselves at all from this cooperation in moral evils.

Why am I talking about this again? As a pastor, it is important for me to speak about this issue often enough and in enough places that everyone has a chance to hear something about it. My first homily, over a month ago, focused on the issue in light of the First Amendment and conscience protections. I quoted from the founding fathers of our nation. My second homily, last week, used data and logic to attack two of the misguided rationales behind the mandate. I cited medical research and the results of some investigative reporting. Today, I will speak on the subject from a different angle: whether the government has the right to define what religious ministry is. My inspiration comes from a letter by Cardinal Timothy Dolan to his brother bishops, released just this week.¹ All three of these homilies will be posted on our cluster website after this weekend. To get you started thinking, answer these questions silently: Should the government of our country have the power to decide what amounts to religious ministry? Should it be able to say, "Once you step outside the walls of your church, you're no longer acting religiously, and so *you don't qualify for religious protections and exemptions?*"

Now, before I enter into this subject any farther, I want to set it in the context of our readings for the Mass today, beginning with the first reading, which was the text of the Decalogue, the Ten Commandments. The Catechism of the Church points out how unique these ten laws were and are. Unlike the laws and permissions which Moses later gave the people by his own hand, (at least one of which Jesus reversed) the Decalogue was inscribed by the finger of God. There is only one other place in the Bible I can think of God actually writing anything with his own hand, and that was in the story of the woman caught in adultery, when Jesus stooped to the ground and wrote in

¹ <http://www.usccb.org/issues-and-action/religious-liberty/loader.cfm?csModule=security/getfile&pageid=51472>

the sand--perhaps writing the sins of the Pharisees on the earth. God wrote these laws. They are his initiative. No human being or community made them up. And they are still valid. Matthew's Gospel records Jesus' affirmation of the commandments in more than one place. He said they are necessary for eternal life (Mt 19:1-12) and he expanded their application and power in the Sermon on the Mount.

We learn from these passages of the Bible that God is the ultimate source for religious identity and practice. When mere men and women depart from that practice, God alone has the authority to intervene: purifying, clarifying, and correcting the observation.

This is in fact what we heard in dramatic fashion in the Gospel story today. We heard the amazing tale of the cleansing of the Temple by Jesus. This is one of the few stories that all four gospels report, and it is almost certainly the one single action which most led to Jesus' trial, condemnation, and death. Brandishing a whip made from cords, he entered into the place of supreme national, cultural, and religious identity, and claimed the singular power to critique and destroy everything that was wrong within it. His challenge, "Destroy this Temple and in three days I will rebuild it," amounted to a claim to divinity--to be the very place where the presence of God was located on earth. Because Jesus was the one who could really say that the Temple was "my Father's house," he was the only one with the right to enter it, and turn everything upside down in the name of justice.

Do you see? In these two Scripture readings, we find that it is not man that makes religion up and owns it like he owns everything else. My claim today is that those in power in our national halls want to be able to define and limit religion. They want to say that ministry means one group of people offering spiritual teachings to another group of people who already agree with them. But don't we call that "preaching to the choir?" You know, it would be nice if religion were that easy. If that's all it took to be saved. If we made religion up, we probably should have made it easier to survive the judgment of God. In James 1:27 it says, "Religion that is pure and undefiled before God and the Father is this: to care for orphans and widows in their affliction and to keep oneself unstained by the world." If I could make a religion up, it's rules and expectations would have a lot more to do with repairing your divots and letting slower groups play through . . . But hold on, that religion already exists. And has many followers.

This idea does bring me to my subject today. In all the media coverage surrounding the health care mandate, the supporters of the mandate keep trying to make the issue into something it is not. They will say, "It's about health care." I gave two reasons in last week's homily why this cannot really be the case. You can read them later if you like. The real question involved here is whether the government can step into the affairs of a religion, and decide what that religion's ministry is. I say this because this president's administration claims they are treating religious institutions fairly. They say, "We're not forcing Churches to comply with this, because there is an exemption." While there is an exemption, it only counts for organizations that exist principally for teaching religious doctrine, and who only employ, and serve, people of their own faith tradition. As many have noted, this exception is so narrow, that not even Jesus could have applied for it.

He served everyone, just like Catholic hospitals and universities do. Jesus wasn't just about teaching doctrine, but about healing the whole human person. Jesus was out there, in the world, not safe in the confines of the Temple. In fact, it was often in the Temple area he got himself into the most trouble. Does that mean Jesus wasn't "religious?"

The First Amendment to the Constitution of the United States says that "Congress shall make no law respecting an establishment of a religion, or prohibiting the free exercise thereof." Our Catholic bishops are objecting unanimously to the administration's claim that it can define what constitutes ministry, or religious activity, in their new exemption clause. Some of you may think this sounds overblown. But if you do, know that this HHS mandate is not the only instance where the administration is attempting to limit the definition of religion. In a very recent lawsuit, the administration tried to argue that a Lutheran church in Michigan could not dismiss one of its own teachers. After all, it said, that teacher taught things other than religion subjects. The Supreme Court disagreed, in a rare 9-0 decision, stating that the First Amendment allowed that Lutheran church to regulate its own affairs, determining for itself who would represent its teachings to others.²

So let us be clear about what is going on here. In a similar way, the Catholic Church wants to be left free to follow the practices it believes God has determined for it. It wants to be free to receive this definition of its ministry as not pertaining only to religious teaching, and not only for the benefit of Catholics. Only if we can get this definition restored, freed from government intrusion, we will be able to opt out of participating in abortions and sterilizations.³

Many times throughout history, great struggles have taken place between the powers of the state and the religious inclinations of its citizens and slaves. Given the First Amendment rights in our country, I did not think that we would face that kind of struggle here, especially not in the 21st century. But if the government can oblige religious institutions to act against their consciences by redefining who gets the religious exemption and who doesn't, then the struggle has come to us.

² <http://blog.heritage.org/2012/01/11/supreme-court-decision-in-hosanna-tabor-a-major-win-for-religious-freedom/>

³ I think we can agree that it would be wrong to force someone else to have an abortion. Why then, would it be considered right for another person to be forced to help pay for one, even if it was freely chosen? To illustrate the point: a recent news story is covering a breaking scandal in the state of California, which was one of 32 American states that had eugenics programs in the early 1900s. "Eugenics" is the belief that the government can decide who is inferior, and therefore unwanted, and eliminate them by preventing them from reproducing. Almost 20,000 people were forcibly sterilized in California alone--rendered forever unable to have children--with the clearly stated goal of clearing the American gene pool of people with maladies like epilepsy, alcoholism, criminality, and feeble-mindedness. If we know instinctively that it is wrong to forcibly sterilize people, why should anyone be forced to help pay for sterilizations? See <http://ac360.blogs.cnn.com/2012/03/08/video-sterilization-victims-seek-compensation/>

It seems, like it once did to the ancient Hebrews, that there is a new kind of power in effect today--a power that does not accept what religious identity is about. Remember, it was God who set the Hebrews free, gave them a law, and made them his own in covenant relationship. God gave them their identity. Our Church--the Catholic Church--is the full expression of that very same covenant relationship given on Mount Horeb so long ago, for the Word of God himself has come to fulfill the law of God and purify our expression of religion.

My friends, we are, and ought to be, a free people. Free as Americans, free as Catholics. God has claimed us for his own, and there is no greater liberation than that. The time has come for us to speak up for that freedom more clearly than before. We need to contact our legislators, and our president. And we need to tell them, "Mr. Congressman, Mr. Senator, Mr. President, our vote is for religious freedom, so let us be Catholic. Let us teach, serve, and heal people God's way. Don't penalize us for serving people outside our church walls. Don't penalize us for serving people who don't belong to the our flock. Let us keep the law of God as we know it, and do not make us transgress it. Let us be led, in matters of faith and morals, by our shepherds. Let us be Catholic."