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September 27, 2011

Office of Health Plan Standards and Compliance Assistance
Employee Benefits Security Administration
Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Office of Consumer Information and Insurance Oversight
Department of Health and Human Services,
P.O. Box 8016
Baltimore, MD 21244-1850

IN RE: August 1, 2011 contraceptive mandate

Dear Sir or Madam,

This determination by the Secretary of H.H.S. amounts to a blatant and flagrant abuse of authority because it attacks three vital wellsprings of human flourishing - the rights of conscience, freedom of religion and the objective and absolute nature of the common good. Error has no rights and for this reason that is grounded in the conclusions of Moderate Realism, prescinding from any particular religious confession or convictions, the arbitrary decision of the Secretary as well as the entire Affordable Care Act constitutes an act of violence and has no claim to command obedience. Simply put, these are distortions of the Natural Moral Law therefore, being evil and enjoin the duty of public protest and resistance.

Conscience is the last best judgment about what is good to do. It trades upon the virtue of prudence in forming a decision how to apply theoretical truths and principles in practice or within daily life. Truth is the agreement of thought and thing in which the thing or reality stands over and against the mind or intellect of the knower who is passive, rather than active, with respect to the essence or nature of what it is possible to understand. Each person is accountable for the results of their acts of conscience, whether in thought or action - and the fittingness or goodness of any act can be evaluated in terms of its object or goal, the intentions of the actor or agent and the circumstances in which the act is performed. Any defect of these three is sufficient to condemn the act as bad or evil. It happens that if a possible act is intrinsically disordered or so corrupted and irreformable at the level of the object alone, the entire act becomes blameworthy regardless of any manner of good intentions or apparently proper circumstances. Acts that follow from such faulty judgments of conscience violate what moral philosophy and Catholic thought defines as specific moral norms. The decision of Secretary Sebelius is an example of an act which violate a specific moral norm for the reasons that it: 1.) involves grave matter or a subject of profound magnitude and moral weight (e.g. the actual death of unborn persons because contraception operates by making the uterine lining of the mother chemically unreceptive to the

implantation of the human embryo, effectively just as a procured abortion because the embryo is still evacuated from the mother's womb if only at an earlier stage of development and the consensus of biological, philosophical and theological sciences concludes that the embryo is an intact, living human person), 2.) was chosen and made without compulsion or force, and 3.) it is made in open conflict with the tenets of the Secretary's own Catholic faith leading one to believe that she either dismissed the content of an informed conscience or is afflicted with vincible or invincible ignorance that may further accuse, rather than excuse, this decision as the good of human life is self-evident and all human life seeks to preserve itself (indeed, himself and/or herself) in existence. This deduction follows from the first principle of the Natural Law "do good, avoid evil", which is irreducible and axiomatic. Evil is not merely non-being and so nothing, but is a mixed reality and falls short of the mark of human and moral goodness. Beauty and truth are not merely in the eye of the beholder who may be deceived or otherwise in denial, but have a necessary relation with unity or what is One without which they cannot possess certitude. In Arithmetic, the dependence of division upon unity is clear as division by zero is undefined and would yield a theoretical infinity, which is unintelligible. That unintelligibility, which occurs in the case of division by zero and every divorce of truth from goodness and beauty - which the Secretary's mandate openly commits, points up the limits and frailty of human thought, if not also false human respect undertaken to achieve political expediency - along with the necessity to defend and embrace freedom religion. An appeal to religion must be available precisely because of the finitude of human reasoning and the limits of personal or even national self-determination for no individual or society can control or foreknow their everlasting destiny.

Everlasting destiny is a metaphysical consideration from which even an agnostic or secularist cannot flee without falling into denial and disingenuousness. Freedom of religion never entails freedom from religion that always hinges upon the correct concept of religion that is lacking in the August 1 mandate. It is fully appropriate for government not to enjoin the exercise of any one religion, but to open the way for all citizens to pursue and confess any legitimate religion which does not harm the common good. Perhaps the issue today is that our government and many citizens no longer accept or believe the concept of a common good. They seem to have adopted a Hobbesian perspective which imagines that society is a war of all against all and that the government best serves to remove as many restrictions as possible while preventing mayhem or chaos. Such thinking suggests a very narrow view of religion, which is not far from the fanatic Marxist idea that it is merely the "opiate of the people" that will wither away when the state replaces the Church. The almost everything is up "for grabs" and nothing is good for its own sake or good in itself, but the 'good' is a synonym for what is useful. Reason and truth soon are dethroned and replaced by unbridled appetites that bring on the dictatorship of Relativism which Pope Benedict XVI consistently warns against. Religion is not merely worship and do collapse religion to worship is not just an illogical reduction that flies in the face of truth and experience, but a type of horizontalism in which the Creator, who transcends His creatures is taken to be a subjective projection of the worshiper. The acute danger here is that the one who

regards religion to be simply ceremonial or ritual worship with the implication that it has no bond with grasping the ultimate meaning of life but is only a means of self-expression or self-satisfaction as it lacks carrying value for his or her relationship and interaction with society, daily life, and family ends up not only confused and unhappy, but also risks worshipping him or herself! Without favoring one religion above another, it is clear that the reductivistic concept of religion which the Secretary's mandate presupposes due to its totalitarian dismissal of conscience rights and obedience to religious teachings which that decision displays, is very foreign to the notion of the common good articulated in the Declaration of Independence. This document which is fundamental for understanding the design and interpretation of our federal Constitution is based in a Lockean, rather than a Hobbesian, theory of justice.. As such it resonates with the classical tradition of Natural Law expounded by Cicero, Aristotle and Saints Augustine of Hippo and Thomas Aquinas. Sentences two through five of that document offer a *raison d'être* for objections to the present mandate as well as the overbearing imposition of ACA as a type of excessive Statism that gives the lie to the meaning of the second sentence of the Declaration:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, among these are Life. Liberty and the pursuit of happiness.”

Without conjecture why the August 1 mandate was opportunistic in terms of procedural statutes, it is unmistakably clear that it denies citizens the enjoyment and exercise of those inalienable rights specified in the Declaration by Thomas Jefferson. One cannot be personally happy if he or she does not possess life and the 'liberty of contraceptive choice' that enables one person to knowingly destroy or murder another innocent, defenseless person is not longer any true liberty but a depraved form of license which honest persons call "sin" . One cannot achieve happiness at the cost of hurt to another. Yet, this lesson and message which is been verified as a constant of the human condition is entirely lost on Secretary Sebelius and the Obama administration. In turn, such license often serves to deny those who use or inflict it the very possibility of human flourishing or happiness for themselves. This would be a form of poetic justice to which we would hope that they do not fall victim. However, they choose for an apparent, rather than a real, good which always fails to satisfy its promises of pleasure and joy. Only a fool would opt for short term pleasure at the promise of long term or permanent unhappiness or pain. This is exactly the alternative that Secretary Sebelius offers under false promises.

Contraception, elective sterilization and procured abortion are strongly connected with the rising incidences of breast and uterine cancers, infertility, promiscuity among youth, frustration of maternal inclinations, increased domestic violence, separation, divorce and the decline of the two parent family. Such is the future that Obama asks us to embrace. We answer his slogan "got hope?" with the reply that our hope does not rest in Obama who demonstrates that he is part of the problem and lacks any clue about a solution. The August 1 mandate is both impious and unpatriotic. It treats fertility and conception as diseases and supposes the child, who is always an absolute and intrinsic good and end in themselves to


be a 'useful good', bargaining chip or means to some pragmatic, self-appointed end. In cooperating with this effort, Secretary Sebelius has placed a financial price on the life of each child and mother. Thus, the policy of the Obama administration is shamelessly anti-life and anti-family and demands unconditional public repudiation.

Defining contraception as a violation of the Natural Moral Law that is binding upon Catholics, non-Catholics and unbelievers in any God, the late Pope Paul VI (*Humanae Vitae*, n.14) states that every act that separates the unitive and procreative dimensions of Marriage or human sexuality is intrinsically evil and the source of every kind of sexual sin. The contraceptive mentality which afflicts the Obama administration is a terrorist at war with the civilization of love, that is the cornerstone of Pope Paul's teaching .

A legislator or administrator may be unable to legislate or enjoin the practice of morality, but must always desist from legislating or enjoining what is immoral - such as the present mandate. If they fail, it is the duty of the subject to engage in non-violent civil disobedience.

On the outside prospect that these ideas meet with more than a perfunctory notice, please be assured that I would be happy to discuss them in further detail if you are so inclined. Although I have waited until the end to make an explicitly religious appeal, the words of Blessed Teresa of Calcutta are telling "God expects us to be faithful, not necessarily successful (for fidelity is the foundation for any success).

Respectfully Yours,


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