

Pro-Life Catholics For Obama

Should abortion be the litmus test for political support?

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In an election cycle filled with its share of quirks, oddities, and surprises, the emergence of Roman Catholic pro-lifers as leading supporters of Sen. Barack Obama—himself a favorite of the National Reproductive Rights Action League—must rank as one of the strangest of twists and turns. Whatever its effect on the election, this unexpected development may also portend a new hardening of the battle lines within the Catholic Church, no matter who is inaugurated president in January.

The most visible of the pro-Obama Catholic pro-lifers has been Pepperdine University law professor Douglas Kmiec, formerly dean of the law school at the Catholic University of America and a minor official in the Justice Departments of Ronald Reagan and George H.W. Bush. Kmiec began the 2008 cycle as co-chairman of Mitt Romney's campaign, but recently told the Chicago Tribune that, as the campaign unfolded, "I kept discovering that Obama was sounding more Catholic than most Catholics I know" on issues like the family wages, health-care costs and the war in Iraq. With Romney out of the race, Kmiec announced his support for Obama on Easter Sunday, arguing that "Senator Obama comes reasonably close" to embodying "an alternative way to be pro-life." Kmiec develops that arresting claim in a new book, "Can a Catholic Support Him? Asking the Big Questions About Barack Obama," published in mid-September.

Other pro-Obama Catholic intellectuals include Notre Dame professor M. Cathleen Kaveny, whose Obamapologetics are frequently found on the Commonweal blog, and Duquesne University law professor Nicholas Cafardi, one of the original members of the U.S. bishops' National Review Board to study problems of clerical sexual abuse. In a recent statement, "Senator Obama: A Moral Choice for Catholics," Cafardi summarized the three most frequently deployed arguments of self-declared pro-life Catholics who support Barack Obama for president.

First, according to Cafardi, Catholics have, as a matter of law, "lost the abortion battle ... and I believe that we have lost it permanently." Second, abortion is not the only "intrinsic evil" of the day; the Bush administration has been guilty of committing acts that are "intrinsically evil" in its policies on interrogation of terrorist suspects, in its failures after Hurricane Katrina and in its detention of terrorism suspects at Guantánamo Bay. Third, Senator Obama "supports government action that would reduce the number of abortions," including an "adequate social safety net for poor women who might otherwise have abortions."

The argument, in sum: the constitutional and legal arguments that have raged since *Roe vs. Wade* are over, and Catholics have lost; there are many other "intrinsic evils" that Catholics are morally bound to oppose, and Republicans tend to ignore those evils; liberalized social-welfare policies will drive down the absolute numbers of abortions and Senator Obama is an unabashed liberal on these matters. Therefore, a vote for Obama is the "real" pro-life vote.

The argument is, some might contend, a bold one. Yet it is also counterintuitive, running up against the fact that, by most measures and despite his rhetoric about reducing the incidence of abortion, Barack Obama has an unalloyed record of support for abortion on demand. Moreover, he seems to understand *Roe vs. Wade* and subsequent Supreme Court decisions as having defined abortion as a fundamental liberty right essential for women's equality, meaning that government must guarantee access to abortion in law and by financial assistance—a moral judgment and a policy prescription the pro-life Catholic Obama boosters say they reject.

According to his own Web site, Obama supports the federal Freedom of Choice Act [FOCA], which

would eliminate all state and federal regulation of abortion (such as informed consent and parental notification in the case of minors seeking an abortion); these regulations have demonstrably reduced the absolute number of abortions in the jurisdictions in which they are in effect. FOCA would also eliminate, by federal statute, state laws providing "conscience clause" protection for pro-life doctors who decline to provide abortions. Obama (along with the Democratic Party platform) supports federal funding for abortion, opposes the Hyde amendment (which restricts the use of taxpayer monies for abortion) and has pledged to repeal the "Mexico City policy" (initiated by Ronald Reagan and reinstated by George W. Bush, which bans federal foreign-aid funding for organizations that perform and promote abortion as a means of family planning). According to the pro-choice Web site RHRRealityCheck.org, Obama also opposes continued federal funding for crisis pregnancy centers.

Then there is the continuing controversy over Obama's role in the Illinois state legislature when that body was considering an "infants born alive" protection act that would extend full legal protection to infants who survive a late-term abortion. According to the [Annenberg Political Fact Check](#) (Obama opposed the 2001 and 2002 Illinois "born alive" bills on the grounds that they were attempts to undermine *Roe vs. Wade* but said he would have supported an Illinois bill similar to the federal "born alive" legislation signed by President Bush in 2002. Yet, according to Annenberg, "Obama voted in committee against the 2003 state bill that was nearly identical to the federal bill he says he would have supported." However one sorts out the conflicting claims in this often-bitter debate, in which charges of infanticide and lying have been hurled, there can be no doubt that Barack Obama did not make his own the cause of legal protection for infants who survive an abortion.

The "social safety net" component of the pro-life, pro-Obama argument may seem, at first blush, to make sense. Yet it, too, runs up against stubborn facts: for example, Sweden, with a much thicker social safety net than the United States, has precisely the same rate (25 percent) of abortions per pregnancy as America. As for the claim, often repeated by pro-life, pro-Obama Catholics, that more financially generous welfare policies would drive down abortion rates because financial pressure is a predominant cause of abortion, another stubborn fact intrudes: according to a survey conducted by the research arm of Planned Parenthood, the Guttmacher Institute, a mere 23 percent of abortions in the United States are performed primarily because of alleged financial need. There is also what some would consider the insuperable problem of squaring a concern for fostering alternatives to abortion with Senator Obama's opposition to federal funding of crisis pregnancy centers that provide precisely those alternatives. Moreover, the Freedom of Choice Act Obama has pledged to sign forbids publicly supported programs helping pregnant women from "discriminating" against abortion. Thus a federal Pregnant Women Support Act—a key plank in the platform of pro-life congressional Democrats—would, in Orwellian fashion, be legally bound by FOCA to *include* support for abortion.

As for the claim that the legal argument is over, and lost, that, too, seems belied by the evidence. *Roe vs. Wade* remains deeply controversial, in the culture and among legal scholars. Since 1989, the Supreme Court has shown a willingness, on occasion, to uphold laws regulating abortion clinics or banning certain forms of abortion. No Clinton-appointed justice contributed to that trend; it seems very unlikely that Obama nominees would extend the trend. In that respect, a pro-life, pro-Catholic Obama vote is not so much a recognition that the legal argument is over but, *de facto*, a vote to repeal the legal protections for the unborn that have been laboriously crafted in the 35 years since *Roe* eliminated the abortion law of all 50 states.

Another line of critique against the pro-life, pro-Catholic Obama activists has been mounted by, among others, Cardinal Francis George of Chicago, who holds a doctorate in political philosophy and currently serves as president of the U.S. bishops' conference. In a September letter to the people of the archdiocese of Chicago, the cardinal laid down what he described as a basic principle of justice: in a just society, innocent human life, especially when incapable of self-defense, deserves the protection of the laws. No one who denies that, the cardinal argued, can claim to be advancing the common good. And, as *Roe vs. Wade* does indeed deny the protection of the laws to the unborn, no one can, with any moral or logical consistence, claim to support both *Roe vs. Wade* and the common good. It's one or the other.

Similarly, two New York bishops, William Murphy of Rockville Centre and Nicholas DiMarzio of Brooklyn, the present and immediate past chairmen of the U.S. bishops' committee on domestic policy, implicitly challenged the position of Kmiec, Kaveny, Cafardi and others in a Sept. 24 letter to *The New York Times*. According to a Sept. 18 *Times* article, the U.S. bishops' statement on the 2008 election, "Forming Consciences for Faithful Citizenship," had been crafted so as to "explicitly allow Catholics to vote for a candidate who supports abortion rights if they do so for other

reasons." That was simply not true, according to DiMarzio and Murphy, who said that "Faithful Citizenship" states that a Catholic can support a pro-abortion candidate "only for truly grave moral reasons, not to advance narrow interests or partisan preferences...." Moreover, the bishops concluded, "this standard of 'grave moral reasons' is a very high standard to meet."

The pro-Obama, pro-life Catholics would doubtless reply that that standard has been met in this instance. But that claim still leaves them with a problem. As Cardinal George's letter indicated, the Catholic Church's teaching on the intrinsic evil of abortion involves a first principle of justice that can be known by reason, that's one of the building blocks of a just society, and that ought never be compromised—which is why, for example, Catholic legislators were morally obliged to oppose legal segregation (another practice once upheld by a Supreme Court decision that denied human beings the full protection of the laws). Questions of war and peace, social-welfare policy, environmental policy and economic policy, on the other hand, are matters of prudential judgment on which people who affirm the same principles of Catholic social doctrine can reasonably differ. The pro-life, pro-Obama Catholics are thus putting the full weight of their moral argument on contingent prudential judgments that, by definition, cannot bear that weight.

One of the most interesting facets of the intra-Catholic furor over Kmiec, Kaveny, Cafardi and other pro-life, pro-Obama Catholics is the way this argument seems to have displaced the struggle between bishops and pro-choice Catholic politicians that was so prominent in 1984 (when the contest was between Geraldine Ferraro and New York's Cardinal John O'Connor) and 2004 (when the candidacy of John Kerry embroiled the entire U.S. bishops conference in a dispute over whether pro-choice Catholic politicians ought to be permitted to receive holy communion). That displacement, however, is likely to be temporary.

In the wake of ill-advised (and nationally televised) ventures into theology by House Speaker Nancy Pelosi and Democratic vice presidential nominee Joe Biden, several bishops—including Denver Archbishop Charles Chaput, Madison Bishop Robert Morlino and Washington Archbishop Donald Wuerl—issued statements underscoring the Catholic Church's unswerving moral opposition to abortion from the very beginnings of Christianity; the morality of abortion was not an open question for serious Catholics, as Pelosi in particular had suggested. (After receiving what seems to have been an avalanche of protest over the Speaker's misstatement on "Meet the Press," Pelosi's own archbishop, George Niederauer of San Francisco, announced publicly that he would invite Mrs. Pelosi in for a conversation.) Moreover, in the wake of both the Pelosi and Biden incidents, the chairmen of the bishops' pro-life and doctrine committees, Cardinal Justin Rigali of Philadelphia and Bishop William Lori of Bridgeport, Conn., issued sharp statements deploring the misrepresentation of Catholic teaching by the Speaker and the senator.

Many U.S. bishops, in other words, seem exasperated with Catholic politicians who present themselves as ardent Catholics and yet consistently oppose the Church on what the bishops consider the premier civil-rights issue of the day. It seems unlikely that the bishops, having found their voices after discovering the limits of their patience, will back off in an Obama administration—which could raise some interesting questions for, and about, a Vice President Joe Biden, whose fitness to receive holy communion may well be discussed in executive session at the bishops' annual meeting in mid-November.

Biden is not the only Catholic who will be seriously challenged by an Obama administration bent on reversing what its pro-choice allies regard as eight years of defeat; pro-life Catholics will face different, if equally grave, dilemmas. The bishops already find themselves defending the Catholic integrity of Catholic hospitals under pressures from state governments; those pressures, as well as pressures on doctors and other Catholic health-care professionals, will increase in an Obama administration, especially if FOCA succeeds in knocking down state conscience-clause protections for Catholic health-care providers and institutions. And should an Obama administration reintroduce large-scale federal funding of abortion, the bishops will have to confront a grave moral question they have managed to avoid for decades, thanks to the Hyde amendment: does the payment of federal taxes that go to support abortion constitute a form of moral complicity in an "intrinsic evil"? And if so, what should the conscientious Catholic citizen do?

About which, it will be very interesting to hear what professors Kmiec, Kaveny and Cafardi have to say.

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