



Written by [Thomas R. Eddlem](#) on February 20, 2012

Santorum's Contradictions: A Record of Forcing Catholics to Pay for Contraception

But Santorum himself has a record of forcing Catholics to pay for other people's contraception through the instrument of taxation, and has recently boasted about it. Santorum [told](#) Greta Van Susteren on Fox News February 16: "The bottom line in my position is very clear. I've had a consistent record on this of supporting women's right to have contraception. I've supported funding for it." Santorum went on to note:



I actually have been criticized by — I think it was Governor Romney or maybe it was Congressman Paul's campaign for voting for contraception, that I voted for funding for — I think it was Title X — which I have voted for in the past. That provides for free contraception through organizations, even like Planned Parenthood.

Indeed, some of Congressman Ron Paul's supporters — such as Dr. Thomas Woods — have also [criticized](#) Santorum for forcing Catholics to pay for contraceptives through taxation. Santorum's words to Van Susteren have matched his votes. *The New American's* Alex Newman has [pointed out](#) that Santorum repeatedly voted to force taxpayers to fund contraceptives, including funding to Planned Parenthood, the nation's largest abortion provider. Texas Congressman Ron Paul himself has [defined](#) the issue in terms of whether the "free exercise" of religion should continue to be allowed:

The benefits or drawbacks of birth control are not the issue. The issue is whether government may force private employers and private citizens to violate their moral codes simply by operating their businesses or paying their taxes.

Rep. Paul is right that, strictly speaking, contraceptive funding is less the issue than the principles involved. Constitutionally speaking, there's no difference between forcing Catholics to pay for contraceptives through health insurance and forcing them to pay for abortions through health insurance. If the federal government has the constitutional power to force Catholics to fund one, it can force anyone to do the other. The [First Amendment](#) guarantees the people's right not only to believe in religion but to "free exercise" of that religion:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

Congress claims the power to regulate health insurance through the commerce clause of [Article I, Section 8](#) of the U.S. Constitution: "The Congress shall have PowerTo regulate Commerce with foreign Nations, and among the several States." Strict constructionists have pointed out that the power



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to regulate commerce was qualified by being "among the states," meaning interstate commerce and not between a patient and a doctor, in addition to being qualified by the Bill of Rights (including the First Amendment), which were ratified after adoption of the U.S. Constitution.

Congress' right to regulate the commerce, or the lack of commerce in this case of forced funding of contraceptives, trumps the First Amendment's right to free exercise of religion, according to both the Obama administration and Senator Santorum. Both would force all Catholics to fund contraception, regardless of their religious principles. Santorum himself seemed to indicate that his views had less to do with constitutional principles than his personal preferences in his [remarks](#) to Van Susteren, where he said it was the level of offense in abortion, not constitutional principles, that prompted his opposition:

I have my own views on these things. They are deeply held beliefs. But not everything that I disagree with morally should the government be involved in. Only where there are real consequences to society or to the rights of individuals do I feel a need to speak out and that's why I do on the issue of abortion, because we have another person involved in the decision. But in the issue of contraception that's certainly not the case.

Santorum also [argued](#) on Van Susteren's show that contraceptives have exacerbated social ills: "The whole conception of sexual liberation, sexual freedom had had its downside — and certainly birth control is part of that — with dramatic increase in sexually transmitted diseases, dramatic increase in out-of-wedlock births and dramatic increase in the number of abortions." But if this is true, then why does Santorum support government financing of contraception? As *Commentary* magazine [noted](#): "if contraception is as damaging as Mr. Santorum argues, both outside and within the context of marriage, why does he continue to support federal funding for contraception? Why wouldn't he feel an obligation to at least talk about something that he thinks is injurious to America?"

Such an observation is a justifiable criticism of Santorum's contradiction.

Commentary magazine highlighted a clear contradiction, but a minor one compared to the constitutional issue. The real issue is how Santorum can [condemn](#) the Obama administration for "imposing his ideology on a group of people expressing their theology, their moral code, and saying government will force you to do what your faith says is gravely wrong," in the case of a government healthcare mandate for private insurers, but in the case of general government funding do precisely the same thing. By failing to point out the constitutional trip-wires on contraceptive funding under the First Amendment, Santorum may have opened up the door to government funding of the abortions he so loudly claims to oppose.

Photo of Rick Santorum at the the Cumming, Georgia, First Redeemer Church: AP Images

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