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In the 1970's the United States Supreme Court ruled that the government was not required to fund abortions. Congress, in a hard fought compromise, authorized payment for Medicaid abortions in the case of rape, incest, and danger to the health of the woman. The Department of Health, Education, and Welfare (HEW) had the responsibility of implementing this legislative compromise by drafting regulations to cover the funding of abortions. The Secretary of HEW at that time, Joseph Califano, was a practicing Catholic who personally believed both that abortion is morally wrong except to save the life of the woman, and that as a matter of public policy, elective abortions should not be funded by the government.

Which of the following courses of actions would have been most appropriate for Secretary Califano in the circumstances? Explain your choice.

- a) instruct his staff to implement rules and regulations reflecting the intent of Congress to provide Medicaid funding for abortions even in cases other than rape and incest, a congressional decision that Secretary Califano believed to be morally wrong.
- b) use his powerful position to thwart the intent of Congress;
- c) resign from his position

(issue posed by Arthur Applebaum in "Democratic Legitimacy and Official Discretion," Philosophy and Public Affairs Vol. 21 No.3 (1992) pp. 240-73)

Moderator's Answer: Secretary Califano was not morally obligated to resign in view of his attitude toward abortion. On the other hand, he also was not obligated morally to remain in office. In choosing to remain, however, Secretary Califano had an obligation as a public official to carry out the law. A public official must do so even if she or he disagrees with the law either on grounds of ethics or policy. It is morally inappropriate for an appointed official, such as the Secretary of HEW, to use his or her position to undermine the legislative decisions of the United State Congress, which reflect the will of the people.

(Secretary Califano sought advice about what to do from Father Richard MacCormack, a professor at Georgetown University. Father MacCormack's advice, based upon Catholic moral teachings, coincided with the above analysis.