

A Vow of Silence:

Catholic Religious Ignore Corporate Ties to Abortion

Thomas Strobhar

During 2016, approximately 60 Catholic religious groups, mostly religious orders, filed hundreds of shareholder resolutions with large American corporations. The shareholder resolution is a tool that Catholic organizations (mostly religious orders) have used for 50 years to confront corporate America on issues of interest. In that year alone, Catholic religious filed resolutions on the following topics: Drug Pricing, Separate CEO & Chair, Business Plan for 2C Warming Scenario, Lobbying Expenditure Disclosure, Political Contributions, Tobacco Marketing in Lower-Income Communities, Water Impacts of Business Operations, Proxy Voting Policies, Feasibility of GHG Disclosure, Low-Carbon Transition, Executive Pay, Prohibiting Virtual-Only AGM, Reducing Food Waste, Principles for Minimum Wage Reform, Public Health Risks of Coal Pollution, Sustainability Reporting, Greenhouse Gas Reduction, Environmental and Human Rights Due Diligence, Methane Emissions, Independent Director with Climate Change Expertise, Indigenous People's Rights, Reducing Pesticide Use, Supply Chain Impact on Deforestation, Human Rights Risk Assessment, Non-Therapeutic Use of Antibiotics in Animals, Reviewing Public Policy on Climate, Equal Employment Opportunity, Human Rights Policy Stressing Right to Health (Tobacco), Ethical Labor Recruitment, and Cigarette Smoking Depicted in Movies. It is a litany of liberal social issues championed by a couple of platoons of Catholic religious. This is the face of the Catholic Church at corporate annual meetings. One topic, however, that they avoided when choosing which resolutions to file that year or (to the best of my knowledge) any of the last fifty years was abortion!

The Catholic bishops have called abortion “the human rights issue of our time.” Despite this, aside from the efforts of a grandmother from Iowa in the 1980s, I am responsible for almost every shareholder resolution confronting corporations on abortion in the last twenty-seven years.

During those twenty-seven years I have proposed scores of resolutions—at least one a year. One year I filed ten. Due to objections by the companies to the Securities & Exchange Commission, not all my resolutions got on the

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ballot, but most did. In my first attempts, I challenged corporate charitable gifts to America's largest abortion-performing organization: Planned Parenthood. (When I started, Planned Parenthood was doing about 100,000 abortions a year. They now do over 300,000 a year.)

Early Shareholder Resolutions: the 1990s

I first tried my hand at writing a resolution in 1990. Writing for a Bristol-Myers Squibb shareholder, I asked the company, a maker of baby formula, to stop funding Planned Parenthood. I simply borrowed the somewhat formal language required for a resolution from the countless examples my Catholic religious brothers and sisters had provided me in addressing other topics. My resolution was sandwiched between two resolutions offered by Catholic religious orders on South Africa and the hiring of women and minorities.

Somewhat surprisingly, my resolutions often worked. Companies like American Express, Chevron, General Mills, Target, and others stopped donating money to Planned Parenthood after the filing of one of my resolutions. It didn't hurt that I often showed up at the meetings and made this an issue the companies were forced to address. The *New York Times* even credits me with ending the entire charitable giving program at Warren Buffet's Berkshire Hathaway. Buffet, who is America's second wealthiest man, is also our largest abortion financier. Though he owned approximately a third of the company, over 55 percent of corporate contributions—amounting to nearly ten million dollars—went to his private foundation to fund abortion-related causes. Because I introduced this resolution at an annual meeting in front of 19,000 of his admiring shareholders, he thereafter changed the format of his famous annual meeting “because of speeches like we had last year.”

In addition to filing resolutions against Planned Parenthood, I have challenged insurance companies that pay for abortion and companies like Pepsico, which was using fetal cells derived from abortion in taste testing. Pepsico changed its policy soon after the filing of my resolution and an accompanying press release. Other companies that have attracted my attention include Johnson & Johnson, which also used cell lines derived from abortions in the manufacture of their vaccines. One resolution filed with human embryo research in mind asked Merck to observe the Nuremberg Code by securing the permission of the (embryonic) person before experimenting on him or her.

As mentioned above, hardly any resolution goes unchallenged by the corporations against which it is filed. They almost always appeal to the Securities and Exchange Commission (SEC) for permission to omit it. Often their legal challenges can run twenty pages or more. Most of the time, the company loses the appeal, and the SEC tells it to include the resolution on the proxy so all

shareholders can vote on it.

The actual vote is often the least important part. I have never garnered more than 10 percent of the vote, and more typically, it is in the 3-to-5 percent range. However, the vote is merely advisory: Even if a proponent gained 100 percent of the vote, the company would be free to ignore it. Still, this fact has not discouraged my Catholic brothers and sisters from using this tool to promote practically every liberal issue imaginable.

One resolution filed with Upjohn ironically juxtaposed my efforts with those of eight religious orders. Years ago Upjohn made a drug called Depo-Provera that could end prenatal human life at its earliest stages. It was promoted as a contraceptive, but its abortifacient potential was quite real, according to Pharmacists for Life. The company also made drugs used to induce abortions. I asked Upjohn to inform women, in easily understood language, if any of their drugs acted as an abortifacient. At this same meeting in 1999, a coalition of eight Catholic religious orders challenged Upjohn on drug pricing, believing that some drugs were too expensive. Considering the cause the coalition had united to pursue, I was reminded of a scene from the Marx Brothers movie *A Day at the Races*. Groucho Marx calls out, "Don't drink that poison; it's four dollars an ounce!" His concern is the price of the product, not the fact that it could kill people. Similarly, my religious brothers and sisters were concerned about the price of Upjohn's drug, and not the life-ending action of the drug itself. If they wanted to, they could have copied the language of my resolution and offered something similar elsewhere in succeeding years. None of them did.

Shareholder Resolutions in the New Millennium

In fact, Catholic religious groups have been less than helpful to me in addressing the abortion issue. In 2001, I phoned Sister Pat Daley of the Dominican Sisters of Caldwell, New Jersey. As I was introducing myself, she said, "I know who you are." Such immediate recognition is either a very good sign or a very bad one. I praised her knowledge of the shareholder resolution process and asked if she would help me on some language issues I was having with the SEC. (The SEC was making it increasingly difficult to challenge Planned Parenthood directly.) Sister Pat replied, "I don't address that issue [abortion]." She suggested I contact an attorney.

Our civil conversation concerning abortion was going nowhere, so I asked her what she was working on. She told me she was researching prisons run by for-profit prison management companies to see if any of them were doing executions. Presumably, if she found any, her order would file a shareholder resolution. I told her I had an interest in that and asked if she had discovered any. She had not. I then asked if she was concerned about for-profit

hospitals that perform abortions regularly. Her reply: “No comment.” I then asked about insurance companies that pay for abortions when no law compels them to. Again, “No comment.” Sister Pat was later the subject of a very glowing article in the *New York Times*. It is exceedingly unlikely that the *Times* would have heaped praise on her if she had been out front publicly opposing abortion.

Incidentally, I encountered Sister Pat a number of years later at a Ford annual meeting. I was there to present a shareholder resolution concerning Ford’s inclusion of the phrase “sexual orientation” in their employment policy. I reminded those in attendance that Ford was cutting retirement benefits for all, while adding domestic partner benefits for those who identified as gay. Ford was also donating \$1,000 to an LGBT organization for every Volvo sold. In addition, they were opening gay and lesbian centers, while closing manufacturing facilities around the country. Bill Ford, the chairman, kept his head down the entire time I spoke. After I finished, Sister Pat stood up and told Mr. Ford how much she appreciated all of Ford Motors’ efforts to improve the environment. A big smile returned to Mr. Ford’s face, and he said, “Thank you, Sister Pat. We look forward to working with you again this year.”

Sister Pat’s inability to find her voice on the abortion issue is the rule, not the exception among Catholic religious. It is Catholic religious orders that make up the largest denominational block at the Interfaith Center on Corporate Responsibility (ICCR) in New York. The ICCR provides a forum and helps coordinate corporate challenges from its 300 members. Its chairperson is Father Seamus Finn of the Oblates of Mary Immaculate. I once asked Diane Bratcher, a staff member of the ICCR, why abortion is never mentioned in any of its publications. She explained there was a gag order on any discussion of abortion because “It would tear this place apart.” Nothing prevents Catholic religious from bringing up the issue on their own, but none do. The gag order is self-imposed and closely adhered to. I recently emailed Father Finn asking him if he knew of any shareholder resolutions concerning abortion offered by Catholic groups. He did not reply.

In 2008, I issued a press release declaring, “Catholic Religious Ignore Abortion at Corporate Meetings.” In response, Fr. Michael Crosby emailed me that the press release was false, because he had filed a number of resolutions challenging tobacco companies, and these should also be considered pro-life resolutions. He reminded me that tobacco use increases the likelihood of a spontaneous abortion or miscarriage; I replied that I was more interested in stopping the not-so-spontaneous abortions. In addition, tobacco use is not unique in this respect: Other substances, like caffeine, also increase the likelihood of a miscarriage. I have heard nothing from Fr. Crosby about the health evils of excessive coffee drinking—although the Christian Brothers Investment

Service wrote a letter to Proctor and Gamble informing them that they “may, in fact, be not too far from signing a pact with evil.” For doing what? For buying coffee beans from the ARENA government in El Salvador. While the Christian Brothers, the largest investor of Catholic funds in the world, were very heated about coffee beans, they have never challenged corporations with a shareholder resolution concerning abortion. They even tried to defend a significant investment in American Home Products, maker of abortifacient drugs and devices.

A few years earlier, both Fr. Crosby and I were at the JPMorgan Chase annual meeting presenting resolutions. After I presented my resolution, I was challenged by a Methodist minister who denigrated my pro-life efforts. Fr. Crosby could have said something in my defense, but remained silent. Two nuns—who shook the hand of the chairman before the meeting—were also silent.

In 2012, at a time when banks were being pilloried for their possible role in precipitating the housing crisis, I presented a resolution at the Bank of America meeting. At this meeting nuns were being very disruptive, shouting at the top of their voices, “Stop the foreclosures.” I only wish they had been shouting, “Stop funding Planned Parenthood.”

In 2015, I managed to get a resolution on the ballot of Chevron. The company had been giving \$26,000 regularly to a Planned Parenthood affiliate, and for months before the meeting, I had tried talking to various vice presidents about the contributions. Nothing happened. As the date of the meeting approached, I felt little enthusiasm for flying to California to make a three-minute speech to introduce my resolution. Not only would it cost money, but, based on my previous discussions, I was not hopeful that my journey would be fruitful.

Thankfully, I was wrong. For the first time, I would bring a picture of an aborted child into the meeting. Annual meetings are highly scripted formal affairs designed to put the best face possible on the company. There was incredible security at this meeting. Local police were everywhere. I had to hand over my cell phone, have my papers inspected, and pass through a metal detector. Unnoticed was the four-by-two-foot cloth banner I had folded and stuffed in the back of my pants, covering the bulge with my suit coat. The banner pictured two severed heads side by side. On the left was the head of an adult man brutally decapitated by radical Islamists. On the right appeared the severed head of an unborn child, with credit going to the folks at Planned Parenthood and its sponsor Chevron.

After being admitted to the meeting, I saw a nun and asked her to say a prayer for me. Since she was also there to present a resolution, she sat directly in front of me, both of us near the microphone. Her name was Sister Nora Nash, a nun with the Sisters of St. Francis outside Philadelphia. She was her order’s director of corporate social responsibility. Her resolution concerned hydraulic fracturing, or fracking, a method of extracting natural gas.

Given how disturbing my banner was, when I held it high for all to see, I was prepared for anything. People were shocked, of course, as I intended. And Sister Nora was close enough to almost touch the banner. After the meeting, I asked if she had ever done a pro-life shareholder resolution. She said she had not thought of it, an interesting comment considering her years of experience. I said, “You could do what I do.” She smiled at me and said, “Opposing fracking is pro-life, too.” I smiled and said nothing.

A few months after the meeting, an article in the *Wall Street Journal* (July 10, 2015) titled “Catholic Investors Press Climate Concerns” featured a color picture of Sister Nora Nash. The author noted that Catholic groups, inspired by Pope Francis, had submitted 12 environment-related shareholder resolutions that year. Sister Nora explained, “Every part of our area is being pipelined to death.”

A year or so later I called Sister Nora to ask if she would be interested in doing a resolution opposing abortion. She told me she was not interested, explaining that the abortion issue already gets considerable attention.

Other Resolutions, Other Omissions

In the 1970s and 1980s, Catholic religious focused tremendous energy on the issue of *apartheid* in South Africa, going so far as to recommend complete divestment from any company that did business in a country that legalized such a sinful, racist activity. Even though the company itself may not have been doing anything wrong, just doing business in South Africa was enough to elicit widespread condemnation from Catholic religious. Using the same logic, they should exclude all companies that do business in the United States from their investments, since we have legalized the killing of the most innocent. And really, which is worse: being discriminated against or being killed?

The United States Conference of Catholic Bishops (USCCB) explicitly states in their investment guidelines that they “will consider supporting shareholder resolutions on abortion-related issues when deemed appropriate.” Unfortunately, no Catholic religious group has to my knowledge ever given them the opportunity by submitting such a resolution. Like Sister Nora Nash, many have never thought about it or, like Sister Pat Daley, many refuse to address it. The result in both cases is silence.

In contrast to their lack of interest in abortion, one group of nuns—Mercy Investment Services, the investment arm of the Sisters of Mercy—said they raised social issues at more than 140 companies in 2015 alone!

On other issues dealing with the great moral debates of our time, issues involving personal sin as opposed to social sin, Catholic groups have been slightly more active, though sometimes not for the better. In 2001, The Religious Alliance Against Pornography (RAAP), an interfaith group headed by

the late Cardinal Keeler of Baltimore, challenged AT&T's porn business offered through their cable television business. I was there challenging AT&T's use of the phrase "sexual orientation" in their employment policy. I had also authored a resolution with K-Mart challenging the pornography sold through their Waldenbooks division in 1994. When the AT&T meeting was over, I congratulated the RAAP spokesperson. I then asked why RAAP had not been at last year's annual meeting, since AT&T had been selling pornography for years. Amazingly, he replied, "We couldn't agree on what porn was."

This was the last time to date that a corporation faced a shareholder resolution concerning pornography. Interestingly, in 2001 the USCCB did not even have a policy regarding investments in pornography. In contrast, they had five paragraphs addressing land mines. Only in 2003 did the USCCB add that they, "will promote and support initiatives, including in some cases, shareholder resolutions to promote responsible family-oriented program content by media companies." To the best of my knowledge, there have been no resolutions on this topic that they could support.

In 2009, the British Broadcasting Corporation (BBC) produced a documentary on the many facets of the business of pornography, *Hardcore Profits*. It featured an interview with me and a representative of the Christian Brothers Investment Services (CBIS), Brother Louis DeThomasis. The BBC contacted me because I had written an article, "Holy Porn," which was very critical of the Catholic response to pornography. CBIS is the largest investor of Catholic funds in the world. Their policy addressing the pornography issue sanctioned investments in any company where the pornography component did not exceed 50 percent. Brother DeThomasis must have forgotten their one-time policy, as he explained ethical investing would be easy if they could exclude a company based on a simple set of rules. He argued that it took judgment; for example, owning companies involved in pornography would give CBIS some influence in dissuading them. When the BBC interviewer then asked if the Christian Brothers had filed any resolutions in the last seven years with any of the porn-related companies they owned, Brother DeThomasis was flummoxed. The interviewer pressed him: "You admit owning companies in the porn business with the understanding you will make an effort to change them, but in seven years you have done nothing." Not liking the direction the interview had taken, Brother DeThomasis stopped it. Again, silence.

Even though the BBC documentary was not even seen in the United States (a ten-minute clip can be viewed at www.corporatemorality.org), the negative reaction CBIS received prompted them to coordinate a letter-writing campaign to companies in the porn business. They admitted that the BBC documentary had inspired their action. Having done nothing for years except promote and profit from porn as a shareholder, they were now going to do something—anything.

Strangely, Catholic religious have challenged movie production companies for many years, and did so again this year with shareholder resolutions objecting to movies showing people smoking. However, they don't seem too upset about sexually explicit movies and the behavior they might inspire. They are more concerned with images of people smoking cigarettes. In short, it is acceptable to show the steamiest love scene—just don't show anyone smoking after sex!

On another moral issue, the sacredness of marriage between a man and a woman, six Catholic religious groups in 2010 joined the Pride Foundation (as in gay pride) and others in a resolution concerning a political contribution that Target had made. They were upset because, as the resolution stated, "Target donated \$150,000 to a political group, Minnesota Forward, which actively supports a candidate for Governor who is a vocal opponent of same-sex marriage, as well as full parenting rights for same-sex partners."

Keep in mind that corporations make political contributions all the time. A Proctor & Gamble executive once explained to me that they give money to all kinds of politicians, many of whom they do not like. They do so to get their phone calls returned if an issue of importance to them arises. What upset these Catholic organizations was this particular candidate's support for traditional marriage, ignoring the many other positions he undoubtedly held. If the Catholic groups were only doing this because they opposed political contributions in general, why would they have agreed to co-sponsor a resolution focusing on an issue clearly in opposition to Church teaching? Either they are exceedingly foolish or they agree that donating to a politician who doesn't support gay marriage is wrong.

Life Decisions International: Filling the Gap Left by Catholic Religious Orders

It is hard to imagine what might have been accomplished if Catholic religious had addressed abortion with the same intensity and fervor they have devoted to social issues. I am the chairman of a pro-life organization with one full-time employee, Life Decisions International (LDI, www.fightpp.org). Over the past twenty-five years, this organization has helped dissuade over 340 companies from giving money to Planned Parenthood, costing our nation's largest abortion provider tens of millions of dollars. Doug Scott, the founder of LDI, said, "The shareholder resolution has been the single most effective tool to defund Planned Parenthood." How much more effective would it have been if Catholic religious had joined the fray? Could they have tried to influence companies more directly involved with abortion or pornography? Most certainly. Could they have attempted to slow the cultural dynamic that now calls for affirmation of homosexual behavior? The answer is obvious.

It is easy to see the dichotomy of interests: the corporate nexus of social vs.

personal sin. Very simply, almost all of the issues these Catholic religious act upon are liberal social ones. In the public arena, they ignore those issues that touch on personal sin, like abortion, pornography, and same-sex marriage. Opposing fracking may be pro-life, as Sister Nora Nash claims, but if so this is true only in a broad general sense. And opposing fracking may also result in higher energy costs, as the chairman of Chevron reminded Sister Nora. If you are struggling to pay your energy bill now, what will you do if it costs more? Cut back on food and medicine? Would promoting something that may raise energy bills for the poor be pro-life? It is politically debatable. Good people can differ. However, opposing abortion is always and everywhere pro-life. My Catholic brothers and sisters need not abandon their mostly liberal causes. But they should at least show equal fervor for the unborn at annual meetings. If they don't, the Catholic voice on the abominable crime of abortion may not be heard.

Objections

Let me be clear. My complaint isn't with the bishops, with any particular diocese, or with any of the openly pro-life religious orders. I have never seen any of these groups put forth a resolution on any topic. Businesses, Catholic or otherwise, have seldom been active in the shareholder arena. Ditto Catholic universities, although a number of them did divest of companies that did business in South Africa and, more currently, companies in the oil business. My concern is with Catholic religious orders that frequently use the shareholder resolution on a wide range of topics—save one.

Some might protest their innocence by claiming they don't do abortion-related resolutions because they don't own shares in abortion-related companies. After all, you have to be a shareholder, an owner, to file a resolution. For some this might be an excuse, but as my Upjohn example showed, Catholic religious do own abortion-related companies. In fact, most of my resolutions concerned companies that gave money to Planned Parenthood. Their actual business was not related to abortion. I have known few Catholic religious groups that excluded companies contributing to Planned Parenthood from investment consideration. Also, on abortion-related companies, Catholic religious groups could have invested a nominal amount to affect a greater good.

While some Catholic religious are involved in other pro-life work, why should their pro-life work stop at the corporate door? Their very presence brings a moral dimension that lay people do not have. So much more could be done.

Keep in mind that many of these religious groups fancy themselves "speaking truth to power" when challenging corporations. The issues they do pursue are, unlike abortion, quite popular among the liberal religious of many faiths on the Upper West Side of Manhattan. If the "human rights issue of our time" is not

enough reason to find a way to speak out rather than an excuse not to, we are all the poorer for it.

Someone once speculated that, when proliferers are received into heaven, they will hear a chorus of praise from the millions of unborn who observed and appreciated their pro-life work. Catholic religious, all too often silent on abortion, should ask themselves what they might hear.



"Do something, Kirkwood—you're in charge of Human Resources."