



Written by [Dave Bohon](#) on October 6, 2012

Christian Publisher Tyndale Files Suit Against Contraception Mandate

[Tyndale House](#), one of leading Bible and Christian book publishers, has filed the latest high-profile lawsuit against the Obama administration's contraception mandate that requires employers to offer health insurance plans that cover free contraception, including drugs like "ella" and "Plan B" that can cause abortion. While the Department of Health and Human Services (HHS) has exempted churches and some religious organizations from the mandate, it has refused to do so for others such as Christian schools, that insist the mandate violates their Christian convictions, as well as private businesses guided by religious values.



[Alliance Defending Freedom](#) (ADF), the conservative legal advocacy group that is representing Tyndale in the suit, explained that that its client has been subjected to the mandate "because Obama administration rules say for-profit corporations are categorically non-religious, even though Tyndale House is strictly a publisher of Bibles and other Christian materials and is owned by the non-profit Tyndale House Foundation. The foundation provides grants to help meet the physical and spiritual needs of people around the world."

ADF senior legal counsel Matt Bowman said it is obvious that "Bible publishers should be free to do business according to the book that they publish. To say that a Bible publisher is not religious is patently absurd. Tyndale House is a prime example of how ridiculous and arbitrary the Obama administration's mandate is. Americans today clearly agree with America's founders: the federal government's bureaucrats are not qualified to decide what faith is, who the faithful are, and where and how that faith may be lived out."

In the lawsuit Tyndale explains that it was forced to take legal action "because the federal government has deemed devout publishers of the Bible to be insufficiently 'religious' to enjoy religious freedom in America. The federal government is mandating that Tyndale House Publishers violate its and its owners' beliefs by covering morally objectionable items in their health plan pursuant to the Patient Protection and Affordable Care Act of 2010."

The suit, filed in U.S. District Court for the District of Columbia, adds that Tyndale's owners "are Christians who are committed to biblical principles," including the conviction that "all human beings are created in the image and likeness of God from the moment of their conception/fertilization." The suit explains that Tyndale's owners believe the contraceptive drugs that are part of the mandate "can cause the death of human beings created in the image and likeness of God shortly after their conception/fertilization."

While HHS has given all non-church-related religious non-profits until August 2013 to comply with the



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mandate, Tyndale was forced to file suit immediately because it is a for-profit company and faces imposing fines if it does not comply. “ObamaCare demands that Americans choose between two poison pills,” Bowman said of the predicament in which Tyndale and other companies finds themselves: “either desert your faith by complying, or resist and be punished.”

Tyndale is not the first business to file suit against the mandate. Earlier in the year Hercules Industries, a Colorado-based company whose owners are devout Catholics, filed suit, arguing that the mandate conflicts with the Christian values that form the foundation for how they conduct business. As reported by [The New American](#), on July 27 a federal judge agreed, imposing a preliminary injunction against enforcement of the mandate, ruling that the company would suffer “irreparable harm” if its owners were required to abide by the mandate in conflict with their religious convictions.

In September, [Hobby Lobby](#), a nationwide business whose owners are devout evangelical Christians, filed a similar suit. “We simply cannot abandon our religious beliefs to comply with this mandate,” said the company’s owner, David Green, as the [Beckett Fund for Religious Liberty](#) announced that it would represent the company in the case. Green added that it has been “by God’s grace and provision” that his business has prospered and endured. “Therefore we seek to honor God by operating the company in a manner consistent with Biblical principles. The conflict for me is that our family is being forced to choose between following the laws of the country that we love or maintaining the religious beliefs that have made our business successful and have supported our family and thousands of our employees and their families.”

On October 2, a federal judge ruled against the Catholic owner of a St. Louis company who had filed a religious liberty suit against the Obama mandate. In her ruling against Frank O’Brien, owner of O’Brien Industrial Holdings, United States District Judge Carol Jackson said that the mandate did not “constitute a substantial burden on plaintiff’s religious exercise.”

Responding to the ruling, Kyle Duncan of the Beckett Fund, which is representing O’Brien in the case, said that “if a \$100,000 fine isn’t a burden on religious liberty, I don’t know what is.” Referring to the ruling in the Hercules Industries case, Duncan said that Jackson’s decision “conflicts with what another federal judge has already decided about the mandate, and it is out of step with Supreme Court precedent.”

In all, over 30 lawsuits have been filed against the mandate, the bulk of them by Catholic and evangelical universities. At least two of those suits, filed by the evangelical Wheaton College and the Catholic Belmont Abbey College, have been dismissed by judges who ruled that the lawsuits were premature because of the government’s “safe harbor” policy, which supposedly protects Christian colleges from imminent harm for refusing to comply.

But in an appeal of that ruling to the D.C. Circuit Court of Appeals, Beckett Fund attorney Kyle Duncan said that the “safe harbor’s protection is illusory” and argued for the right of the colleges to move ahead with their suits. “Even though the government won’t make religious colleges pay crippling fines this year, private lawsuits can still be brought, schools are at a competitive disadvantage for hiring and retaining faculty, and employees face the specter of battling chronic conditions without access to affordable care,” Duncan said in a statement. “This mandate puts these religious schools in an impossible position.”

The Beckett Fund brief on behalf of Wheaton and Belmont argued that both colleges “have suffered, are suffering, and will continue to suffer hardship if consideration of their legal challenges to the final rule



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is further delayed. Regardless of the Safe Harbor, the colleges are now experiencing government pressure to violate their religious convictions, and suffering present harm as a result. Like any educational institutions, they must plan well in advance for their upcoming budget and hiring needs.”

The brief pointed out that some Wheaton employees had expressed fears that if Wheaton were forced to terminate its insurance coverage, they would be left without adequate healthcare for their families. “Some of them may have to seek expensive medical treatments before January 1 to be assured coverage,” read the brief. “Others face the specter of battling chronic conditions without access to affordable care.”

Earlier Duncan had noted that “the government has now re-written the ‘safe harbor’ guidelines three times in seven months, and is evidently in no hurry to defend the HHS mandate in open court. By moving the goalposts yet again, the government managed to get Wheaton’s lawsuit dismissed on purely technical grounds. This leaves unresolved the question of religious liberty at the heart of the lawsuit.”

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