



Written by [Bruce Walker](#) on July 26, 2012

Colorado Company Fights to Maintain Catholic Values

[Hercules Industries](#) is a Colorado based corporation that makes heating and air conditioning equipment. Hercules is a family-owned business. Its owners, the Newland brothers — William (pictured), Paul and James — and their sister, Christine Ketterhagen, take their Catholic faith seriously. The business provides good jobs for 265 people and Hercules Industries tries hard to be a good member of the community. The siblings who operate the business have always assumed that they had the right to live according to their faith, like other businesses across our nation.



In those parts of New York City that have a high percentage of residents who are Orthodox or Hassidic Jews, businesses close when the sun sets on Friday and stay closed until sunset on Saturday, in observance of the Sabbath. Kosher butchers do not sell pork and Kosher delis do not make pork sandwiches. This sort of religious freedom is not peripheral to religious Americans of all professions. It is central to their idea of the American dream.

This is consistent with what the Newlands believe. The health benefits packages that Hercules Industries provides to its employees is very generous, but it does not include sterilization, artificial contraception or abortifacients. Individuals who work for the company are free, of course, to obtain these at their own expense or to secure insurance coverage outside the company health plan that covers those types of expenses.

The Newlands have brought suit against Health and Human Services Secretary Kathleen Sebelius for regulations she has promulgated that require that any company employing more than 50 people must include those medical procedures and drugs in the health plan. The Hercules Industry lawsuit states:

The Catholic Church teaches that abortifacient drugs, contraception and sterilization are intrinsic evils. Consequently, the Newlands believe that it would be immoral and sinful for them to intentionally participate in, pay for, facilitate or otherwise support abortifacient drugs, contraception, sterilization, and related education and counseling as would be required by the Mandate, through their inclusion in health insurance coverage they offer at Hercules.

The Obama administration has resisted the Hercules lawsuit by claiming that the company is secular, and therefore entitled to no First Amendment protection, with the Department of Justice telling the court:

The First Amendment Complaint does not allege that the company is affiliated with a formally religious entity such as a church, nor does it allege that the company employs persons of a particular faith. In short, Hercules Industries is plainly a for-profit, secular employer. By definition, a secular employer does not engage in any “exercise of religion.” It is well established that a corporation and its owners are wholly separate entities, and the Court should not permit the Newlands to eliminate that legal separation to impose their personal religious beliefs on the



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corporate entity or its employees.

The Alliance for Defending Freedom, an organization committed to providing legal assistance to Americans of conscience defending their religious beliefs against government coercion, has made an interesting analogy to the claims of the Department of Justice in this case. The First Amendment does not just include freedom of religion but also freedom of speech and freedom of press, which are closely analogous rights. Newspapers are “secular” businesses, and so should have no special religious freedom rights. Yet no one supposes that a federal regulation could compel a newspaper to publish stories or editorials contrary to the beliefs of the publishers and editors.

The Hercules Industries case is not the only example of federal intrusion into matters of faith. The Alliance for Defending Freedom lists these examples on its website:

- The New York School System has been trying for decades to keep the Bronx House of Faith from using public schools for Sunday services.
- The Canyon Ferry Road Baptist Church in Montana faced charges under the state’s election laws when a volunteer passed out petitions to put a marriage amendment on the state ballot.
- The City of Gilbert, Arizona, ordered the Oasis of Truth Church to stop meeting or holding Bible studies in its pastor’s home.
- The City of Carlinville, Illinois, did not allow the Carlinville Southern Baptist Church to use a building it had purchased for worship services.
- In Louisiana, after Hurricane Katrina, a federal contractor ordered the Calvary Baton Rouge Church to stop feeding those left homeless by the hurricane because it offered a strictly voluntary prayer and Bible study class.

The precursor to the First Amendment is generally believed to be the Statute of Virginia for Religious Freedom, authored by Thomas Jefferson. That statute is one of only three of the accomplishments in that remarkable Founding Father’s life. The law was passed in 1786, under the Articles of Confederation, and is usually cited as the most compelling evidence of the need to build a wall between church and state. Yet what does this statute actually say? Consider the first words of the Statue of Virginia for Religious Freedoms: “Well aware that Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who being Lord of both body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do....”

People of faith must believe that Thomas Jefferson is rolling over in his grave.



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