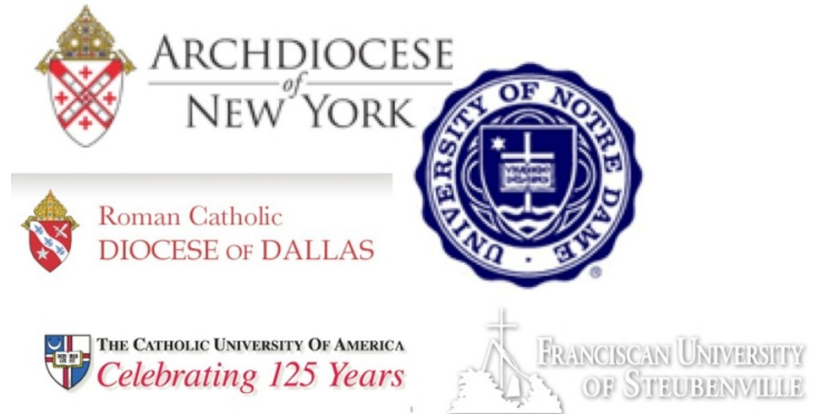




Written by [Dave Bohon](#) on May 23, 2012

## Scores of Catholic Groups Sue to Stop Obama's Contraception Mandate

Over 40 Catholic groups across the nation have filed a dozen federal lawsuits to halt President Obama's [contraception mandate](#) requiring employers — including Christian and other religious groups — to include free birth control and sterilization in the health insurance they provide employees. The groups named in the suits, including Notre Dame, Catholic University of America, and the Archdiocese of New York, “accuse the federal government of forcing them to support contraception, sterilization, and birth control in violation of their religious beliefs or face steep fines,” reported [Reuters News](#).



While churches are exempted from the mandate, the White House is still trying to force other religious institutions such as Catholic hospitals, universities, and other Christian non-profits to bear the weight of the ruling. When the nation's Catholic bishops and other Christian leaders explained to the President last February that Christian organizations had no intention of caving in to his dictatorial demands, Obama attempted an Orwellian “compromise,” claiming he had decided religious employers would not have to pay for the contraceptives after all. Instead, their health insurance carriers would bear the cost — a rhetorical sleight of hand that the Christian leaders pointed out was a [“distinction without a difference.”](#) prompting the suits they filed on May 21.

“In order to safeguard their religious freedoms, religious employers must plead with the government for a determination that they are sufficiently ‘religious,’” Notre Dame said in its federal lawsuit, filed in Indiana.

Reuters noted that under the mandate Obama is trying to force through, “religious organizations can only qualify for the exemption if their purpose is to spread their religious beliefs. They must also primarily employ and serve people with the same religious values.” The organizations in the suit argue that the government is intruding into an area where the Constitution forbids it to tread. In its complaint Notre Dame said it was not even clear if it could qualify for an exemption because it serves and employs both Christians and non-Christians.

In another suit, Jane Belford, chancellor of the Archdiocese of Washington, said that her group would focus its arguments against the government's attempts to redefine what constitutes a religious institution. “While this mandate paid lip service to the rights of conscience and religious liberty,” said Belford, “it created a definition that was so narrow, even the work of Mother Teresa would not have qualified as religious.”

In a [statement applauding the suits](#), Cardinal Timothy Dolan, the Archbishop of New York who is also head of the [U.S. Conference of Catholic Bishops](#), called the actions by the Catholic groups a “a



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compelling display of the unity of the Church in defense of religious liberty.” He said that the Church and bishops “have tried negotiation with the Administration and legislation with the Congress — and we’ll keep at it — but there’s still no fix. Time is running out, and our valuable ministries and fundamental rights hang in the balance, so we have to resort to the courts now.”

Cardinal Dolan noted that although “the Conference is not a party to the lawsuits, we applaud this courageous action by so many individual dioceses, charities, hospitals and schools across the nation,” calling it “a great show of the diversity of the Church’s ministries that serve the common good and that are jeopardized by the mandate — ministries to the poor, the sick, and the uneducated, to people of any faith or no faith at all.”

Notre Dame’s president, Father John Jenkins, said that lawsuit with which his university is involved was filed “neither lightly nor gladly, but with sober determination.” In an e-mail communication to university employees, he explained that “we do not seek to impose our religious beliefs on others,” but “we simply ask that the Government not impose its values on the University when those values conflict with our religious teachings.” He added that the lawsuit is about “the freedom of a religious organization to live its mission, and its significance goes well beyond any debate about contraceptives.”

[CatholicNews.com](#) reported that in all, “12 lawsuits were filed simultaneously May 21 in various U.S. district courts around the country.” In each case, the defendants were Health and Human Services Secretary Kathleen Sebelius, Labor Secretary Hilda Solis, Treasury Secretary Timothy Geithner, and their respective federal bureaucracies.

In addition to Notre Dame, Catholic University of America, and the Archdiocese of New York, those filing suit include the Dioceses of Fort Wayne-South Bend, Indiana; Washington, D.C.; St. Louis; Pittsburgh; Dallas and Fort Worth, Texas; Jackson and Biloxi, Mississippi; Springfield and Joliet, Illinois; the Franciscan University of Steubenville, Ohio; and the University of St. Francis in Indiana. Additionally, noted CatholicNews, “the Michigan Catholic Conference, which provides medical benefits to more than 1,100 Catholic institutions and approximately 10,000 employees in the state, also is a plaintiff.”

CatholicNews reported that each of the dozen lawsuits “uses similar wording to make its case and each asks for a jury trial. Noting that the Founding Fathers agreed ‘that the mixture of government and religion is destructive to both institutions and divisive to the social fabric upon which the country depends,’ the lawsuits contend that the U.S. Constitution and federal law ‘stand as bulwarks against oppressive government actions even if supported by a majority of citizens.’”

The suits argue that in spite of “repeated requests from church leaders, the government has insisted that it will not change the core principle of the U.S. government mandate — that plaintiffs must subsidize and/or facilitate providing their employees free access to drugs and services that are contrary to plaintiffs’ religious beliefs. If the government can force religious institutions to violate their beliefs in such a manner, there is no apparent limit to the government’s power.”

All the suits were filed by the international law firm Jones Day, which said in a statement that it “looks forward to presenting its clients’ cases in court.” The firm added that the contraceptive mandate “unconstitutionally authorizes the federal government to determine which organizations are sufficiently ‘religious’ to warrant an exemption from the requirement. This regulation is in violation of the religious liberties guaranteed by the First Amendment, the Religious Freedom Restoration Act and other federal laws.”



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One ironic side note in the story is that in 2009, Notre Dame presented President Obama with an honorary degree when he delivered the university's 2009 commencement address. Curt Smith, president of the [Indiana Family Institute](#), said that the present turn of events "shows the erosion not only of religious liberty, but of goodwill. Notre Dame extended an olive branch to a president that they had disagreements with. [I]t shows how surprised some are to go from, 'Let's have a dialogue,' to receiving a legal fiat to cover contraception. President Obama has shown no respect for differences."

Leaders of other non-Catholic organizations added their words of support to the groups filing suit. "I applaud the various Catholic leaders for standing up for our religious freedoms and taking legal action against the Obama administration for attempting to violate our religious freedoms," said Penny Nance, president of [Concerned Women for America](#). "... I have said, 'We are all Catholic Now,' and this is why. The religious community stands together in the belief that this contraception, chemical abortion, and sterilization mandate would force us to pay for something many of us believe is morally repugnant."

Alan Sears, president and general counsel for the [Alliance Defense Fund](#) (ADF), which is handling three separate lawsuits against the Obama mandate on behalf of Louisiana College, Geneva College, and a private employer, said that the new legal cases "join the growing list of evangelical, Protestant, and Catholic religious organizations and employers who are taking a stand in objecting to the government when it forces any religious institution or individual to provide or fund morally repugnant services."

Tony Perkins, president of the [Family Research Council](#), thanked the Catholic leaders involved in the lawsuits for "fighting back to protect the religious liberties of all Americans. By suing the Obama administration, they are sending a message that the freedom of religion guaranteed in the U.S. Constitution is essential to our liberties and that they will fight to preserve it. The Constitution guarantees more than simply freedom of worship. It also protects the right to live out one's religious beliefs in accordance with their faith."



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