

Court Rules Obama Admin Can't Force Catholic College to Obey HHS Mandate

by Steven Ertelt | Washington, DC | 10/28/14

In another legal victory against the HHS mandate, a court has ruled a Catholic college doesn't have to obey the mandate, which compels it to pay for abortion-causing drugs for its employees.

A federal court issued a [decision](#) Tuesday in [Ave Maria School of Law v. Sebelius](#) that stops enforcement of the Obama administration's abortion pill mandate against Ave Maria School of Law, a Catholic law school.

Alliance Defending Freedom Senior Legal Counsel Matt Bowman told LifeNews: "Faith-based educational institutions should be free to live and operate according to the faith they teach and espouse.

The court was right to uphold the religious freedom of institutions that value the sanctity of life. If the government can force Ave Maria School of Law to violate its faith in order to exist, then the government can do the same or worse to others."

The lawsuit challenges the constitutionality of the administration's mandate that religious employers provide insurance coverage for abortifacients, sterilization, and contraception to employees regardless of religious or moral objections.

Facing millions of dollars of fines that would have taken effect this weekend, Ave Maria University stood up against the government and won an injunction this morning protecting its right to stay true to its beliefs. This is the first order enjoining the government's latest attempt to coerce religious organizations via an "augmented rule" that it issued last August.

"After dozens of court rulings, the government still doesn't seem to get that it can't force faith institutions to violate their beliefs," said Eric Baxter, Senior Counsel of the Becket Fund for Religious Liberty. "Fortunately, the courts continue to see through the government's attempts to disguise the Mandate's religious coercion. We congratulate Ave Maria for its courage, even under the threat of crippling fines."

Ave Maria's renewed lawsuit was filed last August in the U.S. District Court for the Middle District of Florida. To date, approximately [90% of the courts](#) addressing the contraception mandate—including the Supreme Court in three separate lawsuits—have protected religious ministries.

"I am elated to announce that our Preliminary Injunction in Ave Maria School of Law's case against the federal government's mandate of abortifacient and contraceptive coverage in the Affordable Care Act was granted today. This allows us to practice our faith without being forced by the federal government to compromise our beliefs by providing

contraceptive and abortifacient coverage for employees," said Kevin Cieply, President and Dean of Ave Maria School of Law. "We are also especially proud of the fact that our attorney on this case from Alliance Defending Freedom, Matt Bowman, is a 2003 Ave Maria School of Law graduate."

[Ave Maria School of Law](#) was founded in 1999 to provide a legal education that is publicly faithful to the authoritative teachings of the Catholic

Church. The school's sincere religious beliefs forbid it from facilitating the provision of abortion-inducing drugs, contraception, or sterilization through health insurance coverage it offers to its employees.

"The question is whether the government can pick and choose what faith is, who the faithful are, and when and where they can exercise that faith," added Senior Counsel Kevin Theriot. "The cost of religious freedom for Americans and organizations across the country that face this mandate is severe. The potential for massive fines and lawsuits could shut down religious educational institutions as well as private employers with similar religious convictions."

The lawsuit, *Ave Maria School of Law v. Sebelius*, filed with the U.S. District Court for the Middle District of Florida, argues that the mandate violates the Religious Freedom Restoration Act as well as the First and Fifth Amendments to the U.S. Constitution. Roger Gannam, one of nearly 2,300 attorneys allied with Alliance Defending Freedom, is local counsel in the case.

