NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

Catholic college says contraceptive mandate makes it 'second-class' religious entity

Patricia L. Guilfoyle Catholic News Service | Nov. 26, 2013
Belmont, N.C.

Belmont Abbey College filed a new lawsuit Nov. 20 in its long-running fight against a federal law requiring most employers to provide free contraceptives in their health insurance plans.

In the lawsuit filed in U.S. District Court for the District of Columbia, the college calls the contraceptive mandate "constitutionally flawed," "arbitrary and capricious," and says it "discriminates against religious organizations because of their religious commitment to promoting the sanctity of life."

Belmont Abbey College faces fines of more than $7 million by this time next year if it does not accept the contraceptive mandate, part of the 2010 Patient Protection and Affordable Care Act, before Sunday.

The liberal arts college in Belmont, run by the Benedictine monks of Belmont Abbey, has opposed the contraceptive mandate since 2011, when it was the first Catholic entity to challenge it in court.

Dozens of other lawsuits have since been filed by other Catholic entities, including dioceses, religious orders, colleges charities as well as secular, nonprofit companies whose owners have faith-based objections to the mandate.

Last December, the college scored a temporary victory when a federal appeals court ordered the Obama administration to rewrite the contraceptive mandate to exempt religious organizations such as Belmont Abbey College. If the government did not satisfy the college's objections, the court said, the college could refile its lawsuit.

Belmont Abbey College has done just that -- charging that the Obama administration "completely disregarded" the hundreds of thousands of comments it received and issued revised rules that still fail to protect religious employers such as Belmont Abbey College from a law that would force them to violate their beliefs.

"Religious liberty, a fundamental right of all American citizens, has enabled our Benedictine community to found and operate our college according to the principles of our Catholic faith for 137 years," said Abbot Placid Solari, chancellor of the 1,600-student college, in a Nov. 20 statement. "We cannot abandon these principles at the whim of the government without destroying the distinct mission of the school as well as the fundamental rights we enjoy in this country."

The U.S. Department of Health and Human Services issued the mandate as part of the health care law. It requires nearly all employers to provide free preventative health care coverage specifically for women.

That coverage includes services such as mammograms, prenatal care and cervical cancer screenings, but it also mandates free contraceptives, sterilizations and abortion-inducing drugs -- which are contrary to Catholic teaching. It includes an exemption for some religious employers that fit its criteria.

The mandate does not include a conscience clause for employers who object to such coverage on moral grounds.

There also is an accommodation for some employers to use a third party to pay for coverage they find objectionable, but Catholic entities that have brought the lawsuits say the accommodation still does not solve their problem over being involved in providing coverage they reject for moral reasons.

With less than two weeks before it must renew its policy with its insurer, Blue Cross Blue Shield of North Carolina, Belmont Abbey College has only a few options under the Affordable Care Act.

Because it doesn't currently qualify for the religious exemption, the college must either agree to start providing contraceptive coverage or direct Blue Cross Blue Shield to do it for them.

If the college refuses to comply with the mandate, it would face IRS fines of $100 per employee per day. Belmont Abbey College has approximately 200 full-time employees, so its estimated fines could total more than $7 million per year.

Following objections raised by religious groups and businesses earlier this year, the Obama administration granted a one-year delay on enforcing the contraceptive mandate until Jan. 1, 2014, which means fines could be levied starting in 2015.

Alternatively, the college could drop its health insurance coverage completely, but then it would face fines of $2,000 per year for each employee under the Affordable Care Act.

Representing the college in the suit is the Becket Fund for Religious Liberty in Washington, whose attorneys said college officials seek "a permanent injunction" against the contraceptive mandate for all religious organizations that object to it.

"Belmont Abbey is yet another religious organization that the government has classified as 'not religious enough' for a mandate exemption," said Mark Rienzi, senior counsel for the Becket Fund, in a statement. "Any definition of 'religious employer' that excludes monks instilling religion is baffling."

"Belmont Abbey is being forced to pay for its First Amendment right to practice its religious freedom," Rienzi's statement continued. "The government has lots of ways to distribute contraceptives if it wants to -- forcing monks to do it is completely unnecessary."

The lawsuit argues that despite the college's "obvious religious nature," it does not qualify for an exemption. "In the eyes of the government, the monks' work educating students in 'the Catholic intellectual tradition and the Benedictine spirit of prayer and learning' is not an 'exclusively religious activity,' " it says.

The contraceptive mandate relegates Belmont Abbey College to "a second-class religious organization, not entitled to the same religious freedom rights as other religious organizations," the lawsuit states. Under the third-party accommodation, it says, the college "would continue to play a central role in facilitating free access to contraceptive, sterilization, and abortifacient services."

The lawsuit calls the accommodation "nothing more than a shell game."

[Patricia L. Guilfoyle is editor of the *Catholic News Herald*, newspaper of the diocese of Charlotte.]

The Next Step FORWARD [1]

DONATE NOW [1]

Enjoy this article?
Help support more like it by **donating today!** [1]

Source URL (retrieved on *09/02/2015 - 20:09*): http://ncronline.org/news/politics/catholic-college-says-contraceptive-mandate-makes-it-second-class-religious-entity

Links:
[1] http://ncrnews.org/webathon/donate/article-end