

Notre Dame Sues HHS Over Mandate

Michael Sean Winters | May. 21, 2012 | Distinctly Catholic

[The University of Notre Dame has just announced](#) [1] that it has filed suit against HHS Secretary Kathleen Sebelius and others over the HHS mandate regarding the contraceptive mandate.

"This filing is about the freedom of a religious organization to live its mission, and its significance goes well beyond any debate about contraceptives," Rev. John I. Jenkins, C.S.C., Notre Dame's president, wrote in a message to members of the campus community. "For if we concede that the government can decide which religious organizations are sufficiently religious to be awarded the freedom to follow the principles that define their mission, then we have begun to walk down a path that ultimately leads to the undermining of those institutions."

The lawsuit, and Jenkins' commentary, are very good news. First, I doubt there is anyone who could charge Notre Dame with being unreasonably hostile to the Obama administration. Second, Jenkins' comments do not indulge the vitriol and hyperbole that have characterized so much of the debate. Instead, his words are measured and thoughtful. Finally, Jenkins focuses on the key problem with the Obama administration's "accommodation," namely, that it leaves in place the four-part definition of what constitutes a religious organization that drew a line between a house of worship and a university or charity or hospital which provides faith in action.

As much as I worry that the bishops have over-reached in the past couple of months, as noted in my big post this morning, it must also be noted that the administration has still refused to back off the four-part test that was, and is, for many of us, the principal difficulty in finding a solution.

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[1] <http://newsinfo.nd.edu/news/30962-notre-dame-files-religious-liberty-lawsuit-related-to-hhs-mandate/>