

## **Statement from Bishop Edward C. Malesic, JCL, on HHS settlement between Diocese of Greensburg and the Department of Justice**

“We are extremely pleased with the favorable settlement that has been reached between the Diocese of Greensburg and the Department of Justice.

This permanent injunction solidifies an exclusive agreement between the government and the diocese. It holds that the Department of Justice will not enforce the HHS mandate, its accommodation, nor its narrow religious exemption on the Diocese of Greensburg. Additionally, this agreement will hold firm in the event of any future regulatory changes that may occur with HHS legislation.

I am deeply grateful to my predecessor, Bishop Emeritus Lawrence E. Brandt, who began work on this extremely important initiative several years ago. And I am appreciative of the highly competent work put forth by Jones Day, our legal counsel who diligently worked on our behalf.

This is a positive and substantive victory for every religious institution espousing that religious and moral beliefs must be supported by the fundamental right of religious freedom as envisioned by the founders of our great nation.”

### **Department of Justice announces settlement in HHS mandate suits**

**Washington D.C. (CNA/EWTN News)** — A week after issuing new religious freedom guidelines to all administrative agencies in the federal government, the U.S. Department of Justice has settled with more than 70 plaintiffs who had challenged the controversial HHS contraceptive mandate.

The Oct. 13 agreement was reached between the government and the law firm Jones Day, which represented more than 70 clients fighting the mandate. Made public Oct. 16, the agreement states that the plaintiffs would not be forced to provide health insurance coverage for “morally unacceptable” products and procedures, including contraception, sterilization, and abortion-inducing drugs.

“This settlement brings to a conclusion our litigation challenging the Health and Human Services’ mandate obliging our institutions to provide support for morally objectionable activities, as well as a level of assurance as we move into the future,” said Cardinal Donald W. Wuerl of Washington, D.C., in an Oct. 16 letter to priests of the archdiocese.

The mandate originated with the Obama administration. Issued through the Department of Health and Human Services, it required employers – even those with deeply-held religious objections – to provide and pay for contraceptive, abortifacient and sterilization coverage in their health insurance plans.

The Archdiocese of Washington, D.C., was one of more than 300 plaintiffs (including the Diocese of Greensburg) who had challenged the mandate, arguing “that the practice of our faith was inextricably tied to the ministries that put that faith into action,” and that as such, they should not be forced to violate their faith to continue their ministries, Wuerl recalled.

The archdiocese and six other plaintiffs had argued their position before the Supreme Court in the case *Zubik v. Burwell*. In 2016, the high court ruled against the government's requirement that certain employers provide and pay for the morally objectionable services.

"While the Trump Administration's Executive Order on Religious Liberty and new guidelines and regulations are extremely helpful, the settlement of the *Zubik* litigation adds a leavening of certainty moving forward," the cardinal added.

The Department of Justice's new settlement "removes doubt" and closes these cases challenging the mandate, the cardinal continued. "The settlement adds additional assurances that we will not be subject to enforcement or imposition of similar regulations imposing such morally unacceptable mandates moving forward," he stated.

On Oct. 6, the Department of Justice revised its guidelines for all government agencies in light of existing religious freedom laws, releasing a set of principles which stated clearly that the government cannot substantially burden religious practices, unless there is a compelling state interest in doing so and those burdens use the least-restrictive means possible.

Thomas Aquinas College, a Catholic college in California and another plaintiff against the HHS mandate also celebrated the protection the settlement brings.

"While we welcomed the broadening of the exemption from the HHS mandate last week by the Trump administration, we have under our agreement today something even better: a permanent exemption from an onerous federal directive – and any similar future directive – that would require us to compromise our fundamental beliefs," said Thomas Aquinas College president Dr. Michael F. McLean in an Oct. 16 statement.

"This is an extraordinary outcome for Thomas Aquinas College and for the cause of religious freedom."

In addition to settling the case, the Departments of Health and Human Services, Labor, and the Treasury have also decided to provide partial coverage of the plaintiffs' attorney fees and costs of the lawsuits.

"This financial concession by the government only reinforces its admission of the burdensome nature of the HHS contraceptive mandate and its violation of the College's free exercise of religion," stated Thomas Aquinas College General Counsel, Quincy Masteller.