

# Archbishop Lori joins lawsuit against HHS mandate

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Archbishop William E. Lori, the Archdiocese of Baltimore and Catholic Review Media (CRMedia) are part of a federal lawsuit filed March 12 to stop a Health and Human Services mandate under the Affordable Care Act they believe would require them to provide health insurance coverage for contraception, sterilization and abortion-inducing drugs.

The lawsuit was filed in the U.S. District Court for the Western District of Oklahoma by the newly formed Catholic Benefits Association (CBA), an Oklahoma City-based organization representing nearly 200 Catholic employers and 19,000 employees nationwide.

The CBA recently formed the Catholic Insurance Company to arrange for health provider networks to provide coverage that won't violate their religious convictions. In a telephone interview with the Catholic Review March 12, Archbishop Lori said the lawsuit was filed to defend First-Amendment rights.

"We do not think it is appropriate for Health and Human Services to tell religious employers that they must include in their health insurance plan items that are contrary to the Catholic moral teaching," said Archbishop Lori, president of the CBA and the Catholic Insurance Company.

The mandate includes an exemption for some religious employers such as Catholic dioceses themselves. Separately incorporated organizations, such as Catholic-affiliated charities and universities, are not exempt.

HHS provides an accommodation for nonprofit religious organizations, allowing coverage for morally objectionable services to be provided by a third-party. But opponents of the mandate believe such an accommodation still requires them to be involved in providing coverage they believe to be immoral.

"Religious liberty certainly includes the freedom to worship," Archbishop Lori said, "but it also means that an institution that seeks to be Catholic is not only Catholic externally, but also in the way it operates."

Plaintiffs in the lawsuit are not seeking to expand the definition of religious liberty, the archbishop said, "We are simply seeking to promote and defend the religious liberties that we've enjoyed until now."

Archbishop Lori said the CBA is providing an “excellent vehicle” for Catholic employers to seek the protection of religious liberty.

According to the CBA website, merely joining the CBA and acquiring coverage through the Catholic Insurance Company does not, by itself, provide relief from the HHS mandate or the mandate accommodation.

“What belonging does mean is that your organization will be part of all actions and efforts that the CBA takes to acquire religious liberty exemption for its members through litigation,” the website said.

Archbishop Lori said CBA “promises to be a very fine way to help Catholic employers to provide morally sound and truly excellent health care plans for their employees.”

The Archdiocese of Baltimore currently operates a self-insured health plan administered by Cigna and covering 5,500 people. It does not cover items that conflict with Catholic teaching.

Asked whether the archdiocese is considering offering insurance through the Catholic Insurance Company, the archbishop said, “we are looking at that very carefully.” He noted that the Catholic Insurance Company is already working with dioceses seeking to become insurance members.

“Our hope is that it will provide such a good service, in terms of health insurance, that it will be effective for those reasons,” Archbishop Lori said. “We would like to help Catholic entities provide cost-effective and quality health care insurance.”

Christopher Gunty, CEO of Catholic Review Media, said his nonprofit company, publisher of the Catholic Review, currently purchases employees’ health benefits through the Archdiocese of Baltimore health plan.

“That plan is currently grandfathered in,” he said, “so we can keep the benefits we have now. But that grandfathering won’t last forever. Even slight adjustments in the plan as costs increase over the next few years could eliminate that protection.”

Gunty does not want to be forced to pay for coverage that is morally objectionable.

“The accommodation that transfers the actual purchase of contraceptives, abortifacients or sterilization services to a third party is really just sleight of hand,” he said. “There’s no such thing as a free lunch – if a company we contract with for services pays for services inconsistent with church teaching, ultimately we pay for that.”

Other plaintiffs in the lawsuit include the Archdiocese of Oklahoma City, Catholic Charities of the Archdiocese of Oklahoma City Inc., All Saints Catholic School in Oklahoma, Villa St. Francis Catholic Care Center in Kansas City, Kan., and Good Will Publishers in North Carolina.

Defendants include Kathleen Sebelius, HHS secretary; Thomas E. Perez, secretary of the Department of Labor; Jacob J. Lew, secretary of the Department of the Treasury; and each of those departments.

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