

Catholic Review Column: Now is the Time for Congress to Delay ‘Onerous Burden’ of HHS Mandate

Pope Francis recently reaffirmed that religious freedom is “a fundamental human right” and warned against the impulse to “relegate [religions] to the enclosed precincts of churches, synagogues or mosques.” The freedom of religion cannot be reduced to the freedom of worship.

This resonates with the rich tradition of religious liberty in our country, which has long allowed Catholics and other people of faith to live out their beliefs beyond the sanctuary, whether by healing the sick, educating the young or feeding and clothing the poor.

But a mandate of the U.S. Department of Health and Human Services (HHS) now jeopardizes these important ministries — health care, education, and social services — by forcing them to participate in covering drugs and devices that violate Catholic teaching. The mandate was enforced against some ministries beginning Jan. 1.

In order to protect their freedom to serve, many Catholic dioceses and their non-profit ministries took the difficult step of filing federal lawsuits in courts around the country. Most of those results have been encouraging.

For instance, a federal court in Pennsylvania issued an order blocking the government from enforcing the mandate against the Dioceses of Pittsburgh and Erie and their related charitable, religious and educational ministries. The court found that enforcement could result in “decreased donations, loss of employees to other employers, loss of services” and fines that could compel the closure of ministries that greatly benefit their communities. Soon after, a New York federal court granted similar relief on similar grounds. And on Tuesday, Supreme Court Justice Sonia Sotomayor granted a stay in a case brought by the Little Sisters of the Poor, allowing them at least a temporary reprieve from the requirement.

And in burdening that religious exercise, the mandate also harms those we serve, and in turn, the common good. Requiring these non-profits to set aside money to pay these onerous fines may threaten their very existence. In more ways than one, this serves no one.

As one of the plaintiffs in Pennsylvania testified, the fines imposed by the mandate “would be devastating for all of our clients, the poor — these are single women, children.” The reduction or elimination of these ministries means that fewer people get the hot meal, health care, education or counseling that they have come to rely on.

We hope that the Supreme Court will ultimately affirm the decisions finding the mandate illegal. But in the meantime, the government can start enforcing the mandate now on those faith-based non-profits that haven’t gotten relief from the courts. So now is the time for Congress to act to at least delay, if not lift altogether, this onerous burden from our ministries.

Various exemptions and delays have already been granted against the mandates of the health care reform law, for financial, administrative and other reasons. It is high time to show the same respect for religious freedom — before it is too late.