

# **Mount among 18 Catholic colleges appealing parts of federal health care law mandate**

WASHINGTON - Eighteen Catholic colleges have asked the Obama administration to exempt all religious individuals and institutions from being forced to participate in the federal mandate that health insurance plans cover contraceptives and sterilization.

The 13-page appeal was sent to the White House Sept. 29 and called the Department of Health and Human Services' exemptions for religious employers as "potentially so narrow as to be not only nearly inconsequential but insulting to religious entities, in particular to Catholic colleges and universities."

Los Angeles Auxiliary Bishop Thomas J. Curry, chairman of the U.S. bishops' Committee on Catholic Education, also signed the letter.

The Catholic institutions join the U.S. Conference of Catholic Bishops and the Catholic Health Association in support of stronger religious exemptions under the Patient Protection and Affordable Care Act. HHS was accepting comments on the proposed religious exemption until Sept. 30.

Monsignor Stuart Swetland, vice president of mission at Mount St. Mary's University in Emmitsburg, told Catholic News Service the proposed mandates under the health care law threaten the operation of Catholic colleges and universities.

"It's unprecedented in federal law. Religious exemptions were always written to accommodate sincere religious beliefs. This is written so narrowly," said Monsignor Swetland, who also is executive director of the Center for the Advancement of Catholic Higher Education, a division of the Cardinal Newman Society, which helped organize the colleges' appeal.

The letter said the mandates violated several federal laws, including the Religious Freedom Restoration Act and the First and 14th amendments to the Constitution.

It pointed to the possibility that the mandate could be used to require future insurance coverage of abortifacients as long as the Food and Drug Administration classifies them as contraceptive in nature.

“No federal rule has defined being ‘religious’ as narrowly and discriminatorily as the mandate appears to do, and no regulation has ever so directly proposed to violate plain statutory and constitutional religious freedoms,” the appeal said.

The colleges maintained that they have a “legal right not to be required to offer or pay for health insurance coverage that includes practices to which they have a religious or moral objection, and not to be forced to choose between offering such coverage, paying a fine or offering no coverage at all.”

The appeal said the same rights also extend to all employers so they do not have “their religious and moral beliefs burdened.” Likewise, the colleges continued, individuals have the right not to be forced to enroll in or purchase health insurance coverage which conflicts with their religious or moral beliefs.

“The right to religious freedom requires no less,” the colleges said.

The Scottsdale, Ariz.-based Alliance Defense Fund, an organization working to protect religious liberty, drafted the letter in conjunction with the Center for the Advancement of Catholic Higher Education.

Signatories to the letter were Aquinas College, Tennessee; Ave Maria University, Florida; Benedictine College, Kansas; Catholic Distance University and Christendom College, Virginia; College of St. Mary Magdalen and Thomas More College of Liberal Arts, New Hampshire; College of St. Thomas More and University of St. Thomas, Texas; DeSales University, Pennsylvania; Franciscan University of Steubenville, Ohio; Holy Apostles College and Seminary, Connecticut; John Paul the Great Catholic University and Thomas Aquinas College, California; Mount St. Mary’s University; St. Gregory’s University, Oklahoma; University of Mary, North Dakota; and Wyoming Catholic College.