

Nuns ask court for protection from complying with HHS mandate, fines

By Catholic News Service

DENVER – In a July 23 filing with the U.S. Supreme Court, the Little Sisters of the Poor have asked the court for relief from being forced to comply with the federal contraceptive mandate or face heavy fines.

The sisters are being asked to choose between adhering to their Catholic faith – which prohibits them from providing contraceptives – and continuing to pursue their religious mission of serving the elderly poor, according to Sister Loraine Marie Maguire, mother provincial of the order.

“As Little Sisters of the Poor we dedicate our lives to serving the neediest in society, with love and dignity,” she said in a statement.

“We perform this loving ministry because of our faith and simply cannot choose between our care for the elderly poor and our faith, and we shouldn’t have to,” Sister Maguire said. “We hope the Supreme Court will hear our case and ensure that people from diverse faiths can freely follow God’s calling in their lives.”

The latest action by the Denver-based Little Sisters follows a July 14 ruling by the 10th U.S. Circuit Court of Appeals that the religious order and other religious entities are not substantially burdened by procedures set out by the federal government by which they can avoid the requirement to provide contraceptive coverage in employee health insurance.

The circuit court ruling also affected Christian Brothers Services and Christian Brothers Employee Benefit Trust, the Catholic ministries through which the Little Sisters obtain their health coverage, and included challenges to the procedures filed by Southern Nazarene University, Oklahoma Wesleyan University, Oklahoma Baptist University, Mid-America Christian University, Truett-McConnell College and Reaching Souls, an Oklahoma-based nonprofit corporation founded by a Southern Baptist minister that trains pastors and evangelists and provides care to orphans in

Africa, India and Cuba.

Under the Affordable Care Act, all health insurance plans are required to provide coverage for birth control drugs and procedures. Churches themselves and other institutions that primarily employ and serve members of the churches are exempt.

Nonprofit religious entities such as church-run colleges and social service agencies are not exempt, but the federal Department of Health and Human Services created what it calls an “accommodation” under which such organizations morally opposed to the coverage may file a particular form or notify HHS that they will not provide it.

The contraceptive coverage is then provided to those organizations’ employees, but through third parties, and with no cost or further involvement to the employer. Entities that refuse to comply with the mandate are subject to significant fines.

The Little Sisters of the Poor and other organizations that sued say that the acts of filling out the form or notifying HHS are a substantial burden on their religious rights because the steps implicate them in the ultimate provision of contraceptives. The court disagreed.

“The Little Sisters consider it immoral to help the government distribute these drugs,” said Mark Rienzi, senior counsel of the Becket Fund for Religious Liberty and lead attorney for the religious order.

“But instead of simply exempting them, the government insists that it can take over their ministry’s employee health care to distribute these drugs to their employees, while dismissing the Sisters’ moral objections as irrelevant,” he said in a statement July 23. “In America, judges and government bureaucrats have no authority to tell the Little Sisters what is moral or immoral. And the government can distribute its drugs without nuns — it has its own health care exchanges that can provide whatever it wants.”

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