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**MINNESOTA CATHOLIC CONFERENCE FILES FRIEND-OF-THE-COURT BRIEF IN
FEDERAL COURT IN SUPPORT OF CATHOLIC EMPLOYERS CHALLENGING
OBAMA ADMINISTRATION'S HHS MANDATE**

ST. PAUL, Minnesota (March 19, 2013)—Minnesota Catholic Conference (MCC), the public policy voice of the Catholic Church in Minnesota, has filed a friend-of-the-court brief in the United States Court of Appeals for the Eighth Circuit supporting the protection of religious liberty and the rights of conscience of local Catholic businesses and individuals.

Under the Obama Administration's Affordable Care Act "Preventive Services Mandate" ("Mandate") employers who do not fit within the Administration's narrow definition of "religious employer" are required to offer insurance plans to their employees that include sterilization, reproductive counseling, contraception, and drugs that are considered abortifacient.

Annex Medical, Inc., Stuart Lind, and Tom Janas ("Appellants"), are appealing the denial of a preliminary injunction that they sought in federal district court to allow them to be exempt from compliance with the Mandate because of their conviction that providing contraceptives in the manner prescribed by the Mandate is a substantial burden on their free exercise of religion.

If Appellants do not comply with the Mandate, they are subject to fines for providing health insurance without the contraceptive coverage. Thus, employers such as Annex Medical and Messrs. Janas and Lind are forced to either violate their conscience or impose a considerable financial burden on their business.

According to Catholic teaching, the use of contraception is considered a violation of the universal moral law.

"The Catholic bishops of Minnesota filed this brief to stand in solidarity with Appellants, who are bravely contesting the legality of an unwise and unjust policy," said Jason Adkins, MCC executive director and general counsel. "The district court wrongly concluded that the HHS Mandate did not substantially burden Appellants' free exercise of religion. Instead of determining the pressure that the Mandate puts on Appellants to violate their beliefs, the district court inaccurately evaluated whether the Mandate even violates Appellants' beliefs at all."

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According to the MCC brief: “This subtle, yet radical, transformation of the substantial burden analysis ... into a judicial exploration of moral theology runs contrary to black-letter law.”

The United States Supreme Court has unambiguously declared that it is not within the judicial function and judicial competence to determine whether a plaintiff has the proper interpretation of his or her faith. Rather, it is the court’s role to provide a proper legal analysis of the Mandate’s burden on those beliefs as asserted by litigants.

“It is the right of the Catholic bishops of Minnesota, not courts, to evaluate the validity and sincerity of Catholic belief,” said Adkins. “The bishops wanted to make clear in this brief that the Mandate, in fact, puts substantial pressure on Appellants to violate their beliefs. The use and funding of contraceptives, sterilization, and abortifacients in the manner prescribed by the Mandate are fundamentally against Catholic teaching.”

Adkins explained that the brief makes three main points in arguing that the Court of Appeals should reverse the district court’s denial of an injunction:

- (1) The court erred in applying the Religious Freedom Restoration Act’s (RFRA) substantial burden test in determining whether the Mandate violates the Appellants’ right to free exercise of religion.
- (2) According to the RFRA test, the Mandate does put substantial pressure on the Catholic businesses to violate their beliefs.
- (3) The Government has no compelling interest in requiring these Catholic businesses to comply with the Mandate.

Courts are required, according to the RFRA “substantial burden test,” to identify beliefs and then determine whether the imposition of the Mandate puts substantial pressure on the Appellants to violate those beliefs. By evaluating the Appellants’ beliefs themselves before determining the substantial burden according to these court-interpreted beliefs, the court’s analysis “dangerously” erred in the application of the RFRA test.

“Religious liberty is our first freedom and should receive strong protection from the courts. We hope the Eighth Circuit reverses this unfortunate ruling,” concluded Adkins.

The brief, authored by attorneys from the law firm of Jones Day, can be found here:

<http://www.mncc.org/wp-content/uploads/2013/03/AMICUS-BRIEF-ANNEX-MEDICAL.pdf>

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