

# HHS MANDATE TAKES A HIT

In December the U.S. District Court handed down a ruling which allowed the Archdiocese of New York to proceed with its lawsuit against the Health and Human Services (HHS) abortifacient mandate.

Not only did the Obama administration lose, it received a well deserved lecture from the bench: it was taken to task for misrepresenting the current burdens that the HHS mandate has placed on the New York Archdiocese.

The Obama team tried to have it both ways, and it failed. On the one hand, it ordered Catholic entities to get ready to implement the mandate, and on the other hand it said that because some modifications may yet be made, complaints that the mandate has already burdened the archdiocese are baseless. But U.S. District Judge Brian Cogan wasn't buying it.

Judge Cogan said the Obama administration's arguments "ring hollow." He quoted the HHS Interim Final Rules back to the Obama lawyers; they hung themselves with their own wording. The Rules made clear that "these interim final regulations require significant lead time to implement," emphasizing that "in order to allow plans and health insurance coverage to be designed and implemented on a timely basis, regulations must be published and available to the public well in advance of the effective date of the requirements."

It is impossible to improve on Judge Cogan's ruling when he said "the First Amendment does not require citizens to accept assurances from the government that, if the government later determines it has made a misstep, it will take ameliorative action. There is no 'Trust us, changes are coming' clause in the Constitution. To the contrary, the Bill of Rights itself, and the First Amendment in particular, reflect a degree of skepticism towards government self-restraint and self-

correction.”

The battle over the HHS mandate is not over, but what happened in December bodes well for those who believe in religious liberty.