

HHS MANDATE UNDER REVIEW

The United States Supreme Court has agreed to hear a challenge to the constitutionality of the Health and Human Services (HHS) mandate that threatens to eviscerate the religious liberties of many Catholic non-profits. Not surprisingly, editorials in the *Los Angeles Times* and the *New York Times* took the side of the Obama administration.

We pointed out that the newspapers either underplayed or ignored the central issue involved in this case. They both maintain that the accommodations offered by HHS—no direct payment for objectionable services are required—resolve this matter. They do not.

The key issue is whether the federal government has a right to define what constitutes a Catholic organization. The Obama team says that Catholic groups that hire and/or service non-Catholics must forfeit their claim as a Catholic entity. So, for example, because the Little Sisters of the Poor do not discriminate against non-Catholics, they are deemed insufficiently Catholic to qualify for an exemption. This is patently absurd. Worse, it gives an authority to the federal government it should not have.

Even if the Supreme Court decided that the accommodations provided by HHS were not deemed to be a “substantial burden” on these Catholic groups, it should rule that the government has no right to invoke such spurious hiring and servicing criteria in deciding which Catholic groups are legitimate and which are bogus.

A decision is expected next spring. At stake are conscience rights, religious liberty, and the very functioning of Catholic non-profits.