

# HHS SHOWDOWN

This is the year that the final showdown will take place between the Department of Health and Human Services (HHS) and Catholic institutions. As 2012 came to a close, the judiciary was still sending mixed messages.

At the end of November, the U.S. Supreme Court ordered the Fourth Circuit of Appeals to rule on the religious-liberty issues of ObamaCare that are being contested by Liberty University. Previously, the circuit court ruled that a challenge was premature, but the high court vacated that decision.

In early December, a U.S. District Court ruled that the Archdiocese of New York could proceed with its lawsuit against the HHS mandate. District Judge Brian Cogan said the federal government's pledge that it would not burden the Archdiocese once ObamaCare kicks in was not satisfactory. As he neatly put it, "There is no 'Trust us, changes are coming' clause in the Constitution."

In mid-December, the U.S. District Court of Appeals for the District of Columbia heard arguments on the propriety of allowing a lawsuit by Wheaton and Belmont Abbey, two religious colleges, to go forward even though the HHS rules have not been finalized. A ruling will soon be made whether to proceed now or wait.

The confusion will come to an end no later than August; that is when the final HHS rules will be released. In the meantime, Catholic League advisory board member Tom Monaghan (founder of Domino's Pizza) has also decided to challenge the legality of the HHS mandate.