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Priests for Life Asks D.C. Federal Court to Halt Enforcement of Obamacare “Contraception Mandate”

Washington, D.C. (September 23, 2013) — Last Thursday, the American Freedom Law Center (AFLC), a national, nonprofit Judeo-Christian law firm, filed a motion for a preliminary injunction in the U.S. District Court for the District of Columbia, asking the court to halt the enforcement of the recently announced regulations enforcing the Obamacare contraceptive services mandate against religious organizations.

The motion and accompanying memorandum of law are part of AFLC’s federal lawsuit filed last month on behalf of Priests for Life, an international, Catholic organization; Father Frank Pavone, the National Director of Priests for Life; Alveda King, the niece of civil rights leader Martin Luther King, Jr. and the Pastoral Associate and Director of African-American Outreach for Priests for Life; and Janet Morana, the Executive Director of Priests for Life.

The lawsuit challenges the new implementing regulations announced by the Obama administration this past June which allegedly “accommodate” religious objections to the contraceptive services mandate for “eligible organizations.” However, the regulations still require certain non-exempt religious employers, including Priests for Life, to provide insurance plans that promote and facilitate the use of contraceptive services. Priests for Life’s sincerely held religious beliefs prohibit it from providing any support for the use of contraceptive services—the very services mandated by the government as a matter of federal law. Consequently, as alleged in the lawsuit and the recently filed motion, the contraceptive services mandate places a substantial burden on Priests for Life’s sincerely held religious beliefs and the government does not have a compelling reason for doing so in violation of the United States Constitution and the Religious Freedom Restoration Act.

Father Pavone expressed Priests for Life’s and his commitment to this fight for religious freedom, “We have been battling the HHS Mandate in court since February of 2012, and as we

take this next step, we as an organization — and the plaintiffs in their individual capacities — renew our determination not to accommodate to this injustice. And we are confident that the court will uphold our position.”

According to the motion filed by AFLC, the contraceptive services mandate will apply in full force to Priests for Life’s health care plan on January 1, 2014, thereby necessitating the request for an immediate injunction. Absent an injunction, Priests for Life will be presented with a Hobson’s choice: either drop its health care plan altogether and face the consequences for doing so or refuse to cooperate with the government mandate and be subject to crippling fines of \$100 per employee per day.

Robert Muise, Co-Founder and Senior Counsel of AFLC, commented: “As a religious organization whose primary mission is to promote the culture of life, Priests for Life has and will continue to suffer irreparable harm from the mandate. The so-called ‘accommodation’ for certain non-exempt religious employers announced by the Obama administration is no such thing. Under these revised regulations, because Priests for Life provides its employees with a health care plan, the mandate forces Priests for Life to provide the means and mechanism by which contraceptive services are provided directly to its plan participants and their beneficiaries, which is unacceptable to Priests for Life because it violates its sincerely held religious beliefs.”

Muise continued: “The use of contraception, sterilization, and abortifacients is prohibited by Priests for Life’s religious convictions. And this is true whether the immoral services are paid for directly, indirectly, or even not at all by Priests for Life. Contraception, sterilization, and abortifacients are immoral regardless of their cost.”

Throughout the process of amending the regulations, the Obama administration has refused to provide a broad exemption from the contraception mandate for religious employers such as Priests for Life, claiming that such an exemption “would lead to more employees having to pay out of pocket for contraceptive services, thus making it less likely that they would use contraceptives, which would undermine the benefits [of requiring the coverage].” According to the government, “Employers that do not primarily employ employees who share the religious tenets of the organization are more likely to employ individuals who have no religious objection to the use of contraceptive services and therefore are more likely to use contraceptives. Including these employers within the scope of the exemption would subject their employees to the religious views of the employer, limiting access to contraceptives, thereby inhibiting the use of contraceptive services and the benefits of preventive care.” Consequently, as the Obama

administration has made clear, the ultimate goal of the contraception mandate is to increase the “use of contraceptive services” by compelling access to these services—a goal that is contrary to the very purpose and mission of Priests for Life.

David Yerushalmi, Co-Founder and Senior Counsel of AFLC, commented: “There is no doubt that the contraceptive services mandate threatens the very existence of Priests for Life as an effective, pro-life organization. The First Amendment exists to prevent exactly this type of tyrannical overreach by the federal government.”

The lawsuit was filed against the U.S. Department of Health and Human Services and its Secretary, Kathleen Sebelius; the U.S. Department of the Treasury and its Secretary, Jacob Lew; and the U.S. Department of Labor and its Secretary, Thomas Perez. Each department has a role in enforcing the challenged mandate.

The *American Freedom Law Center* is a Judeo-Christian law firm that fights for faith and freedom. It accomplishes its mission through litigation, public policy initiatives, and related activities. It does not charge for its services. The Law Center is supported by contributions from individuals, corporations, and foundations, and is recognized by the IRS as a section 501(c)(3) organization. Visit us at www.americanfreedomlawcenter.org.

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