

NEWS RELEASE

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AG STRANGE AND EWTN FILE LAWSUIT IN CONTINUING CHALLENGE OF OBAMACARE HHS MANDATE

(MONTGOMERY)—Attorney General Luther Strange and Eternal Word Television Network (EWTN), which is being represented by the Becket Fund for Religious Liberty, today filed a lawsuit in the U.S. District Court for the Southern District of Alabama in their continuing challenge to the Obamacare HHS mandate that would require not-for-profit religious organizations to include contraception and abortion-inducing drugs in employees' health insurance plans.

The mandate of the U.S. Department of Health and Human Services requires religious employers to arrange for health insurance that covers contraception and sterilization services, and related counseling and education. This mandated coverage also includes "emergency contraceptives," such as Plan B. As explained in the lawsuit, EWTN believes contraception, sterilization and abortion to be "gravely immoral practices," in large part because of "the intentional destruction of human life." The deadline for EWTN to comply with the mandate is July 1, 2014. If it does not, the world's largest Catholic media network, headquartered in Irondale, AL, faces drastic penalties that could exceed \$12 million per year. Other religious groups, such as Guidestone Financial Resources, the insurance entity for the Southern Baptist Convention, have also filed suit against the HHS mandate.

Attorney General Strange said, "I am proud to stand with EWTN to oppose this unconscionable mandate. Whatever we personally may think about contraception and abortion-inducing drugs, the government should not be in the business of forcing people to violate their religious convictions."

The lawsuit alleges that the HHS mandate's narrow "accommodation" for religious groups like EWTN is insufficient and does not comply with the law. The HHS mandate provides that a religious group may require a third party to provide the objectionable services for free, instead of expressly providing the services itself. EWTN asserts that this accommodation is nothing but a "fig leaf" that would still force EWTN and other religious organizations to betray deeply-held religious principles by arranging for the services.

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Similarly, Attorney General Strange has referred to the mandate's accommodation as a "shell game" and "accounting gimmick." As Attorney General Strange has explained, "We all know that insurance companies do not provide anything for free; the employers are still going to be paying for these services through increased premiums or otherwise even if the insurance company technically covers those products through a separate 'free' policy. This isn't just about who ultimately has to pay. It is about the government forcing EWTN to participate in a scheme that violates its religious beliefs."

In addition to EWTN's religious rights, the mandate violates the laws of the State of Alabama and the rights of its citizens, the lawsuit asserts. "The State of Alabama has a sovereign prerogative to regulate its insurance market in accordance with its own law and policy, without being contradicted by unlawful federal regulations." Furthermore, the lawsuit states, "Alabama's government and people have a long tradition of respect for religious freedom and the right to conscience. For the State's roughly 200-year history, Alabama's Constitution has declared—in every iteration—'that the civil rights, privileges, and capacities of every citizen shall not be in any manner affected by his religious principles.'" This freedom is underlined by the Alabama Religious Freedom Amendment ratified in 1998. In November of 2012, the people of Alabama specifically added to the state Constitution an amendment to protect any person or employer from being compelled to participate in a health care system.

Attorney General Strange said, "The freedom of religion, and to believe as conscience requires, is our 'first freedom' under the United States Constitution. The people of Alabama have recognized the importance of this freedom and have enshrined it in their Constitution as well. Alabama law does not allow anyone to be forced to offer a product that is against his or her religious beliefs or conscience."

Attorney General Strange and the Becket Fund are asking the Court to find that the mandate is in violation of the Religious Freedom Restoration Act, the First and Fifth Amendments of the U.S. Constitution, and the Administrative Procedure Act, to declare that the mandate does not preempt or displace Alabama's own laws, and to issue a permanent injunction to stop enforcement of the mandate against EWTN and other religious organizations that object to providing insurance coverage for contraceptives, abortifacients and sterilization.

Attorney General Strange has been a national leader on this issue in recent years. In 2012, he moved to intervene in a previous lawsuit filed by EWTN to seek relief from a previous version of the HHS mandate, which was dismissed when the current version of the HHS mandate was set to take effect. Attorney General Strange also led a group of 13 Attorneys General last spring in an effort to convince HHS to adopt broader religious exemptions to the HHS mandate. In addition, he and other Attorneys General litigated broader issues of Obamacare in the U.S. Supreme Court.