

# Religious Freedom Case Going Before 8-Member Supreme Court

The U.S. Supreme Court is scheduled to hear oral arguments in the case *Zubik v. Burwell*, which is a consolidation of several cases questioning the constitutionality of the Obamacare requirement that insurance policies cover abortion-inducing drugs, contraceptives, sterilization and related counseling.

Other plaintiffs in the case include Southern Nazarene University, Geneva College, the Roman Catholic Archbishop of Washington, East Texas Baptist University and the two most famous plaintiffs: Little Sisters of the Poor Home for the Aged and Priests for Life.

Fr. Frank Pavone, national director of priests for life, released the following statement at the inception of the case:

*"The cases challenge the HHS mandate, which tries to force groups like ours to cover abortion-inducing drugs, and other 'services' we find morally objectionable, in the health insurance coverage we offer our employees ...*

*"Let me first say what this case is not about. This case is not about making contraception illegal, and although our organization does work to make abortion illegal, that is not the point of this case either.*

*"Nor is this case about forcing our employees to adhere to our religious beliefs. It is about the freedom of us, as employers, to practice our own religious beliefs, not just in church on Sunday, but in the workplace on Monday.*

*"Neither is this case about simply an objection to paying for objectionable health insurance. Even if the case were convincingly made that the objectionable coverage doesn't cost us a penny, our objection would still be there, because*

*we, as Priests for Life, are still the gateway by which our employees would receive the objectionable coverage.*

*“What makes this case hard to understand for many is that the government has in fact offered all of us plaintiffs an opportunity to opt-out of the obligation to provide insurance coverage for these objectionable services. All we need to do is to fill out a form—or write a letter—and we are, according to the government, ‘off the hook.’*

*“What, then, are we objecting to?*

*“We are saying that not only does it violate our faith to offer the objectionable insurance coverage, but it also violates our faith to even fill out that form or write that letter. Why? Because according to our sincerely held religious and moral beliefs, even those actions make us, in a moral sense, a part of the process by which the objectionable coverage will be offered to our employees anyway, once the government and the insurance provider see we’ve filled out the form. And our religion does not allow that kind of cooperation or involvement.*

*“Put simply, filling out this form is a necessary part of the process by which the Obama administration is expanding coverage for abortion-inducing drugs and contraceptives. Were it not part of the process, the government wouldn’t require us to fill it out. And we don’t want to be any part of the process at all. Our message to the government is: If you want to provide these services to which we object, you’re going to have to do it without us.*

*“Some people may think these beliefs are ridiculous, overly scrupulous and unreasonable. Others, including the judges who ruled against us in the lower courts, claim we have misunderstood and misrepresented how these government regulations operate, and that we are not, in fact, ‘part of the process’ to which we object morally—and therefore, that*

*the government has already done all it needs to do to accommodate our religious freedom.*

*“But here’s the point: The role of a judge is to make judgments about the law, not about religious beliefs. It is beyond the authority of the courts to tell Priests for Life whether its beliefs are accurate or reasonable or overly scrupulous.*

*“People are free to think that they are. But people are also free to think that something we say is inaccurate or unreasonable. Yet the courts still have to protect our freedom of speech, even in those instances. So too must the courts protect our freedom to believe, and practice a belief, that some find unreasonable.*

*“Whenever the government punishes a believer for practicing some aspect of his faith, that is a substantial burden on religious freedom. In this case, we would face tremendous fines for not following the dictates of the HHS mandate. A nation that says, “Violate your faith or pay a price” is not protecting religious freedom. And in fact, federal law, in the Religious Freedom Restoration Act (RFRA), protects that freedom and prohibits that kind of punishment.*

*“Now the government will claim in this case that expanding access to abortion and contraception is so important a goal (in legal terms, a ‘compelling interest’) that it justifies restricting our religious freedom in this instance. But RFRA says that even if the government’s interest is compelling, it can only substantially burden our religious freedom if it uses the least restrictive means to do so.”*

Priests for Life said in a statement Tuesday that Pavone, Executive Director Janet Morana, and PFL’s Civil Rights for the Unborn Director Dr. Alveda King would be in our nation’s capital for oral arguments. Pavone will be inside the courtroom for the arguments themselves.

Tuesday night, Pavone, Morana and King led a prayer rally in front of the Supreme Court. Another will be held, beginning at 10 a.m. EDT, outside the Supreme Court.