

These Christian Colleges Just Scored a Big Win on Obamacare

On Thursday, a federal court ruled that the government cannot impose massive IRS fines on religious ministries for following their faith.

The ruling, which disagrees with those of other federal courts, drastically increases the likelihood of a Supreme Court review of the HHS mandate – the provision in ObamaCare that requires employers to give women abortion-inducing drugs, contraceptives, and sterilization without a co-pay.

If non-profit organizations meet highly selective criteria, they may sign a waiver, which will force insurance companies to provide contraceptives to women for “free.” Several religious organizations say signing the forms is a participation in sin.

The Supreme Court will soon decide whether to take up cases involving the Little Sisters of the Poor, Houston Baptist and Texas Baptist Universities, and other religious ministries. Thursday’s pair of court opinions protects Dordt College, CNS Ministries, and others from having to comply with the HHS mandate.

“Fifteen federal judges now agree that the government has no right to dictate or second guess a person’s sincere religious beliefs,” said Lori Windham, senior counsel of the Becket Fund for Religious Liberty. “The government keeps telling the Supreme Court, ‘Move along, nothing important here’ in hopes that the Court will ignore this crucial issue. But with [Thursday’s] decisions, the Court will have great reason to decide this issue in the next term.”

The Eighth Circuit Court of Appeal’s opinion stated, “When the government imposes a direct monetary penalty to coerce conduct

that violates religious belief, '[t]here has never been a question that the government 'imposes a substantial burden on the exercise of religion.'"

Although the government argued that the ministries were being paranoid and that it was simply asking them for signatures on a piece of meaningless paper, the court both refused to second guess the ministries' beliefs and saw through the government's argument.

"We need look no further than the government's own litigation behavior to gauge the importance of [the government's forms] in the regulatory scheme." If it was just a meaningless form, "there would be no need to insist on [the ministries'] compliance with" the government's demands.

"The government has many ways to achieve its goals without trampling over religious freedom," said Senior Counsel Lori Windham. The appeals court's "decision correctly protects the rights of religious ministries serving the most vulnerable in our society."

Last week five judges criticized the 10th Circuit Court of Appeals ruling against the Little Sisters of the Poor, predicting the "gravely wrong" decision "will not long survive." Currently seven petitions involving non-profit ministries now await review by the Supreme Court, including the Little Sisters of the Poor (*see video*).

The Becket Fund, a religious liberty legal organization, continues to lead the charge against the unconstitutional HHS mandate, winning a landmark victory at the U.S. Supreme Court in *Burwell v. Hobby Lobby*. It currently represents the Little Sisters of the Poor, Mother Angelica's Eternal Word Television Network, and Houston Baptist University, along with many other religious ministries.

Seven other petitions challenging the HHS mandate have already

been filed at the Supreme Court, and more are expected.