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Catholic Church Settles In Contraceptive Litigation

The Michigan Catholic Conference announced Wednesday it has settled its lawsuit against the federal government regarding a controversial U.S. Department of Health and Human Services (DHHS) contraceptive mandate.

The Catholic Conference said in a press release the suit was settled in "a favorable manner that protects religious liberty rights."

Details are not available because the settlement is not public, said David **MALUCHNIK**, vice president of communications for the Catholic Conference.

"The federal government was no longer able to sustain its position based on new regulations and exemptions announced by HHS on Oct. 6," he said Wednesday. "The settlement was struck at that point to dismiss the case."

On that date, the federal government announced new regulations that provide broad protections to religious organizations opposed to the contraceptive mandate.

The government says the "contraception mandate" in *Burwell v. Hobby Lobby* can't be enforced against the Catholic Conference. The U.S. Supreme Court ruled earlier in the *Hobby Lobby* case that such a mandate would "impose a substantial burden on the (plaintiff's) exercise of religion."

The Catholic Conference filed the lawsuit in May 2012, challenging the mandate established under the Affordable Care Act that required many faith-based employers to provide in their health benefit plans abortion-inducing drugs, sterilization and artificial contraception -- all of which the Catholic Church finds morally objectionable (See ["MI Catholic Conference Loses Challenge Of Contraception Mandate,"](#)8/21/15.)

The nine-count lawsuit asserted violations of the First Amendment's free exercise and establishment clauses, the Administrative Procedures Act, and the Religious Freedom Restoration Act.

Additional lawsuits were filed by dozens of universities, health care facilities, Catholic dioceses and bishops, publishing houses and social service agencies opposed to the mandate on religious grounds.

According to the press release, the federal government offered differing "accommodations" to

appease these organizations, but none of those efforts satisfied the First Amendment and religious liberty concerns raised by the litigants, including Michigan Catholic Conference.

The downfall of the federal government's HHS mandate began in June 2014, based on the Religious Freedom Restoration Act of 1993, when the U.S. Supreme Court ruled 5-4 that closely-held corporations with religious objections were not required to participate in the government's contraceptive mandate.

Attention turned to non-profit organizations shortly thereafter when the Supreme Court announced it would hear arguments in March 2016 in a series of cases challenging the so-called "accommodation," including a case brought by the Little Sisters of the Poor religious order.

"This victory for religious liberty will protect the Catholic Church's freedom to serve others, especially those most in need," said Michigan Catholic Conference President and CEO Paul A. **LONG** in a prepared statement. "We are pleased with the manner by which our case has been resolved and thankful this unnecessary burden has come to its conclusion."