



NEWS

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BISHOP ZUBIK PRAISES GRANTING OF PERMANENT INJUNCTION ON HEALTH AND HUMAN SERVICES MANDATE: ‘A VICTORY FOR RELIGIOUS FREEDOM’

Bishop David A. Zubik issued the following statement in response to the granting of a permanent injunction today by Federal District Court Judge Arthur Schwab against enforcement of the Health and Human Services (HHS) mandate on Church-related entities:

While this is far from a conclusion to the struggle for religious freedom in belief and practice, this is a victory for religious freedom in the ruling by Judge Arthur Schwab that the good works the Church provides are essential and integral to who we are as believers.

Make no mistake. By granting the permanent injunction, Judge Schwab agreed that we have demonstrated the substantial burden on our “religious exercise” by the HHS mandate and that the government “has not met its burden of demonstrating that it used the least restrictive means of achieving any compelling government interest.”

The government will likely appeal to the next level, the United States Court of Appeals for the Third Circuit. But the government will then have to convince those judges that there were legal flaws in Judge Schwab’s decision, a decision based on a fulsome record of evidence we submitted with little evidence submitted by the government. As a result, getting this case reversed could be difficult, like trying to reverse a referee’s decision on the football field.

The permanent injunction could not come at a better time. If an injunction had not been granted, the Church and Church-related entities in the Diocese of Pittsburgh could have faced ruinous punitive fines after January 1, 2014.

In Judge Schwab’s court, the issue was not debated in papers or eloquently-drafted briefs. Rather, real people – myself, Bishop Lawrence Persico of Erie, Cardinal Timothy Dolan of New York, Susan Rauscher of Catholic Charities of Pittsburgh – spoke in flesh-and-blood terms of the impact of the HHS mandate on the charitable and educational services of the Church, and how those who are most vulnerable would be harmed.

In his earlier November ruling granting us a preliminary injunction, Judge Schwab got to the heart of the issue. He refused to accept that religious freedom is solely the freedom to worship behind closed doors. The Church cannot be forced or punished into compromising its beliefs when it performs good works. These good works are not secondary to the practice of faith. They are central. Judge Schwab’s ruling today affirms that fundamental and long-standing constitutional understanding of religious freedom.

This has never been an argument over the Affordable Care Act. The Church has always supported universal access to health care coverage for everyone. Rather, our position has been to protect from one government agency’s mandate the Church’s ability to continue to serve the poor as it has for generations under our constitutional freedom of religion.