Diocese of Erie prevails in federal lawsuit involving religious liberty

BACKGROUND:

The Diocese of Erie filed one of more than 15 federal court cases in 2012, as a result of the Affordable Care Act. The suits claimed the government’s accommodation to religious organizations that objected to providing health insurance coverage for items it found morally objectionable was inadequate. (While churches and their employees would have been exempt, a large percentage of church-affiliated organizations—from hospitals and universities to Catholic Charities agencies—were not.)

The diocese—represented by the law firm Jones Day—argued all the way to the U.S. Supreme Court that the work accomplished by these religious organizations was a direct reflection of their deeply-held beliefs. Freedom of religion, in other words, is much broader than the freedom to worship.

By refusing to provide coverage it found morally objectionable, the Diocese of Erie could have been subject to fines as high as $100,000 a day, effectively destroying its ability to continue delivering many of the vital community services it provides.

The federal litigation, titled Zubik v. Burwell, was argued before the U.S. Supreme Court on March 23, 2016. In a rare move, the justices asked attorneys on both sides to file subsequent briefs seeking compromise. Earlier this month, the Trump administration agreed to broaden the accommodation to satisfy those who object on the basis of religious or moral convictions.

On Friday, Oct. 13, the federal government signed a settlement agreement that will bring the 2012 lawsuits to a close. Jones Day attorneys on Monday, Oct. 16, filed official dismissals of the appeals pending in the federal courts.

Today, the Most Rev. Lawrence T. Persico, bishop of Erie, issued the following statement:

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BISHOP’S STATEMENT:

The Diocese of Erie celebrates its religious liberty as guaranteed by the First Amendment and secured today by the United States government.

This agreement allows faith-based organizations to uphold our religious mission in a diverse society. For that, we are deeply grateful.

We have maintained from the beginning that the government cannot force anyone—Catholic, Protestant, Jewish, Muslim, or other—to do something that violates their sincerely-held religious beliefs. The government has finally acknowledged that there is a reasonable path to accomplish its goals while also respecting the core beliefs of our faith.

Although we had to go through significant litigation, in the end, I find it heartening that through the wisdom and direction of the U.S. Supreme Court, the federal government signed an agreement acceptable to our diocese and other dioceses and religious organizations. Let’s hope it sets a good precedent.

It has been a long journey, and I am grateful to the many people who came together with the courage of their convictions to make this happen. I am proud of the Diocese of Erie for being a part of this coordinated, grassroots effort by more than 70 religious organizations—including dioceses, Catholic Charities, schools, universities, health care systems and others. Heartfelt thanks also to Bishop Emeritus Donald Trautman for his willingness to first involve the Diocese of Erie in this important litigation.

Of course, none of this would have been possible without the vision, leadership and generosity of the Jones Day law firm, which shepherded this multi-million-dollar effort on a pro bono basis for more than five years. Mickey Pohl—who happens to be an Erie native—and his team of lawyers including John Goetz and Lee DeJulius Jr., are incredibly talented. Their deep commitment to our cause is inspiring. I also want to thank Attorney Noel Francisco who so ably presented the arguments before the U.S. Supreme Court. It was extraordinarily moving to witness him make the case as he nimbly responded to the questions by the justices who sit on the highest court in the land.

It has been difficult for people to understand that this lawsuit was not just about contraceptives. The real issue was the government attempting to narrow the definition of freedom of religion, using the HHS mandate to exempt only a small subset of religious employers. Churches were declared exempt, but their hospitals, Catholic Charities agencies, schools, and universities were not.

The government maintained that some of these organizations were not sufficiently religious to be exempt from regulations. Their beliefs were only “accommodated.” But we continue to strongly assert that all of the ministries of the Catholic Church are inextricably tied to the practice of our faith.

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The Church serves all God’s people—whether they are Catholic or not—because it is our mission to help anyone in need. Bringing this litigation to a close frees the Catholic Church to continue to do just that.

Religious freedom is rooted in the dignity of every human being. If we are not free in our conscience and our exercise of religion, all other freedoms are fragile.

Religious liberty is about letting Americans with a faith conviction contribute to the common good of society in accordance with that faith. I give thanks to God that this precious right has prevailed.

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