News

by Catholic News Service

View Author Profile

Join the Conversation

Send your thoughts to *Letters to the Editor*. Learn more

IRONDALE, Ala. — December 3, 2018
Share on BlueskyShare on FacebookShare on TwitterEmail to a friendPrint

The chairman and CEO of the Eternal Word Television Network said the global Catholic media organization is "grateful that finally" it no longer "has to worry about being forced to choose between massive fines and following our faith."

"It shouldn't take years to prove the obvious: You can't tell a religious media network to say one thing and do another," said Michael Warsaw in a statement issued from EWTN's headquarters in Irondale.

Warsaw's remarks came Nov. 30 about a ruling issued a day earlier by the U.S. Court of Appeals for the 11th Circuit that vacated a lower court's ruling that EWTN had to comply with the Obama administration-era mandate to cover contraceptives and abortifacients for employees or pay huge fines.

The Washington-based Becket nonprofit law firm that represented EWTN in the case — Eternal Word Television Network v. Azar — said the circuit court's ruling "comes on the heels of a settlement with the federal government" and "ends EWTN's seven-year legal battle." "Azar" is Alex Azar, who is the current Health and Human Services secretary.

It also follows a Health and Human Services rule put in place Nov. 7 finalizing interim rules issued by the Trump administration in October 2017 to expand the religious exemption to the mandate to religious employers; the new rules maintain the

existing federal contraceptive mandate for most employers.

The mandate was put in place by Health and Human Services under the Affordable Care Act during the Obama administration. It required that employers, including most religious employers, cover contraceptives, sterilization and abortion-inducing drugs in their employee health plan. From the outset, churches were exempt.

The mandate faced numerous legal challenges from religious organizations, so the Obama administration put in place a religious accommodation for nonprofit religious entities such as church-run colleges and social service agencies morally opposed to contraceptive coverage.

The "accommodation" required these Catholic entities to file a form or otherwise notify Health and Human Services that they would not directly provide coverage they found morally objectionable, so the government would then ask a third-party administrator to make sure their employees received the coverage.

Many Catholic employers still objected to having to fill out the form, including EWTN.

Advertisement

The network filed its original lawsuit Feb. 9, 2012, in Federal District Court in Birmingham, Alabama, against Health and Human Services, then-Health and Human Services Secretary Kathleen Sebelius and other related government agencies. That lawsuit sought an injunction against the imposition of the mandate as well as a declaratory judgement that it was unconstitutional.

The suit was dismissed March 25, 2013, by Judge Sharon Lovelace Blackburn of the U.S. District Court in Birmingham after the Obama administration announced the accommodation process.

On Oct. 28, 2013, EWTN filed a new lawsuit. A federal appeals court ruled against the network in 2016, but that decision was tossed out after the U.S. Supreme Court issued a ruling that protected other religious nonprofits, including the Little Sisters of the Poor. That ruling was followed by the Trump administration's final rule put in place in November.

"This moment has been a long time coming," Warsaw said. "Almost seven years and two presidential administrations later, the government and the courts have now realized what EWTN has been saying all along, that the HHS Mandate was an unconstitutional attempt to coerce us into violating our strongly held beliefs. This is the right outcome for EWTN and for all those who value religious liberty in America."

Now in its 38th year, EWTN has 11 TV channels that broadcast in multiple languages 24 hours a day, seven days a week to over 300 million television households in more than 145 countries and territories.

EWTN platforms also include radio services transmitted through SIRIUS/XM, iHeart Radio, and over 500 domestic and international AM & FM radio affiliates; a worldwide shortwave radio service; and a website, electronic and print news services, including Catholic News Agency, The National Catholic Register newspaper, and a book publishing division.