

## **Joint Statement Concerning Judge Audrey Fleissig's Recent Ruling on Missouri's Conscience Protection/Religious Liberty Law**

We, the bishops of Missouri, wish to express our dismay with Federal District Judge Audrey Fleissig's March 14, 2013 ruling striking down the conscience protections in Missouri's insurance law relating to coverage of contraceptives and abortion-inducing drugs.

We call upon Attorney General Koster to appeal Judge Fleissig's ruling with all due haste. No one should be forced to pay for contraception and abortion-inducing drugs when to do so would violate their religious convictions.

While Missouri has had a contraceptive mandate for some time, Missouri law from the very outset provided broad conscience protection for all Missouri employers and workers, not just religious ones.

Last September, the Missouri General Assembly by a constitutional majority overrode Governor Nixon's veto and passed a revision to existing Missouri law strengthening those conscience protections. On December 19<sup>th</sup>, members of the insurance industry challenged the law. Three days later, Judge Fleissig issued an order temporarily blocking its enforcement.

On January 24<sup>th</sup>, Our Lady's Inn, a St. Louis-based pro-life maternity home, sought to intervene in the lawsuit to protect its religious liberty and the conscience rights of its employees, but Judge Fleissig rejected their attempt.

Attorney General Chris Koster vigorously defended Missouri's new law before Judge Fleissig, but she discounted his arguments. We applaud his office's efforts to protect the religious liberty of Missouri citizens. His efforts compliment those of other Missouri citizens challenging the HHS mandate itself.

The revisions to Missouri's insurance law (SB 749) passed last September respected the fundamental right of both institutions and individuals to exercise their religious convictions in the healthcare insurance marketplace. Unfortunately, Judge Fleissig's March 14<sup>th</sup> decision not only strikes down several of those revisions, but it leaves Missouri law with a contraceptive mandate and no conscience protections. This is unacceptable.

The constitutionality of the HHS mandate as applied to non-profit and for-profit institutions is still being debated, and will likely ultimately be decided by the U.S. Supreme Court. Over the last few months, a number of federal district judges and the 8<sup>th</sup> Circuit Court of Appeals have granted injunctive relief to Missouri for-profit employers.

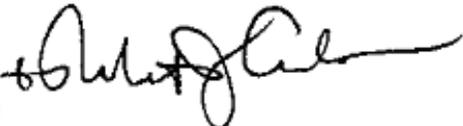
In light of these higher court rulings, Judge Fleissig could have deferred ruling on the Missouri law until the religious liberty issues at stake were settled. Instead, she

invalidated the Missouri conscience protection provisions; even ones that she admitted in her order could still legally apply to organizations that are exempt under the federal mandate.

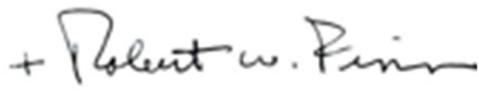
Many people of other faith traditions have joined us in our efforts to protect religious liberty, and we are grateful for their assistance. We now call upon all people of good will to pray for the protection of religious liberty and for defense of the First Amendment freedoms we all hold dear.

We remain confident that the principle of religious liberty, so fundamental to this nation's founding, will ultimately be affirmed and vindicated when the Supreme Court addresses this issue in due time.

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