

Supreme Court kills Obamacare birth control mandate in Hobby Lobby case

BY SEAN LENGELL | JUNE 30, 2014 | 3:19 PM

The Supreme Court struck down a key Obamacare provision Monday, saying businesses can use religious beliefs to opt out of a requirement that employers cover birth control for employees.

The 5-4 decision is a significant victory for those challenging the constitutionality of the President Obama's health care law. And it's the first time the high court has said businesses can hold religious views under federal law.

Justice Samuel Alito wrote the majority opinion, with the court's four liberal-leaning justices dissenting.

Hobby Lobby, a chain of craft stores with 13,000 full-time employees, and Conestoga Wood Specialties Corp., a small Mennonite furniture manufacturer, sued the federal government to be exempted from an Affordable Care Act requirement that employers' health insurance plans cover birth control for employees at no extra cost.

The Affordable Care Act provides for a range of free preventive care, including 20 forms of contraception. But the Christian families who separately own the companies said that forcing them to insure certain forms of contraception violates their First Amendment freedom of religion.

Both companies said they were amenable to providing most of the mandated forms of contraception. But they oppose emergency contraceptives like the morning-after pill, arguing that life begins at conception and that destroying an already fertilized egg in the uterus is tantamount to abortion.

The Oklahoma City-based Hobby Lobby, founded by the Green family in 1972, also opposes two intrauterine devices that may prevent implantation of a fertilized egg.

Lower courts sided with Hobby Lobby but rejected the claims of Conestoga Wood, a Pennsylvania company that employs 950 people.

The justices said Monday the ruling applies only to companies that are under the control of a family or just a few people in which there essentially isn't a difference between the business and its owners.

"The companies in the cases before us are closely held corporations, each owned and controlled by members of a single family, and no one has disputed the sincerity of their religious beliefs," Alito wrote.

The decision is limited to the contraception mandate, with the justices saying that businesses cannot opt out of Obamacare entirely on religious grounds.

“Our family is overjoyed by the Supreme Court’s decision. Today the nation’s highest court has re-affirmed the vital importance of religious liberty as one of our country’s founding principles,” said Barbara Green, co-founder of the craft store chain. “The court’s decision is a victory, not just for our family business, but for all who seek to live out their faith.”

The Obama administration has defended its contraception requirement, saying the law puts women and families in control of their health care.

“Today’s decision jeopardizes the health of women that are employed by these companies,” White House press secretary Josh Earnest said. “There are now a group of women who no longer have access to free contraceptive coverage simply because of religious views” held by their bosses.

The administration added that it already exempted churches from the contraception requirement, instead requiring insurers or another third party to provide contraceptive coverage to their employees. That arrangement, however, also has been legally challenged.

Two years ago, when Supreme Court upheld the constitutionality of Obamacare’s central tenets, including the birth control provisions, Chief Justice John Roberts sided with 5-4 majority. But Roberts this time joined with Alito and Justices Antonin Scalia, Anthony Kennedy and Clarence Thomas in striking down the contraception mandate.

Conservative activists and groups praised the ruling, with the Family Research Council calling it “one of the most significant victories for religious freedom in our generation.”

“All Americans can be thankful that the court reaffirmed that freedom of conscience is a long-held American tradition and that the government cannot impose a law on American men and women that forces them to violate their beliefs in order to hold a job, own a business, or purchase health insurance,” Family Research Council President Tony Perkins said.

But Planned Parenthood’s political action committee said the justices “ruled against American women and families.”

“This is a deeply disappointing and troubling ruling that will prevent some women, especially those working hourly wage jobs and struggling to make ends meet, from getting birth control,” said Planned Parenthood Action Fund President Cecile Richards.

The high court took pains to craft a narrow ruling dealing only with birth control, denying it would provide for-profit entities a pathway to ask for a slew of other exemptions on religious grounds for such medical procedures as blood transfusions and vaccinations.

“The principled dissent raises the possibility that discrimination in hiring, for example on the basis of race, might be cloaked as religious practice to escape legal sanction. Our decision today provides no such shield,” Alito said in writing for the court.

But critics aren't convinced, with gay rights groups particularly concerned employers could use the ruling as justification to discriminate against gay, lesbian, bisexual and transgender populations.

"Instead of protecting religious liberty, this ruling gives license for businesses to use their personal beliefs as a reason to deny people access to basic, yet crucial medical services," said Sarah Warbelow, legal director of the Human Rights Campaign, the nation's largest gay advocacy group.

And Justice Ruth Bader Ginsburg, in writing for the dissent, called the decision one of "startling breadth."

On Capitol Hill, Democrats vowed to "fight" the ruling and said they will consider legislation to ensure Obamacare's birth control mandate is preserved.

"If the Supreme Court will not protect women's access to health care, then Democrats will," said Senate Majority Leader Harry Reid, D-Nev. "We will continue to fight to preserve women's access to contraceptive coverage and keep bosses out of the examination room."

Sen. Tom Harkin, D-Iowa, chairman of the Senate Health, Education, Labor and Pensions Committee, said his fellow Senate Democrats "will be exploring legislative remedies to ensure that affordable contraceptive coverage remains available and accessible."

Sen. Patty Murray, D-Wash., the fourth-highest-ranking Democrat and the highest-ranking woman in the Senate, said that "since the Supreme Court decided it will not protect women's access to health care, I will."

"In the coming days, I will work with my colleagues and the administration to protect this access, regardless of who signs your paycheck," she said.

The White House said it encourages Congress to "take action to fix" the ruling.

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