



Written by [Dave Bohon](#) on December 28, 2012

Supreme Court Refuses Hobby Lobby Contraception Mandate Request

The U.S. Supreme Court has refused a request by national retailer Hobby Lobby for an emergency injunction to block implementation of the Department of Health and Human Services' contraception mandate, an element of President Obama's notorious Affordable Healthcare Act that requires employers to provide their workers with free access to birth control, including contraceptive drugs known to induce abortion.



In making the ruling, Supreme Court Justice Sonia Sotomayor, who handles emergency appeals from the 10th U.S. Circuit Court of Appeals, said that the request failed to meet the "demanding standard" required to implement a temporary injunction to block the mandate. David Green, the Christian businessman who owns Hobby Lobby along with the Christian book chain Mardel, filed a lawsuit arguing that the mandate violates his convictions that abortion is murder, and that the "morning after" pills he would be required to provide his employees at their request can induce abortion in women who take them.

In her brief opinion Sotomayor wrote that while Green and other family members involved in the suit "allege they will face irreparable harm if they are forced to choose between complying with the contraception-coverage requirement and paying significant fines, they cannot show that an injunction is necessary or appropriate to aid our jurisdiction."

Together Hobby Lobby and Mardel have nearly 14,000 employees, and Green has said that since he refuses to obey the mandate his company may be subjected to \$1.3 million in fines per day. The mandate is scheduled to kick in on January 1. "Being Christians, we don't pay for drugs that might cause abortions, which means that we don't cover emergency contraception, the morning-after pill, or the week-after pill," Green explained when he first filed the suit. "We believe doing so might end a life after the moment of conception, something that is contrary to our most important beliefs. It goes against the Biblical principles on which we have run this company since day one."

Green pointed out that the government was prepared "to fine a family for running its business according to its beliefs.... I know people will say we ought to follow the rules; that it's the same for everybody. But that's not true. The government has exempted thousands of companies from this mandate, for reasons of convenience or cost. But it won't exempt them for reasons of religious belief."

In her opinion Sotomayor did not rule on the merits of the Hobby Lobby case, and emphasized that Green could continue to pursue his suit in lower courts, returning to the High Court for a final judgment if necessary.

In November District Court Judge Joe Heaton issued a 28-page ruling against the Hobby Lobby suit, saying that while Green and other family members who control Hobby Lobby and Mardel may embrace religious convictions protected by the First Amendment, that protection did not extend to the



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companies they own with regard to the contraception mandate. The Green family appealed the ruling to the 10th U.S. Circuit Court, which upheld Heaton's decision, ruling that the Greens did not successfully prove that the mandate represented a "substantial burden" to the personal practice of their religious convictions.

The [Becket Fund for Religious Liberty](#), which is representing Green and Hobby Lobby in the case, noted that "there have been a total of 42 suits filed against the mandate, most of them by religious universities and non-profits who contend, like Hobby Lobby, that to abide by the mandate would require them to violate the Christian values that define their mission. There have also been a number of suits filed by private businesses owned and managed by Catholics."



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