



Written by [Jack Kerwick, Ph.D.](#) on July 3, 2013

Backlash Against Obamacare Contraceptive Mandate

On Friday, June 28, President Obama and the Department of Health and Human Services made it clear that private business owners, whether their businesses are explicitly religious or not, will not be exempt from ObamaCare's stipulation mandating that employers provide contraceptive coverage for their employees.



On Tuesday, in response to the administration's position, the spokespersons of a variety of religious denominations assembled for a conference at the National Press Club in Washington, D.C. They released an open letter addressed to the Department of Health and Human Services in which they implored officials to exempt "any organization or individual that has religious or moral objections" to ObamaCare's contraceptive mandate.

The letter, entitled "Standing Together for Religious Freedom," garnered thousands of signatures from religious groups from around the country. "We write as an informal and diverse group of religious leaders, theologians, lay practitioners and community servants," the letter begins. "We believe the doctrines of our respective faiths require something of us beyond the walls of our churches, synagogues, temples, and other places of worship. Those faith convictions manifest themselves through our daily interactions among family, neighbors, strangers and institutions."

The letter continues, referring to America as "unique among the nations of the world" in its defense of "the self-evident freedom of all people to exercise their faith in accordance with the dictates of their consciences." This freedom, though, "is under threat."

"Through its contraceptive coverage mandate," the letter reads, "the U.S. Department of Health and Human Services (HHS) continues to breach universal principles affirmed and protected by the U.S. Constitution and other federal laws."

The nation's religious leaders said that while "the mandate is a specific offense" to liberty of conscience, "it represents a greater fundamental breach of conscience by the federal government."

The signatories insist that not all of them are doctrinally opposed to the use of contraception. Those who are not so opposed nevertheless resist the mandate because they believe that it is an "encroachment on the conscience of our fellow citizens." They write: "Whether or not we agree with the particular conscientious objection is beside the point. HHS continues to deny many Americans the freedom to manifest their beliefs through practice and observance in their daily lives."

The signatories charge the HHS with violating the First Amendment insofar as it "breaches" its "free



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exercise clause” as well as those federal statutes, “passed with broad bipartisan support,” that guarantee “the freedom to order one’s life, liberty and pursuits in accordance with his or her convictions.”

They insist that “the federal government has neither a compelling interest nor the appropriate authority to coerce one citizen to fund or facilitate specific lifestyle choices of another.”

The letter said of the Department of Health and Human Services mandate that it “is coercive and puts the administration in the position of defining — or casting aside — religious doctrine.” Insofar as it forces “Citizen A, against his or her moral convictions, to purchase a product for Citizen B,” it is a policy that “should trouble every American.”

The letter also asks: “If the federal government can force morally opposed individuals to purchase contraception or abortion-causing drugs and devices for a third-party, what prevents this or future administrations from forcing other Americans to betray their deeply held convictions?”

Russell Moore, of the Southern Baptist Convention’s Ethics and Religious Liberty Commission, laid bare the essence of the signatories’ desire: “We simply ask the government not to set itself up as a lord of our consciences.”

The archbishop of Baltimore, William E. Lori, stated: “We in the Catholic Church have never seen such a distinction between what we do within the walls of a church and how we serve our neighbors.” He added: “The faith by which we worship on Sunday is the very same faith by which we act in the world the other six days of the week.”

Gregory Baylor, an attorney with Alliance Defending Freedom, expressed the view of the 100 million-plus Americans comprising the denominations that signed off on the open letter when he charged the Obama administration with “waging war on religious freedom.” He continued: “On multiple levels, the president is articulating what is arguably the most narrow view of religious freedom ever expressed by an administration in this nation’s history.”

Barry Lynn, a reverend who is the director of the left-leaning Americans United for the Separation of Church and State, has a different attitude on the matter. “The government has already bent over backwards to accommodate these groups,” he said. “These churches are out of step with the times, and it’s time for the government to stop bending.”

The liberal American Civil Liberties Union also expressed sympathy for the administration’s position. Spokesperson and attorney, Sarah Lipton-Lubet, said that in refusing to grant sweeping exemptions to all self-avowed religious organizations, the Obama administration “continues to stand by women and our families and refuses to let employers use religion to discriminate.”

It isn’t all women alongside which the Obama administration stands, for there are many women who are as much opposed to the mandate as Lipton-Lubet is for it.

Back in February of last year, over 2,000 women signed an open letter addressing this issue in which its signatories were blunt: “Don’t claim to speak for all women.” The crew of professionals and stay-at-home moms, Catholic and non-Catholic women alike, criticized such “prominent women” as Nancy Pelosi “who purport to speak for us.” Pelosi and other proponents of the mandate “duck the fundamental religious-liberty issues” and “assume that all women view cheaper contraceptives and abortion-causing drugs as unqualified goods.”

They implored the Obama administration “to allow religious institutions and individuals to continue to



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witness to their faiths in all of their fullness.”

When protest against the abortion and contraceptive mandate first arose, the administration agreed to shift the costs for such coverage from religious employers to insurance companies. This, though, critics found to be a shell game, for it is “the religious employers” — houses of worship, hospitals, and other religious-affiliated institutions — that would have to pay the increased insurance rates.

Although ObamaCare will not officially take effect until January 1 of next year, already there have been some 60 lawsuits filed by private enterprises against the federal government. And just last week, one Christian business — Hobby Lobby, an arts and crafts franchise — was the first of such enterprises to prevail over the Obama administration.

Under the mandate, Hobby Lobby would have had to provide its employees with contraceptive coverage by July 1 or face a \$1.3 million a day penalty. Thanks to a federal court, it will no longer have to worry about this, for the court issued a temporary restraining order against enforcement of the mandate.

The opponents of the mandate scored another victory soon thereafter when a Florida district court determined that the owner of a Christian electric company would not have to abide by the contraceptive mandate.



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