

Hobby Lobby's Hearing an 'Even Greater Milestone' in Abortion-Pill Challenge

Kyle Duncan, general counsel for the Becket Fund for Religious Liberty and legal representative for Hobby Lobby Stores, will go before a federal judge Friday, July 19, to ask for a preliminary injunction in the arts-and-crafts chain's abortion-pill mandate case.

Last month, a federal appeals court reversed a lower-court ruling that had rejected Hobby Lobby's request to temporarily stop enforcement of the contraceptive requirement. The Denver-based 10th U.S. Circuit Court of Appeals ruling sent the case back to the U.S. District Court for the Western District of Oklahoma, which had earlier ruled against the chain's request for an exemption.

"What happens on July 19th, however, will be an even greater milestone in this fight," Becket Fund Executive Director Kristina Arriaga wrote in an email to supporters. "First, it's important to note the conclusions that the 10th Circuit Court of Appeals came to. The court ruled that denying Hobby Lobby the protection of federal laws designed to secure religious liberty just because they are a profit-making business 'would conflict with the Supreme Court's free exercise precedent.'

"In fact, the court found that the heavy fines of the mandate unconstitutionally pressure Hobby Lobby to violate their religious beliefs. Ultimately, the court concluded that Hobby Lobby has 'established a likely violation of [the Religious Freedom Restoration Act].'"

Arriaga noted that during Friday's hearing, Duncan "will be arguing that it is always in the public interest to protect First Amendment freedoms."

The June 27 decision means Hobby Lobby and sister retailer Mardel Christian and Education may be entitled to an exemption from a requirement in President Barack Obama's 2010 healthcare overhaul (aka Obamacare) to include free "morning after" and "week after" pill coverage in employee health insurance plans.

Oklahoma City-based Hobby Lobby has more than 500 stores in 41 states. One of the tenets of the chain's statement of purpose is "Honoring the Lord in all we do by operating the company in a manner consistent with biblical principles." The Green family, which owns Hobby Lobby, also runs Mardel stores.