Hobby Lobby Seeks Emergency Relief From Abortion-Pill Mandate

Following Tuesday's decision denying its motion for preliminary injunction, Hobby Lobby appealed to the federal 10th Circuit Court of Appeals seeking relief from the **abortion-pill mandate**, which forces the Christian-owned-and-operated **Hobby Lobby** Stores, Inc., to provide the "morning-after pill" and "week-after pill" in its health insurance plan or face crippling fines up to $1.3 million per day.

The brief reads in part:

- "[I]n less than six weeks, [the Green family] must either violate their faith by covering abortion-causing drugs, or be exposed to severe penalties—including fines of up to $1.3 million per day, annual penalties of about $26 million and exposure to private suits.
- "The district court accepted that the Green family engages in a religious exercise by refusing to cover abortion-causing drugs in their self-funded health plan. There was thus no question that the Green family engages in 'religious exercise.'
- "[T]he Supreme Court has long rejected any distinction between 'direct' and 'indirect' burdens in evaluating whether regulations infringe religious exercise.
- "The family … sign[s] a Statement of Faith and Trustee Commitment obligating them to 'honor God with all that has been entrusted to them' and to 'use the Green family assets to create, support and leverage the efforts of Christian ministries.'

- “Their beliefs are exercised through the businesses in numerous, concrete, and public ways:
    - They make chaplains available to employees;
    - They give millions from profits to fund ministries;
    - They buy hundreds of religious ads every Christmas and Easter;
    - They monitor merchandise and avoid allowing their property to support activities they believe to be immoral.”

“Every American, including family business owners like the Greens, should be free to make a living without forfeiting their religious beliefs,” said Kyle Duncan, general counsel for the Becket Fund for Religious Liberty, which represents Hobby Lobby. “The Green family needs relief before Jan. 1, and so we have asked the federal appeals court in Denver to issue an injunction against the mandate.”

Tuesday’s decision by a federal judge in Oklahoma City, Okla., did not question that the Green family has sincere religious beliefs forbidding them from providing abortion-causing drugs. The court ruled, however, that those beliefs were only “indirectly” burdened by the mandate’s requirement that [Hobby Lobby] provide free coverage for specific, abortion-inducing drugs in [the company’s] self-funded insurance plan.

Founded in an Oklahoma City garage in 1972, the Green family has grown Hobby Lobby from one 300-square-foot retail space into more than 500 stores in 41 states.

“It is by God’s grace and provision that Hobby Lobby has endured,” said David Green, founder and CEO. “Therefore we seek to honor God by operating the company in a manner consistent with biblical principles.”

Hobby Lobby is the largest and was the first non-Catholic-owned business to file a lawsuit against the **HHS mandate**. The Green family has no moral objection to the use of preventive contraceptives and will continue covering preventive contraceptives for its employees.

However, the Green family's religious convictions prohibit them from providing or paying for the abortion-inducing drugs, the "morning-after" and "week-after" pills, which would violate their most deeply held religious belief that life begins at conception.

The business's lawsuit acts to preserve its right to carry out its mission free from government coercion. There are now 40 separate lawsuits challenging the HHS mandate, which is a regulation under the Affordable Care Act (aka "**Obamacare**").