



Written by [Raven Clabough](#) on January 14, 2014

## **Mennonite Company Asks Supreme Court to Stop HHS Mandate**

In an opening brief filed January 10, a Mennonite family-run business based in Pennsylvania [asks the U.S. Supreme Court](#) to put an end to the “unjust” ObamaCare mandate that requires company owners — despite their religious objections — to pay for birth control and abortion-causing drugs for their employees.



The challenge has been brought by the Hahn family, owners of the Conestoga Wood Specialties Corporation. The 50-year-old company, which manufactures doors for the kitchen cabinet industry, has 950 employees in plants in Pennsylvania, Washington State, Utah, and North Carolina.

When their challenge was heard last year by the U.S. Court of Appeals for the Third District, the court decided 2-1 that Conestoga Corporation must comply with the mandate. Circuit Judge Robert Cowen wrote last year’s decision, stating:

Our decision here is in no way intended to marginalize the Hahns’ commitment to the Mennonite faith. We accept that the Hahns sincerely believe that the termination of a fertilized embryo constitutes an intrinsic evil and a sin against God to which they are held accountable, and that it would be a sin to pay for or contribute to the use of contraceptives which may have such a result. We simply conclude that the law has long recognized the distinction between the owners of a corporation and the corporation itself.

The majority opinion also determined that Conestoga Corporation cannot be protected as a “person” under the federal Religious Freedom Restoration Act. “Since Conestoga cannot exercise religion, it cannot assert an RFRA claim,” the court concluded.

Life News observes that the Third Circuit’s decision “[conflicts](#) with most other circuits and with the vast majority of rulings on the mandate so far.”

The healthcare mandate could cost the Hahns \$95,000 per day if they refuse to comply.

The case is now at the Supreme Court, where the Hahns are represented by the Alliance Defending Freedom (ADF) and allied attorneys.

ADF Senior Counsel David Cortman declared,

Unjust laws are not valid laws. The government shouldn’t be allowed to punish Americans for exercising their constitutionally protected freedoms.

The administration has no business whatsoever forcing citizens to choose between making a living and living free.



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ADF Senior Legal Counsel Matt Bowman added,

Job creators don't give up their fundamental freedoms when they get a business license. Every American has a right to fully and freely participate in every area of public life.

Co-counsel Randall Wenger, chief counsel of the Independence Law Center, observed,

If the government can force Americans to violate their deepest, most heartfelt convictions, there's no stopping what government can do. If freedom of conscience isn't preserved, then all of our freedoms are in jeopardy.

The attorneys filed an opening brief with the Supreme Court January 10 stating that the Obama administration's argument in favor of the mandate is "inconsistent with the reality of religious activity in Americans' daily lives." It explains,

There is no separating the Hahns' faith from their business or its actions.... The Mandate ... forces them to choose between violating their religious convictions and incurring ruinous fines and lawsuits. No compelling interest justifies imposing such a Hobson's choice, particularly given the government's exclusion of thousands of other employers from the Mandate's scope.

*Conestoga Wood Specialties v. Sebelius* is a companion case to the legal challenge that the Supreme Court accepted from Hobby Lobby.

In 2012, Hobby Lobby Stores, Inc., a privately held retail chain, filed a lawsuit in the U.S. District Court for the Western District of Oklahoma, opposing the HHS "preventive services" mandate, which forces the Christian-owned-and-operated business to provide, without co-pay, the "morning after pill" and "week after pill" in their health insurance plan.

The Supreme Court [agreed](#) last November to review the HHS mandate, accepting the Conestoga Wood Specialties Corporation and Hobby Lobby cases. The high court has set the date for oral arguments for Hobby Lobby's challenge to the Obama HHS mandate for Tuesday, March 25 at 10:00 a.m.

*Sebelius v. Hobby Lobby Stores, Inc.* is expected to be a landmark case.

"This is a major step for the Greens and their family businesses in an important fight for Americans' religious liberty," said Kyle Duncan, general counsel of the Becket Fund for Religious Liberty and lead lawyer for Hobby Lobby. "We are hopeful that the Supreme Court will clarify once and for all that religious freedom in our country should be protected for family business owners like the Greens."

A number of other lawsuits have been brought against the HHS mandate.

Priests for Life, for example, is challenging the contraception mandate in U.S. District Court in Washington, D.C., and is joined by other individual plaintiffs. The challenge asserts that the plaintiffs' religious freedoms are being violated by forcing them to provide no-cost access to contraceptives, including those that induce abortion.

The [case](#) brought by Priests for Life is one of over 80 lawsuits pending across the United States. Just last week, the University of Notre Dame and the Fellowship of Catholic University Students (FOCUS) filed a similar suit.

"I think the Obama administration's attempts to take religious freedom away from anyone are bound to fail," said Matthew Bowman, the senior legal counsel for Alliance Defending Freedom, which is representing FOCUS.



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Lower courts currently considering challenges to the mandate are believed to be waiting for guidance from the Supreme Court.

The Obama administration is confident that the healthcare mandate will survive the challenges.

“We believe this requirement is lawful,” the administration said in a statement released in response to the Supreme Court’s decision to hear the Hobby Lobby case. But how so? What constitutional provision authorizes the U.S. government to force business owners to violate their religious convictions, even to the point of requiring the business owners to pay for drugs that destroy innocent human life in the womb?

But even if it were lawful, how could such an exercise of government power be proper? How could it be moral?

Many Americans including the Hahn family obviously view the contraceptive mandate as wrong. According to a December Rasmussen Report [poll](#), 51 percent of Americans do not believe that employers should be required to provide health insurance with this type of coverage to their employees.



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