



New Jersey's Fourth Congressional District

Co-Chair of Bipartisan Congressional Pro-Life Caucus

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Rep. Smith Statement on Supreme Court and Religious Freedom Cases

Washington, D.C. — U.S. Rep. Chris Smith (NJ-04), co-chair of the House Bipartisan Pro-Life Caucus, issued the following statement regarding the U.S. Supreme Court oral arguments today in the religious freedom cases of *Sebelius, Sec. of H&HS v. Hobby Lobby Stores, Inc.* and *Conestoga Wood Specialties v. Sebelius, Sec. of H&HS*:

I am grateful that the Supreme Court took up this critical case for religious liberty, and I am hopeful that the Court will provide much needed relief from this discriminatory Obamacare policy.

Under the Obama administration's coercive mandate, family-owned businesses like Hobby Lobby and Conestoga Wood have found themselves in the impossible position of being forced to violate their moral or religious beliefs, or face crippling fines. And this not only puts businesses at serious and unnecessary risk, but also employees who may lose their jobs and their healthcare.

It is the height of hypocrisy for the Obama administration to coerce family businesses that provide generous healthcare for their employees into a situation that may force them to close. The Obamacare financial penalties are draconian, egregious and without precedent in U.S. law. Under Obamacare, a family business that does provide healthcare for its employees, like Hobby Lobby, but objects to covering certain drugs and services will be fined up to \$36,500 per year per employee. That's outrageous. For the Greene family of Hobby Lobby, this could amount to nearly half a billion dollars in fines per year.

I would note parenthetically that a company that does not provide any health insurance whatsoever for their employees will be fined \$2000 per year per employee, an unfair burden to be sure but far less than \$36,500 per year per employee if they refuse to include certain drugs or devices that violate their moral or religious tenants. For the Greene family of Hobby Lobby, dumping their existing healthcare coverage for employees could result in fines of up to \$26 million per year or potentially \$448.5 million less in fines than if they actually provided health insurance.

This burdensome penalty is completely unfair, unreasonable, and unconscionable. The Obama administration is saying we will punish you, we will hurt you, we could even put you out of business for providing healthcare for your employees unless you provide healthcare according to the government's conscience. Also, employees currently on their businesses health plan could lose the coverage they need

for themselves and their families. Secretary Sebelius and President Obama have no business imposing their morality on people of faith, but that is exactly what their oppressive mandate does.

The Supreme Court has a duty to protect the religious and conscience rights of the Greens and the Hahns and everyone else suffering government imposed harm. The U.S. high court must act to protect the First Amendment rights of these families. Protecting them also protects their employees from the dire, foolish, and unprecedented consequences of the Obamacare mandate.

And let's make no mistake about it, this mandate is very much Obama's willful intention. The imposition of this attack on religious freedom is no accident. It comes straight from the pages of Obamacare. In December of 2009, in the run up to the passage of Obamacare, Senator Mikulski offered an amendment which provided the authorizing language for this oppressive mandate. When President Obama spoke at Notre Dame University (also currently suing over the mandate) in 2009, he spoke about drafting a "sensible conscience clause" – and yet, today, protection of conscience is another highly visible broken promise of Obamacare.

To tell people that their conscience is irrelevant and that they must follow the federal government's conscience rather than their own is completely antithetical to the American principle of freedom of religion and the first amendment. Unless reversed, Obama's attack on conscience rights will result in government-imposed discrimination against those that seek to live according to their faith. Under the weight of the mandate's ruinous fines and penalties many businesses could be forced to shut down, eliminating jobs. I never would have believed this kind of religious violation could occur in the United State. The Supreme Court must end this abuse.

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