The Third Circuit Court Rejects Challenge to Obamacare

*The Third Circuit Court of Appeals rejected a challenge to ObamaCare, creating a conflict among circuit courts. Hope Lefeber, a leading federal criminal defense lawyer in Philadelphia and head attorney at Hope Lefeber, LLC, discusses this recent case.*


The Third Circuit ruled that a family-owned, profit-making business cannot challenge, on religious grounds, the new federal health care law's mandate of birth control coverage as part of its health insurance coverage for its employees.

Ms. Lefeber explains, "This decision is in direct conflict with the decision of the Tenth Circuit Court of Appeals, and, therefore, paves the way for this issue to reach the United States Supreme Court."

According to court documents, the plaintiff, Conestoga Wood Specialties, a cabinet company that is owned by a Mennonite family, sought an injunction from the enforcement of the 2010 Affordable Care Act, which requires that private employers with more than 50 employees provide health insurance that covers birth control. Conestoga Wood Specialties has as its company policy not to support 'anything that terminates a fertilized embryo.'

According to court documents, the objection is based upon the fact that two drugs that must be provided under the health insurance coverage for employees under the contraception mandate are the Plan B (the 'morning after pill') and the ella (the week after pill)").

Lefeber explains, "The Third Circuit ruled that the basis for the objection, i.e. religious freedom, is grounded in the First Amendment right to exercise of religion. That's right, the Third Circuit concluded is a 'personal right' that exists for the benefit of individuals, not corporations. The Third Circuit agreed with the trial court that 'religious belief takes shape within the minds and hearts of individuals, and its protection is one of the more uniquely 'human' rights provided by the Constitution.'"

Lefeber continues, "The Third Circuit further explained '[w]e do not see how a for-profit 'artificial being, invisible, intangible, and existing only in contemplation of law,' that was created to make money could exercise such an inherently 'human' right."

Lefeber states, "The Supreme Court has held, in other cases, that corporations have certain rights under the First Amendment that also inure to individuals, such as freedom of speech." Hope continues, "The Conestoga Wood case is in direct conflict with the decision of the Tenth Circuit Court of Appeals in Hobby Lobby Stores, Inc. v Sebelious, No. 12-6294, 2013 WL 3216103 (10th Cir. June 27, 2013)."

**About Philadelphia Attorney Hope Lefeber:**
Hope C. Lefeber is a practicing federal criminal defense attorney and a member of Federal Bar Association. She is a graduate of the University of Pennsylvania, Rutgers University School of Law and is a member of the Federal Bar Association, the National Association of Criminal Defense Lawyers and numerous other criminal
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