

‘Contraceptive Mandate’ Sent Back to Lower Courts



Summary: The highly controversial ‘contraceptive mandate’ has been sent back to the lower courts to be decided by the Supreme Court.

The United States Supreme Court has passed up another case, sending it back down to federal appeals courts for a ruling. The ‘contraceptive mandate’ cases, seven in total, over whether religious organizations must cover contraceptive coverage for employees will not be decided by the Supreme Court.

The news is the latest in several cases that the Supreme Court has sent back since the death of Justice Antonin Scalia. The eight-member court has been unable to settle cases and without a replacement anytime soon to be decided between Obama and Senate Republicans, there is very little chance for anything major to happen for the rest of the year.

Read [Catholic Nuns Get Temporary Relief from Contraceptive Mandate](#).

Depending on the next president, serious changes to Obamacare could be possible. USA Today reported on a live-streamed interview with Obama saying, “I won’t speculate as to why they punted, but my suspicion is that if we had nine Supreme Court justices instead of eight, there might have been a different outcome.”

There have been three other cases this year to receive a deadlocked 4-4 vote, one of which was a major labor rights case. Chief Justice John Roberts reported, “The court expresses no view on the merits of the cases. In particular, the court does not decide whether petitioners religious exercise has been substantially burdened, whether the government has a compelling interest, or whether the current regulations are the least restrictive means of serving that interest.”

See [Federal Judge Strikes Down Contraceptive Mandate with Terse Comments](#) to learn more.

Religious entities have been fighting the contraceptives rule of Obamacare through nine appeals court, eight of which ruled against them. The Justices decision to send the cases back vacates all appeals court rulings and prevents them from having to pay taxes or penalties for now.

The ‘contraceptive mandate’ was going to be one of the biggest and controversial cases this term. The oral arguments in March clearly showed that the religious groups lacked the five votes needed to overturn the federal appeals courts rulings. Had the court ruled 4-4, upholding the lower court rulings, different standards would have been in place throughout the country with states such as Arkansas, Iowa, North Dakota, and South Dakota implementing rules in favor of the religious groups.

What do you think the ruling would have been had Justice Scalia still been alive? Tell us in the comments below.

To learn more about the ‘contraceptive mandate,’ read [Supreme Court Strikes Down Contraceptive Mandate](#).

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