

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



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BILL SCHUETTE  
ATTORNEY GENERAL

April 8, 2013

Center for Medicare & Medicaid Services  
Department of Health and Human Services  
Room 445-G  
Hubert H. Humphrey Building  
200 Independence Avenue, SW  
Washington, D.C. 20201

Re: Religious Liberty and the Proposed Rules for Coverage of Certain  
Preventive Services under the Affordable Care Act

To the Center for Medicare & Medicaid Services:

As the Attorney General for the State of Michigan, I welcome the opportunity to comment on the February 6, 2013 proposed amendment to the rules about insurance coverage under the Affordable Care Act. Religious liberty is one of our country's foundational principles, and our constitutional order safeguards the rights of conscience and religious freedom because they are necessary prerequisites to liberty.

The passage of the Affordable Care Act has dramatically expanded the role of the federal government and has placed it in a position not previously known to our country. Every employer with more than 50 employees must now cover certain reproductive services, including abortion-inducing drugs. This mandate requires many family-owned businesses to violate their deeply held religious beliefs.

The proposed amended rules for this HHS mandate do not resolve this problem for organizations run according to religious principles, including family-operated businesses. And characterizing such families as "for-profit secular employers," see 78 Fed. Reg. 8462 (Feb. 6, 2013), does not lessen the reality or intensity of their religious beliefs. As a result, I have filed amicus briefs in support of three Michigan family businesses – Autocam Corporation, Weingartz Supply Company, and Domino's Farms – in support of religious liberty. These family-owned businesses, owned by citizens like John Kennedy, Daniel Weingartz, and Thomas Monaghan, are committed to operating according to religious principles even if their mission is secular in nature. Consider a Jewish deli that serves only kosher food, a Catholic medical institution that does not provide abortions, or a Muslim brokerage that only recommends investments consistent with Muslim

religious principles. It is misguided to pronounce these businesses as being unmotivated by religion, as if it were possible for a business owner to isolate her religious beliefs from the way she operates her business.

The proposed rules are also misguided in their attempt to distinguish between churches on the one hand, and religious universities, charities, and hospitals on the other. If a Catholic order of nuns establishes a thriving medical clinic that serves low-income families in a Catholic setting, should the government force the nuns to provide abortion-inducing drugs to their employees? It is difficult to imagine a more direct infringement on religion, and yet that is the natural result of the proposed rules.

The Obama Administration should revisit and alter these proposed rules and provide a wide and generous protection for religious liberty, allowing exemptions for not only churches, but for all religious organizations and for-profit secular businesses that operate according to their religious beliefs. Setting aside the question of the Affordable Care Act itself, its implementation must respect the religious liberty of all Americans. There are few actions the federal government can take more offensive to this country's founding principles than to dictate its citizens' religious beliefs.

Sincerely yours,

A handwritten signature in cursive script that reads "Bill Schuette".

Bill Schuette  
Michigan Attorney General