

Obamacare Mandate: Pay for Other People's Abortions

Americans should not be compelled to pay for other people's elective abortions, argues a friend-of-the-court brief filed Monday with the U.S. Supreme Court in a pivotal lawsuit regarding the constitutionality of ObamaCare.

The Alliance Defense Fund (ADF) and allied legal organizations joined lead counsel Bioethics Defense Fund to file the brief on behalf of numerous pro-life medical groups.

"No one should be forced to violate their conscience by **paying for abortions**, but that's precisely what ObamaCare does," says Steven H. Aden, ADF senior counsel. "ObamaCare requires that employees enrolled in certain health plans pay a separate insurance premium specifically to pay for other people's elective abortions and offers no opt-out for religious or moral reasons. Such a mandate cannot survive constitutional scrutiny."

The brief asks the high court to uphold a U.S. Court of Appeals for the 11th Circuit ruling that found ObamaCare's undergirding "individual mandate" **unconstitutional**. The "individual mandate" requires that, beginning in 2014, Americans purchase federally-approved health insurance or pay a heavy fine. Many of the required insurance plans mandate payment of an abortion premium.

As the brief explains, ObamaCare's provisions impose "inescapable requirements upon all individuals who are, even unwittingly, enrolled in a health plan—either on their own or by their employer—that happens to include elective abortion coverage. Such enrollees are compelled by the Act to pay a separate premium from their own pocket to the insurer's actuarial fund designated solely for the purpose of paying for

other people's elective abortions" and "denies enrollees the ability to decline abortion coverage based on religious or moral objection."

Bioethics Defense Fund filed the brief in *U.S. Department of Health and Human Services v. State of Florida* together with ADF, Becket Fund for Religious Liberty, Americans United for Life and Life Legal Defense Foundation on behalf of the American College of Pediatricians, Christian Medical and Dental Associations, American Association of Pro-Life Obstetricians and Gynecologists, Catholic Medical Association, Physicians for Life, National Association of Pro-life Nurses and Medical Students for Life of America.

"The drafters of the Act sought to include, for the first time in our nation's history, health plans that cover elective abortion within the government subsidized insurance exchanges," the brief states. "Due to the public uproar, the drafters devised a scheme to avoid the direct federal funding of abortion. This goal of avoiding the use of tax-payer subsidies for abortion coverage was unfortunately achieved by a means that violates the First Amendment; namely, by compelling the taxpayer to personally pay a separate abortion premium."

Bioethics Defense Fund counsel Nikolas T. Nikas and Dorinda C. Bordlee, two of nearly 2,100 attorneys in the ADF alliance, developed the argument when the brief was first filed in the U.S. Court of Appeals for the 11th Circuit in support of 26 state attorneys general.

"This coercive mandate is simply ObamaCare in action," says Bordlee. "Our brief exposes to the Supreme Court that the individual mandate not only forces individuals into private purchases, it also effectively mandates personal payment for the coverage of elective surgical abortion, without exemption for an individual's religious or moral objections."