



Written by [Dave Bohon](#) on February 28, 2012

Seven States File Suit to Stop Obama's Contraception Mandate

A total of seven states have joined together in a lawsuit against the Obama administration, seeking to halt the mandate requiring employers to offer health insurance that includes free access to contraceptive drugs that can cause abortion.

The suit was filed on February 23 by the Attorneys General for the states of Florida (AG Pam Bondi, left), Michigan, Nebraska, Ohio, Oklahoma, South Carolina, and Texas. In addition, reported the [Catholic News Agency](#) (CNA), plaintiffs in the case include [Pius X Catholic High School](#) in Lincoln, Nebraska; [Catholic Social Services](#), a Nebraska-based charity; [Catholic Mutual Relief Society of America](#), the insurance provider for a majority of Catholic dioceses and orders; and two private citizens, Stacy Molai, a lay missionary; and Sister Mary Catherine.



Defendants named in the suit include Secretary of Health and Human Services (HHS) Kathleen Sebelius, U.S. Treasury Secretary Timothy Geithner, and Department of Labor Secretary Hilda Solis, "all of whom are being sued in their capacity as officials of the U.S. government," reported the CNA.

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In their lawsuit the 12 plaintiffs argue that the government mandate would "coerce religious organizations ... to directly subsidize contraception, abortifacients, sterilization, and related services in contravention with their religious beliefs." They charge that the rule amounts to an "unprecedented invasion" of their "First Amendment rights to free speech, free exercise of religion, and free association."

Matt Bowman, legal counsel for the [Alliance Defense Fund](#) (ADF), told CNA that the case "illustrates that the federal government's rule punishes people of faith in all situations, just because they want to make decisions according to their own religious beliefs. In this case you have individuals, Catholic agencies, a religious school, a nun, and a variety of states trying to defend their ... right not to have their religious freedom attacked by this federal mandate involving abortion-inducing drugs and other items."

In the suit the Attorneys General argue that the contraception rule imposed by HHS would result in many non-church religious institutions having to drop health insurance for their employees for the sake of conscience. In turn, many of the employees would be forced to shift their coverage to Medicaid to comply with ObamaCare's individual coverage mandate — meaning that the states would be saddled



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with that extra burden, in addition to the Medicaid spike from other individuals forced to enroll because of the health care law. Such would be the case with Sr. Mary Catherine and Stacy Molai, the two individuals in the suit.

In announcing his state's involvement with the suit, Michigan Attorney General Bill Schuette said that "religious liberty is America's first freedom. Constitutional rights cannot be finessed. Religious liberty cannot be compromised. Any rule, regulation, or law that forces faith-based institutions to provide for services that violate their free exercise of religion, or that penalizes them for failing to kneel at the altar of government, is a flat-out violation of the First Amendment."

Ohio Attorney General [Mike DeWine](#) added: "The unfortunate reality is that many religious organizations will cease to offer health insurance and charities will stop offering services to the less fortunate because of this mandate. This is another example of why ObamaCare is bad policy, and it is another reason why I have joined attorneys general across this county to protect American families from its illegal overreach."

Nebraska Attorney General [Jon Bruning](#), one of the key organizers of the effort, said that the rule requiring religious employers to offer products and services that violate their convictions "is a threat to every American, regardless of religious faith. We will not stand idly by while our constitutionally guaranteed liberties are discarded by an administration that has sworn to uphold them."

As reported by [The New American](#), nearly two weeks earlier 12 state Attorneys General signed on to a [strongly-worded letter](#) addressed to Sebelius, Geithner, and Solis saying that they were "deeply troubled by the unprecedented coercion of organizations and individuals to act contrary to their religious beliefs," and warning that unless the contraception mandate were reversed, "we are prepared to vigorously oppose it in court."

The latest lawsuit is the largest filed so far in opposition to the contraception requirement. The [Becket Fund for Religious Liberty](#) had earlier filed suits on behalf of North Carolina's Belmont Abbey College, Colorado Christian College, and the Catholic EWTN network.

As noted by [The New American](#), Nebraska Attorney General Bruning is also leading a separate lawsuit filed by 26 states in opposition to the entire ObamaCare law. He said that the two lawsuits are closely related. "I do think Congress has exceeded its authority under the Commerce Clause with the Obama health care law," he explained. "This issue regarding the mandate that insurance companies must carry coverage for abortifacients and birth control and sterilization is an offshoot of that ObamaCare case."



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