



Written by [Dave Bohon](#) on February 17, 2012

Attorneys General Threaten Lawsuit Against Obama's Contraception Mandate

Attorneys General from a dozen states are considering a federal lawsuit against the Obama administration's contraception mandate requiring employers to provide insurance that includes free contraception — including sterilization and drugs that can cause abortion. Led by Nebraska's Attorney General, Jon Bruning (left), the top state lawyers issued a strongly worded letter to the administration expressing their "strong opposition" to the mandate, and warning: "Should this unconstitutional mandate be promulgated, we are prepared to vigorously oppose it in court."



Noting that the mandate would compel religious institutions to offer contraception to which they are morally opposed, the attorneys said they were "deeply troubled by the unprecedented coercion of organizations and individuals to act contrary to their religious beliefs. The only viable alternative for these employers is to penalize their employees by ceasing the provision of health insurance altogether."

They pointed out that the Obama decree is blatantly unconstitutional, conflicting "with the most basic elements of the freedoms of religion, speech, and association, as provided under the First Amendment. It would compel religious organizations to act, subsidize products, and affirmatively promote a message in contravention with their religious principles, with the sole alternative being to cease activities of incalculable value to their employees, constituents, and, indeed, society as a whole."

The attorneys concluded by expressing their belief that the mandate "represents an impermissible violation of the Constitution's First Amendment virtually unparalleled in American history. Accordingly, we urge you in the strongest way possible to refrain from promulgating the proposed regulations."

In addition to Bruning, the letter — sent to Department of Health and Human Services Secretary Kathleen Sebelius, Treasury Secretary Timothy Geithner, and Labor Secretary Hilda Solis — was signed by the Attorneys General of Texas, South Carolina, Alabama, Florida, Louisiana, Maine, North Dakota, Ohio, Oklahoma, South Dakota, and Colorado.

In a separate action, Michigan's Attorney General, Bill Schuette, filed an amicus brief in support of lawsuits against the mandate filed by the [Becket Fund for Religious Liberty](#) on behalf of North Carolina's Belmont Abbey College, Colorado Christian College, and the Catholic EWTN network.

In a separate statement, Bruning called President Obama's "compromise" — that supposedly allows religious institutions to bypass directly providing contraceptives to employees — an "accounting gimmick" since employers would still be paying for the service through their insurance carriers. "The Administration's new proposal still tramples on religious freedom by requiring support of activity that violates the conscience and beliefs of millions of Americans," he said.

Bruning told [LifeSiteNews.com](#) that the case is "about much more than contraception. This is about the



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federal government once again stepping in and trying to tell people how to live their lives. I'm very troubled by it [and] I'm willing to use the litigation power of the state of Nebraska to file yet another lawsuit against the federal government, because it's really our only option to push back."

He added that such a lawsuit by the states may be just weeks away, rather than months. "When a state or a group of states is involved in litigation," Bruning told LifeSiteNews, "it carries more weight than any particular private plaintiff, because of the role of that states in our constitutional structure."

Several Attorneys General offered their own statements concerning the Obama mandate and its impact on the states. Pam Bondi of Florida said that she was proud "to stand with my colleagues against this latest example of unconstitutional overreach by the Obama administration. All Americans — of any religion, or no religion at all — have a stake in protecting rights of conscience."

James Caldwell of Louisiana said that "the federal government simply cannot force individuals and organizations to buy a product that contradicts their religious beliefs. This represents a clear violation of the Constitution's First Amendment virtually unparalleled in American history."

And Alan Wilson of South Carolina said in a statement: "The proposed mandate would clearly be an unconstitutional burden on religious entities that currently provide health care to their employees. Such an action would be an unprecedented and troubling coercion of organizations and individuals to act contrary to their religious beliefs."

Attorney General Bruning is also heading up a 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 told LifeSiteNews. "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."

In a related story, U.S. Senator Ron Johnson (R-Wis.) told [CNSNews.com](#) that the Obama administration has become downright lawless. Responding to a question on the constitutionality of Obama's contraception mandate, Johnson said that "these are huge issues of constitutionality of what this President is doing. This Administration has become a lawless administration. It is flouting the Constitution; it's flouting existing law. It's bypassing Congress when it shouldn't be. It really is a travesty."

He added that "Americans should be outraged about what's happening in this country right now. This is just the tip of the iceberg that the health care law represents in terms of the assault on our freedom."

Warned the Wisconsin Senator: "Now they're assaulting religious freedom, but preventing Americans from getting the kind of health care they actually want, having the freedom to choose what they want is not far behind."

Photo: Nebraska Attorney General Jon Bruning



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