Obama Law Requires $1 Abortion Subsidy From Every Insured American

That fee will be the heart of one key argument against the law from the Bioethics Defense Fund, which has joined the fight against the Mephistophelian law with an *amicus curiae* brief filed with the U.S. Supreme Court in February. The high court will hear the case against the law on May 27.

An *amicus curiae* brief is a pleading filed by a party that is not involved in a lawsuit to help the court decide the matter.

You'll Pay for Abortions, Like It or Not

The heart of the BDF's brief is this: Requiring an insured person to pay a $1 premium to subsidize abortions trespasses the First Amendment of the Constitution, which guarantees freedom to practice, within limits, one's religion as one chooses.

According to the brief, "Like a Russian doll, the individual mandate has nestled within it a hidden, but equally unconstitutional, scheme that effectively imposes an 'abortion premium mandate' that violates the free exercise rights of millions of Americans who have religious objections to abortion. The individual mandate found in Section 1501 of the Act provides that, beginning in 2014, Americans must either purchase federally approved health insurance or pay a monetary penalty."

The violation of religious rights occurs, BDF argues, because the individual mandate requires one to buy insurance and because the law requires the $1 abortion subsidy. Like it or not, the insured is paying for an abortion. "The infringing provisions impose inescapable requirements upon millions of Americans who will be, even unwittingly, enrolled in employer or individual health plans that happen to include elective abortion coverage," the brief argues.

> The Act effectively imposes an "Abortion Premium Mandate" that compels enrollees in certain health plans to pay a separate abortion premium from their own pocket, without the ability to decline abortion coverage based on religious or moral objection.
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> The "individual mandate" that compels Americans by threat of penalty to purchase only federally approved health insurance plans results in the imposition of another unconstitutional mandate that will impact millions of Americans.

The brief says the Obama administration's original attempt to force insurance plans to include elective abortions is an historical first, but "due to the public uproar, the drafters devised a scheme to avoid the direct federal funding of abortion." That scheme simply involved shifting the responsibility to those the government forces to buy insurance against their will, meaning the insured parties are dragooned not

only into buying insurance but also subsidizing the murder of unborn children.

> 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.
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> The unconstitutional scheme can be found in Section 1303, which provides that the issuer of a federally subsidized plan that covers elective abortions "shall" obtain a separate and private payment from every enrollee, without exception, to be used by the insurer solely for the payment of other people's elective abortions.
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> Under Section 1303 of the Act, all individuals who, even unwittingly, are enrolled in a plan — either on their own or by their employer — that happens to include elective abortion coverage 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. As explained below, the Act denies enrollees the ability to decline abortion coverage based on religious or moral objection.
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> Section 1303(b)(1)(B)(i) of the Act refers to elective abortions as "Abortions For Which Public Funding is Prohibited" ("elective abortions"). The Act then provides that the issuer "shall estimate the basic per enrollee, per month cost, determined on an average actuarial basis, for including coverage under a qualified health plan of the services described in paragraph (1)(B)(i) [i.e., elective abortions]." Section 1303(b)(1)(D)(ii) mandates that the abortion premium mandate shall not be estimated "at less than $1 per enrollee, per month."
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> The enrollee must separately pay the abortion premium from his or her own private funds by virtue of the Act's provision stating that in plans covering elective abortion, "the issuer of the plan shall not use any amount attributable to" either tax credits or "cost-sharing reductions" for "the purposes of paying for [elective abortion] services."

Frighteningly, the conscience-stricken Christian has no escape. He or she may not refuse to cough up the abortion subsidy, the brief argues. "Once some Americans find themselves, for whatever reason, in plans with abortion coverage, the Act denies such enrollees the ability to decline payment for such coverage."

> This is evidenced by Section 1303(b)(2)(B)(i), which provides that the abortion premium "shall" be collected "without regard to the enrollee's age, sex, or family status." This mandate violates the Free Exercise Clause because the Act lacks an exception for enrollees with religious objections to abortion to decline personal payment into the insurer's abortion fund.

The federal judge who upheld the constitutionality of ObamaCare last year noted that the law does indeed include the abortion premium mandate. "Thus, while Section 1303 cleverly (though superficially) avoids the direct use of tax-payer funds to pay for elective abortions, it in fact does so by forcing private individuals to fund them directly from their own pockets, without regard to conscientious objection to the direct and personal funding of abortion," BDF argues.

> To make matters worse, the Act does not require clear and sufficient advance notice of which plans in the Exchange contain coverage for elective abortion.
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> In fact, the Act seems to provide to the contrary, such that Americans could easily be forced

> by the individual mandate into the unwitting purchase of an abortion plan that causes them to personally pay for elective abortions against their sincerely held religious beliefs:

The brief concludes by stating the obvious: The government is attacking American citizens' right to free exercise of religion, and further, obliterating the right of an American to consult his religious beliefs to form his conscience, and, in turn act accordingly.

Up Through the Courts

President Obama signed the 2,000-page socialist healthcare measure on March 23, 2010, with a crowd of the most radical leftists in Congress on hand to witness his full-scale assault on the Constitution.

Almost immediately, the states began filing lawsuits to stop its implementation, with 27 arrayed in legal battle against the Obama regime by January 2011.

The legal case against ObamaCare has gone through five district courts and four courts of appeals. Two plaintiffs prevailed in district courts, with the administration defeating its opponents in three. Those opposed to ObamaCare lost all five actions brought to federal appeals courts.

Thus will the nine robed ones hear the case on May 27. The *New York Times* noted that the justices scheduled a highly unusual five-and-a-half hours of time to hear arguments in the case, which will center of the constitutionality of the individual mandate.

Though judges appointed by Republican Presidents sided with ObamaCare opponents at the district court level, judges of the same party provenance have sided with the administration in the appeals courts.