

No. 11-398

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**In the Supreme Court of the United States**

DEPARTMENT OF HEALTH AND HUMAN  
SERVICES, ET AL.,

v.

STATE OF FLORIDA, ET AL.,

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On Writ Of Certiorari  
To The United States Court Of Appeals  
For The Eleventh Circuit

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**BRIEF *AMICI CURIAE* OF PROJECT LIBERTY,**  
in support of the Respondents  
on the Individual Mandate.

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 <b>Other Sources:</b>	
 <i>A Statement by U.S. Department of Health and</i> <i>Human Services Secretary Kathleen Sibelius,</i> Jan. 20, 2012, <a href="http://www.hhs.gov/news/press/2012pres/01/20120120a.html">www.hhs.gov/news/press/</a> <a href="http://www.hhs.gov/news/press/2012pres/01/20120120a.html">2012pres/01/20120120a.html</a> .....	
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## INTEREST OF *AMICUS CURIAE*<sup>1</sup>

*Amici* are 295 individual United States citizens named in Appendix A who have joined together as Project Liberty. These members of Project Liberty believe that the Patient Protection and Affordable Care Act (hereinafter “the Act”)<sup>2</sup> unconstitutionally compels them to fund abortion and does not provide adequate conscience protection for those who oppose abortion. The individual members of Project Liberty are men and women from all walks of life, including many post-abortive women who now regret their past choices and have vowed to never again assist in any way with abortion. Project Liberty was created specifically to allow these men and women to provide their insight as an aid to this Court’s determination of the instant litigation.

The following are representative statements from *Amici* that demonstrate the deep-seated interests and religious convictions of *Amici*. They represent the views of millions of Americans whose religious liberty would be violated by being forced to pay for abortions. When asked why they wanted to join this

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<sup>1</sup> All parties have consented to the filing of this Brief. Blanket letters of consent from Counsel for parties have been lodged with the Court. No counsel for any party has authored this Brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this Brief. No person or entity has made any monetary contribution to the preparation or submission of this Brief, other than the *Amici Curiae*, and their counsel.

<sup>2</sup> Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119, *amended* by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029.

Brief and how they are hurt by the Act, they stated the following:

◆ Statement of JoAnn Fleming:

I believe the Act to be thoroughly unconstitutional—an unprecedented distortion of the US Commerce Clause, a gross abuse of federal power and a liberty-destroying offense. For example, the PPACA violates our religious liberties under the First Amendment and our economic and personal liberties under the Ninth Amendment. . . .

Finally, we are now beginning to see how insidious this Act really is as religious liberties protected under the First Amendment are openly attacked. The Obama Administration's mandate that religious employers, with the exception of churches, provide health care coverage for contraception—including abortion-inducing drugs—tramples their constitutionally guaranteed free exercise of religion through conscientious objection.

I pray the United States Supreme Court grants relief from this intolerable Act as it is a gross abuse of federal power and an action which violates everything our Framers intended for a land of liberty.

◆ Statement of K.J.A.:

Government control over my life will increase, and I will gradually lose the freedoms that God has granted me.

◆ Statement of Tina C. Brock:

I want to join this lawsuit because I believe that all life is precious to God and having suffered from an abortion over 25 years ago, I know the pain I felt for years has had a tremendous effect on my life. I do not want to be forced to pay for something that I do not believe in and I do not believe in abortion.

I will suffer emotionally if I am forced to pay for abortions. I suffered for many years after having an abortion and now have found healing and forgiveness. It would be a devastating turn in my life if under Obama Care I am forced to pay for abortions. It is murder of the ones who can not fend for themselves and I am totally against abortion. I do not want to be forced to pay for them.

◆ Statement of Brenda L. Bamburg:

I feel it is unconstitutional and takes away many of my inalienable rights to choose for myself and others to choose.

It will hurt my soul in the fact that I will be a part of murder in taking the life of babies.

◆ Statement of Fr. Tom J. Kennedy, (Roman Catholic Priest since 2007):

I am opposed to paying for abortion in anyway. . . . Yes, it saddens me that something so good can be so bad because it includes abortion. Before I became a priest, I was the father of a child aborted by my wife without my knowledge. I was

devastated when I learned of it and am to this day.

◆ Statement of J.G.B.:

Now I have a voice. I cry out for justice in the earth. Abortion is a deadly injustice to the families of the earth. We've lost six (6) babies in three (3) generations. No more abortions!

◆ Statement of Melanie A. Carmichael:

It will force me to fund abortions, which violates the tenets of my faith. It will force me under penalty of law to purchase a service that I may or may not want. It puts an additional burden on my employer, which could have an [adverse] economic impact on my family.

◆ Statement of Jason Hershey:

I have devoted my life to praying to Jesus for the ending of abortion in America, the greatest injustice and moral evil of our time. I stand regularly outside the Supreme Court praying for "Life". I find two moral issues at stake here: the moral issue of liberty and the moral issue of life for an unborn child.

◆ Statement of Jean:

I have personally been affected by long term depression following an abortion and it would grieve me deeply to know my tax money would promote abortions. I know women/men would suffer symptoms of post abortion trauma.

◆ Statement of Glenn:

I have witnessed the long term depression of my wife following an abortion and do not believe my tax dollars should be used to cause this hurt to any other person or family. I also have experienced the depression of post abortion trauma.

◆ Statement of Brother Stanley L. Culotta:

I am a Brother in a Catholic order (Brothers of the Holy Cross) deeply opposed to abortion, and the President of a Catholic high school.

In particular, I do not want to pay for abortions and the suffering that women encounter as a result of abortion.

◆ Statement of Daniel R. During:

It will cause me to pay to murder unborn children and scar women for life.

◆ Statement of Sammie J. Falls:

I am a follower of Jesus Christ; I do not want to be responsible for the murder of innocent babies.

◆ Statement of Melanie T. Fleming:

**I had an abortion in 1992 and it has left a terrible and lasting impact on me.**

- ◆ Statement of Lynn Frederick Frame and Carolyn Sue Day Frame:

It will give my tax money to pay for providing abortions, as that is murder of innocent life, which is against my religious principles.

- ◆ Statement of Katharine Marie Hill:

**I am a woman who was hurt by abortion starting at age 16.** I am sick of the stench of death that is hanging over our country. I am one who formerly believed abortion was okay. It isn't! I am the reason that stench of death is here.

I want to know who is going to be paying for all the mental health care that will be needed for all the women that will be harmed by abortion. One abortion is likely to lead to another. I know by experience – I have had three! I was mentally devastated.

- ◆ Statement of Joseph M. Hill:

The Obama Health care directly makes me a participant in abortion through the mandatory funding of abortion.

- ◆ Statement of Robert B. Hill:

To protect the unborn and bring morality and truth back to America—**I am a post-abortive male** who has 2 children in heaven. I will now fight to see that people don't make the same mistake that I did.

Murder is against the law and yet the president wants to force me to systematically pay

for abortion—which is the murder of an unborn child. It is not only against the law—it is **against my moral and religious obligation to my own soul.**

◆ Statement of Karen J. Holdren:

The Obama health care bill interferes with my Constitutional rights and beliefs. I believe life begins at conception in the womb of a woman, and this bill allows health care to remove life from the womb, again violating what I believe in

◆ Statement of Wayne Horton:

Our government is out of control enacting legislation against our wishes. Our constitution calls for limited government—not excessive and oppressive government. . . . **I am strongly against funding of abortions.**

◆ Statement of Joel D. Johnson:

I believe the Health Care Reform Act is unconstitutional and violates my personal liberties guaranteed under the Constitution. I do not believe the Constitution grants the federal Government the right to mandate purchase of health care.

It will increase taxes unnecessarily and drive health care costs up. It will destroy private health care insurance that I presently purchase. **It will force me to pay for federally funded abortions against my will and conscience.**

◆ Statement of David A. Kappeler:

I'm against using my taxes to pay for abortion and bankrupting our government through excessive spending.

◆ Statement of Nelda J. Lawrence:

I do not believe in abortions!

*Medicare is my primary care*—my insurance requires I have Medicare. (FEHB) When the tax on “Cadillac” plans go into effect, AFSA has told us they will not be able to handle that cost: therefore, we will lose our private insurance.

◆ Statement of Brad L. Lundberg:

The recently passed Health Care Plan exceeds Congress' constitutional power to regulate interstate commerce; it violates individual liberties protected under the first amendment, especially the free exercise of religion. It violates our personal liberties and rights and economic liberties and rights as protected under the ninth amendment, and it also violates states rights as protected under the tenth amendment.

It will use my tax dollars to pay for something I feel is morally wrong and a violation of my religious belief protected by the first amendment, especially the use of my tax dollars to fund abortions on demand. I also know it is not the government's right to force anyone to purchase health insurance; that should be my freedom of choice

◆ **Statement of Linda J. Martin (Pediatrician):**

It will force me to pay for abortions—the killing of the innocent unborn. It will also destroy our health care system and our economy and our children’s economic future. **It will make it very difficult for me to practice excellent, moral medicine.**

◆ **Statement of Dawn R. Nolen:**

I want to make a stand for the innocent lives of the unborn babies! I do not want to pay for something that goes against my religious beliefs. **I had an abortion and I know how it can affect you for life. I do not want to see anyone forced to do something that could harm them for the rest of their life. I have had years of counseling because of the abortion I had in 1974. I do not want to go through all of the mental anguish that paying for murder would cause me. It is a sin in God’s eyes and it is a sin in mine! I would hurt emotionally over this demand by the federal government!**

◆ **Statement of Jean:**

It’s the just thing to do. It’s a crime to destroy an eagle’s egg. How much more precious is a child?!

I fear further intrusion by the federal government.

◆ **Statement of Sharra A.:**

**I had an abortion 3 decades ago and have experienced first-hand the devastation it brings. I have had many health problems in the past few years that I believe to be the result of that decision to abort my child, including a breast cancer scare.**

I paid one time for an abortion and I will not pay again for me or anyone else as I would not wish on anyone the fallout of the decision. I am a diabetic today, unable to get affordable insurance, but through this health care bill? No way. I'll go without insurance first.

- ◆ Statement of Linda R. Reagan:

**I believe abortion is taking a human life: therefore, U.S. Citizens that pay for this medical procedure are participating in murder.** This is something I can do for my country for those that don't understand the takeover by the government of health care along with life and death decisions.

- ◆ Statement of Dardine M. Roedel:

*I am 65 and on Medicare as my primary health care. . . . It is against my conscience to use federal money to support abortion. This is spiritually very disturbing to me.*

- ◆ Statement of David L. Rosa:

**I object as an orthodox Pro-Life Catholic sidewalk counselor being forced to pay for abortions, which I consider murder, thus**

**violating the free exercise of my Catholic Religion under the First Amendment.**

◆ Statement of Lisa:

**I oppose the Act because abortion hurt me, destroyed my faith for 20 years, caused problems in my marriage and my parenting abilities, and caused severe depression and anxiety.**

**It will force me to pay for a procedure that devastated my life and caused enormous psychological and emotional damage. I could never pay for this to happen to someone else and live with myself for being a participant in any way contributing to the pain of others.**

◆ Statement of Carla A. Stream:

**I cannot even fathom paying for someone else's abortion after what my own abortion did to me and my life!**

◆ Statement of Carri A. Taylor:

**I believe in the sanctity of life—created by God. It takes my freedom of real choice away and will use my tax dollars to fund abortion.**

◆ Statement of Betty D. Underwood:

**I am extremely saddened to think that my tax dollars would be used to “snuff out” the life of an unborn child.**

## ◆ Statement of Ray:

My rights are being violated by the U.S. government. They force me to pay for killing children, which I believe is murder. They force me to pay for a government which has run away spending, which will bankrupt this nation.

I am 74.

## ◆ Statement of Nicole W Cooley:

**My abortion following rape was the most deeply painful experience of my life. I learned the hard way that abortion doesn't help women and only further traumatizes rape victims, making healing from both events infinitely more difficult. Since the abortion, I have been unable to participate in anything remotely similar to abortion, which includes insisting on traditional deliveries after two miscarriages and refusing chemical contraception.** I also have written a book about my story and shared in numerous public venues, most recently on college campuses, to help other women avoid my mistakes.

It violates my personal religious and moral beliefs to participate in abortion in any way. **My personal experience with rape and abortion compels me to my present convictions.** I feel I would be forced to be an unwilling participant in abortions that I view as the murder of innocent human beings. **Knowing that my money would be spent against my will to inflict further trauma on women and their unborn**

**children will cause me tremendous additional pain and heartache.**

◆ Statement of Leslie G. Sneddon:

I don't want women to be hurt by abortion. Abortion is not a solution. I believe that women do not have a choice when they are faced with the choice of abortion because women have not been fully informed about the repercussions of this simple and quick procedure.

◆ Statement of Lizbeth L. Liefer-Hall:

*The voices of the women who have been negatively affected by abortion need to be heard so people realize abortion destroys two lives - the mother's life and the baby's life.*

*I DO NOT want to pay for abortions for other women as it will grieve my heart to know I am also participating in destroying two lives each and every time an abortion is performed.*

◆ Statement of Debra C. Picarello:

I do not want to see any woman suffer the physical, emotional, and psychological damage that comes from abortion. *I actively work with women, like myself, who have had an abortion, and have suffered terribly from it. I do not want to see my tax dollars go towards what I so vehemently oppose.* The killing of innocent children must stop and I oppose having to pay for it.

Knowing that my tax dollars, through Obamacare, would be directly paying for

abortions violates my conscience. *I cannot fathom having to pay for abortions, knowing how badly having an abortion affected me for many years after the abortion.* Being forced to pay for abortions, through Obamacare, violates my conscience and causes me mental anguish just thinking about it. I actively now work to help women who have suffered the emotional, physical, and spiritual fallout from having an abortion.

*Amici* believe the Act is unconstitutional in at least 4 ways:

- 1) It exceeds Congress' constitutional legislative power; specifically to regulate interstate commerce (Article 1, Section 8, Clause 3) and the taxing power (Article 1, Sections 2 and 9) of the Constitution;
- 2) it violates individual liberties under the First Amendment, including the right of individuals to object to being forced to pay for abortions, which they consider murder, thus violating the free exercise of their religion under the First Amendment;
- 3) it violates the Ninth Amendment, economic and personal liberties and rights that are reserved to the people; and
- 4) it violates the Tenth Amendment of the Constitution, which reserves rights to individuals and states.

Because of the unique perspective of many of *Amici*, and because of this Court's Briefing Order separating the issues, this Brief will focus solely on the unconstitutionality of the Individual Mandate.

This Court has acknowledged that “whether to have an abortion is a *difficult and painful moral decision*.” *Gonzales v. Carhart*, 550 U.S. 124, 159 (2007). Thus, this Court has already acknowledged the interest of those *Amici* who, as noted, have actually participated in abortion to their deep pain, repentance, and regret.

This Court also recognized that “*severe depression and loss of esteem*” can follow an abortion for some women. *Id.* (emphasis added). This has been the fate of some of the *Amici*. The issue is whether *Amici* and millions of others will now be forced to participate in causing that same severe loss of esteem and depression in others.

*Amici’s* deeply and sincerely held religious beliefs are based in part upon Scriptures—which are considered sacred and divinely inspired in both the Jewish and Christian traditions—that *Amici* believe apply to abortion. Of course, others may disagree with these scriptures, thus exercising their own religious liberty. But in light of these Scriptures, if the Act is upheld, *Amici* and innumerable other Christian and Jewish citizens will be forced into an agonizing crisis of conscience.

- ◆ “Do not give any of your children to be sacrificed to Molech [a god worshipped by, among others, the ancient Canaanites], for you must not profane the name of your God. I am the LORD.” Leviticus 18:21.
- ◆ “The LORD sent . . . raiders . . . to destroy Judah, . . . in order to remove them from his presence *because of the sins of Manasseh and all he had done, including the shedding of innocent blood*. For he filled Jerusalem with innocent

blood, and the LORD was not willing to forgive.” 2 Kings 24:2-4.

- ◆ “The LORD said [to Cain], ‘What have you done? Listen! Your brother’s [Abel’s] blood cries out to me from the ground.’” Genesis 4:10.
- ◆ “For God will deliver the needy who cry out, the afflicted who have no one to help. He will take pity on the weak and the needy and save the needy from death. He will rescue them from oppression and violence, for *precious is their blood in his sight.*” Psalm 72:12-14.
- ◆ “There are six things the LORD hates, seven that are detestable to him: haughty eyes, a lying tongue, *hands that shed innocent blood . . .*” Proverbs 6:16-17.
- ◆ “Therefore as surely as I live, declares the Sovereign LORD, I will give you over to bloodshed and it will pursue you. *Since you did not hate bloodshed, bloodshed will pursue you.*” Ezekiel 35:6.
- ◆ “For you formed my inward parts; you knitted me together in my mother’s womb. I praise you, for I am fearfully and wonderfully made. Wonderful are your works; my soul knows it very well. My frame was not hidden from you, when I was being made in secret, intricately woven in the depths of the earth.” Psalms 139:13-15.

Many other Scriptures could be provided by *Amici.*

## SUMMARY OF THE ARGUMENT

The Act violates the free exercise rights of people of faith, such as *Amici*, by forcing them to pay for the abortions of others. Because the Act is not a neutral, generally applicable law, it must survive strict scrutiny. This it cannot do because Congress did not and cannot explain why it allowed exemptions for those who have religious objections to insurance *per se*, but not for those who have religious objections to abortion. Similarly, Congress did not and cannot explain why it allowed exemptions for some religious persons but not others. A related constitutional infirmity is the Act's lack of an adequate conscience protection provision for religious health care providers.

## ARGUMENT

### **I. The Act Unconstitutionally Infringes upon the Free Exercise Rights of Those Who Oppose Abortion.**

In their Brief on the Individual Mandate, the Private Respondents employ an apt analogy to explain why the mandate is unconstitutional:

[W]hile the “substantial effects” doctrine allows Congress to regulate local bootleggers because of their aggregate harm to the interstate liquor market, it may not conscript teetotalers merely because conditions in the liquor market would be improved if more people imbibed. Yet the uninsured regulated by the mandate are the teetotalers, not the bootleggers, of the health-insurance market.

(Br. Private Resp't 30.)

This analogy applies with particular force to the objections of *Amici*. Just as many teetotalers object to the consumption of alcohol on deeply-held religious grounds, so the *Amici*—and millions of other Americans—object to funding abortion on deeply-held religious grounds.

People of faith will often be at special risk when government seeks to compel action. Any time the compelled action conflicts with deeply-held religious beliefs, the free exercise rights of those holding such beliefs will be trampled.

Admittedly, government can enact neutral laws of general applicability with which religious adherents must comply. *Employment Div., Dep't of Human Resources of Ore. v. Smith*, 494 U.S. 872, 881-82(1990). As will be explained below, however, the Act is not such a law. Instead, it is a law that on its face “burden[s] religious practice that is not neutral or not of general application [and that therefore] must *undergo the most rigorous of scrutiny.*” *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 542 (1993) (emphasis added). In other words, “[t]o satisfy the commands of the First Amendment, a law restrictive of religious practice must advance interests of the highest order and must be narrowly tailored in pursuit of those interests.” *Id.* (internal quotation marks & citation omitted).

The free exercise of religion—as documented by the statements included above in the Interest of *Amici*—encompasses the right to refuse to participate in abortion, which *Amici* believe to be an unjust evil, just as do millions of Americans of virtually every religious stripe. *See, e.g., US*

*Religious Views on Abortion: 10 Largest Christian Denominations and Five Largest non-Christian Religious Groups*, Apr. 4, 2011, <http://abortion.procon.org/view.resource.php?resourceID=004208> (last visited Feb. 8, 2012) (compiling statistic data about and official positions of 15 religious bodies).

As noted, *Amici* support the position of the Private Respondents (and, of course, the State Respondents, as well), that the Commerce Clause does not support the Individual Mandate. The Commerce Clause does not give the federal government the power to force individuals to buy insurance. *If the Act is struck down on those grounds in whole because it lacks a severability clause, and because it was passed as a complete reform package, then the constitutional concerns of Amici are avoided.* Should this Court not strike the entire Act, however, then *Amici* would be forced to violate their deeply-held religious convictions. Prior to this Act, the federal government refused to force citizens to pay for other people's abortions, and the Act imposes a radical new compulsion and crisis of conscience on people of faith.

As a preliminary matter, *Amici* note that some courts have rejected the argument that the Act forces people of faith to fund abortions. *See, e.g., Liberty University, Inc. v. Geithner*, 753 F. Supp. 2d 611 W.D. Va. 2010.); and *Calvey v. Obama*, 792 F. Supp. 2d 1262 (W.D. Okla. 2011). This view is incorrect for two reasons. First, this view relies on an Executive Order that applies the Hyde Amendment to the Act and on the fact that individuals will be able to enroll in a health benefit exchange that does not cover abortion services. *See, e.g., Calvey*, 792 F. Supp. 2d at 1272-73. This view misses the point that neither the Executive Order nor (through it or otherwise) the

Hyde Amendment apply to the Community Health Center *direct* funding in the Act. See, Secretariat of Pro-Life Activities, *The Senate Health Care Reform Bill: Funding Abortion at Community Health Centers*, Mar. 16, 2010, <http://nchla.org/datasource/iddocuments/Community%20Health%20Centers.pdf> (last visited Feb. 8, 2012) (documenting provisions of the then-pending bill and explaining the application of this Court's Hyde Amendment jurisprudence to them). Thus, the direct funding of Community Health Centers could easily include Planned Parenthood, the largest abortion provider in America. Planned Parenthood operates "more than 800 health centers around the country." Planned Parenthood, *Health Info & Services*, [http://www.plannedparenthood.org/health-center/?utm\\_source=dotor&utm\\_medium=highlight&utm\\_campaign=locate](http://www.plannedparenthood.org/health-center/?utm_source=dotor&utm_medium=highlight&utm_campaign=locate) (last visited Feb. 10, 2012). It also misses the point that even if people of faith have an avenue to personally enroll in a no-abortion exchange, their tax dollars are still paying for the abortions of others, in violation of their conscience.

The view that the Act does not force people of faith to fund abortion is wrong for a second reason. These courts have not recognized that some forms of "contraception" are actually abortifacients.

The fears of *Amici*, and millions of Americans, that the Act would be used to radically expand and fund abortions have already come to pass with regard to such contraceptive abortions, despite the Administration's protestations during the passage battle that abortion would not be funded and despite the Executive Order and the Hyde Amendment. On January 20, 2012, Health and Human Services Secretary Kathleen Sibelius (using her powers under the Act) announced:

[T]he final rule on *preventive health services* will ensure that women with health insurance coverage will have access to the full range of the Institute of Medicine’s recommended preventive services, including all FDA approved forms of contraception. Women will not have to forego these services because of expensive co-pays or deductibles, or because an insurance plan does not include contraceptive services. . . . Beginning August 1, 2012, most new and renewed health plans will be required to cover these services without cost sharing for women across the country.

*A Statement by U.S. Department of Health and Human Services Secretary Kathleen Sibelius, Jan. 20, 2012, [www.hhs.gov/news/press/2012pres/01/20120120a.html](http://www.hhs.gov/news/press/2012pres/01/20120120a.html) (last visited Feb. 8, 2012) (emphasis added).* While there is an exception for a very narrow range of church-related non-profit organizations, individuals like *Amici* who object will still be funding contraceptive abortions with their tax dollars.<sup>3</sup>

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<sup>3</sup> As this brief was being prepared for printing, President Obama has announced a “compromise” which does not eliminate *Amici’s* religious liberty objection. Insurance companies would be **forced** to provide a separate policy to all women employees that did cover abortion contraception. [http://www.cnn.com/2012/02/10/politics/contraception-controversy/index.html?hpt=hp\\_tl](http://www.cnn.com/2012/02/10/politics/contraception-controversy/index.html?hpt=hp_tl) (last visited Feb. 10 2012). So who will pay for the coverage? Obviously the employer will see his premiums rise because of the forced coverage. Insurance companies must pass on costs to survive. Another way to look at it is this: If, in order to get the type of life insurance that best fit a family’s needs, it was required to contribute to a “death fund,” through

Covered contraceptives include intra-uterine devices (I.U.D.'s), which in many instances prevent the birth of a live human being by preventing the implantation of a fertilized egg already having the complete separate DNA characteristic of another living human being from implanting onto the uterine wall. The human being is thus killed by the I.U.D., and expelled or absorbed by the body. WebMD, *Intrauterine Device (IUD) for Birth Control*, <http://www.webmd.com/sex/birth-control/Intrauterine-device-iud-for-birth-control> (last visited Feb. 10, 2012); *Intra-Uterine Device (IUD)/Mirena by Bayer*, Sept. 2011, <http://www.physiciansforlife.org/content/view/182/36/> (last visited Feb. 10, 2012). The rule also covers “Ella”, a morning after pill that can also act as an abortifacient, killing the child. See, <http://www.ella-rx.com/whatisella.asp> (last visited Feb. 10, 2012).

Tellingly, the interest of several *Amici* on the other side of this issue confirms the link between abortion and the Act. Among the organizations that served as *Amici* on the Brief of The National Women’s Law Center, *et al.* as *Amici Curiae* in support of Petitioner on the Minimum Coverage Provision are the following:

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which other members of the insurance group might be murdered by being torn apart limb-by-limb, that would be profoundly objectionable. Segregating the “death fund” would not reduce its objectionable nature one iota. Hiding the forced transfer of costs from the employee who may want an abortion drug to her employer who objects on religious liberty grounds may be politically expedient, but it does not solve the constitutional impediment. See, also, Horace Cooper, *The Birth Control Mandate is Unconstitutional*, <http://nationalcenter.org/NPA632.html> (last visited Feb 10, 2012).

- ◆ “The Chicago Abortion Fund (CAF) [which] is an abortion fund in the Midwest that is working from a reproductive justice framework [and that] has worked for 26 years to provide the most marginalized and disadvantaged women with financial assistance for their second trimester abortion procedures. . . . CAF believes that without access there is no choice.” (*id.* at 6a.)
  
- ◆ “National Advocates for Pregnant Women (‘NAPW’) [which] is a non-profit organization that works to ensure the human rights, health, and dignity of all pregnant and parenting women, especially the most vulnerable including low income and women of color. NAPW advocates for reproductive justice, including the right to an abortion, . . . .” (*id.* at 14a.)
  
- ◆ “NARAL Pro-Choice America [which] is a non-profit organization dedicated to developing and sustaining a constituency that uses the political process to guarantee every woman the right to make personal decisions regarding the full range of reproductive choices, including preventing unintended pregnancy, bearing healthy children, and choosing legal abortion. *The Affordable Care Act presents an historic opportunity to advance America’s healthcare system and promises to improve greatly women’s access to reproductive-health services. NARAL Pro-Choice America is concerned about the impact that the Court’s decision may have on women’s access to affordable insurance coverage, particularly to coverage of reproductive- and preventive-health services.*” (*id.* (emphasis added).)

Furthermore, NARAL Pro-Choice America specifically trumpets the Act as a source of contraceptive funding—including, as noted above, abortion-producing contraceptives: “As a result of the ACA, women will also have access to prescription contraceptives and family planning services without cost, as well as other important preventive care.”

Thus, it is not only by purported contraception that funding can find its way to abortion. For example, in defining “essential health benefits” the Secretary shall: “(C) take into account the health care needs of diverse segments of the population, including women, children, persons with disabilities, and other groups.” Thus, the HHS Secretary arguably—and perhaps beyond arguably—has discretion under the Act to include the provision of abortion within the “needs” of women. Despite *Amici*’s belief that killing the child in the womb is not healthcare, it is obvious the current administration disagrees, as may future administrations.

Additionally, nothing in the Act precludes the interpretation of “essential” services, “essential health benefit,” “ambulatory patient services,” or “prescription drugs,” from including abortion within their ambits. Indeed as noted above, the FDA has already approved an abortifacient drug in the name of contraception.

*Amici* are not the only ones whose consciences are at risk. The Act grants potentially dangerous discretion to federal agencies about standards for qualifying doctors or institutions or insurance companies, without conditioning that discretion upon respect for individual or institutional conscience. Physicians, hospitals and insurance companies must

not be squeezed into an unjust dilemma of choosing between full participation in the healthcare system or their consciences.

Finally, if the Act is interpreted to provide assisted reproductive technologies such as *in vitro* fertilization (IVF), then it would be supporting the destruction of unwanted embryos, which millions of Americans consider to be just as much living members of the species *homo sapiens* as anyone else outside of a womb. Many of those frozen embryos have now been born and adopted through “snowflake” adoptions. See, e.g., Nightlight Christian Adoptions, <http://www.nightlight.org/adoption-services/snowflakes-embryo/adopting-parents.aspx> (last visited Feb. 10, 2012).

## **II. The Differential Treatment Accorded to Those Qualifying for “Religious Exemptions” Violates *Lukumi*.**

As noted above, the Act tramples on the free exercise and conscience rights of *Amici* and millions of others, which it may not do because it is not a neutral, generally applicable law. Specifically, Section 1501 of the Act creates “religious exemptions” that are applicable only to members of favored religious groups, but not *Amici*. The Section 1501 exemptions, which confer privileged status on the limited categories of qualifying individuals based on their religious objection to insurance is not narrowly tailored to serve a compelling state interest as *Lukumi* requires.

In allowing exemptions for those who have religious objections to insurance, Congress acknowledged that allowing exemptions based on religion does not threaten the Act’s scheme. In doing

so, however, the categories of individuals who may have religious objections were left under-inclusive. Section 1501 allows only two categories of individuals who are exempt from the penalties: those with a “*religious conscience*” objection to insurance and those who are members of a “health care sharing ministry.” *Amici* fit neither category; while believing strongly that abortion is murder, they have no religious objection to insurance itself that does not cover murder.

The religious conscience exemption applies to anyone who is “a member of a recognized religious sect or division thereof described in Section 1402(g)(1) [of the Internal Code]” and meets the additional requirements laid out in that section. The additional requirements limit the exemptions to (1) sects that have been in existence since December 31, 1950 and (2) sects that “make provision for their dependent members which [are] reasonable in view of their general level of living.” Members of religious groups that meet those criteria do not have to comply with the mandates and will not be subject to the penalties for non-compliance. *Amici and millions of other individuals, who are not part of those denominations, however, must comply with the requirements or pay the penalties, placing them at a disadvantage for no reason other than they do not belong to the preferred religious group(s).* Their particular religious objection to paying for a procedure they believe is murder is ignored.

As already mentioned briefly, Congress did not and cannot explain how exempting certain uninsured people from the provisions meets the goals of increasing demand for health insurance, decreasing the number of uninsured, and attaining near universal coverage. See 42 U.S.C. 18091 (2006); 26

U.S.C. 5000A (2006). Congress did not and cannot explain how exempting members of 50-year-old religious sects with member care programs and conscientious objections to insurance, but not members of similar sects that are less than 50 years old, advances its stated goals. Nor can Congress explain how exempting members of “healthcare sharing ministries” that are at least 10 years but not members of similar ministries that are less than 10 years old advances its legislative goals.

All of these congressional omissions occurred in the face of this Court’s recognition in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), that

though the abortion decision may originate within the zone of conscience and belief, it is more than a philosophical enterprise. *Abortion is a unique act.* It is an act fraught with consequences for others . . . for the spouse, family, and society which must confront the knowledge that these procedures exist, *procedures some deem nothing short of an act of violence against innocent human life*; and, depending on one’s beliefs, for the life or potential life that is aborted.

*Id.* at 852 (emphasis added). The Court also stated, “[a]s with abortion, reasonable people will have differences of opinion about these matters [contraception]. *Id.* at 853.

Finally, this Court’s statement that one “could classify *Roe* as *sui generis*,” *id.* at 857, means that religious liberty can be upheld in this matter of abortion without necessarily

extending such a rule to other areas of government funding with which people might disagree. A separate exemption for abortion could be created.

After all, in matters of life and death, we recognize a conscientious objection even to being required to serve in the military in the capacity that would require a person to kill someone. 50 App. U.S.C. §456(j) (2006). National security is a much higher value than whether government should fund abortions, and national survival in war could even be considered a compelling governmental interest, which is absent from “healthcare” provisions and insurance requirements.

*There is a vast difference between requiring individuals to live in a society that tolerates abortion for others, and forcing them by compulsory laws to either purchase insurance or pay penalties that requires them to participate in or pay for others’ roles in the killing of children in the womb.*

While individuals may disagree with how their government spends their funds for a variety of reasons, abortion is a matter of life and death and is *sui generis*. This case—like the time-honored recognition of conscientious objection from military conscription—would not have to establish a precedent for other objections to government spending.

### **III. The Act Fails to Prohibit the Government from Discriminating Against Abortion Conscience Objectors.**

The Act is entirely silent regarding *government*

discrimination against health care facilities and health care providers on the basis of religious, moral and philosophical objection to abortion as murder. *Amicus* Dr. Linda Martin is a healthcare provider who believes abortion kills a human child in the womb. *See, supra*, p. 9. Because the scope of the prohibition against discrimination is limited to state health insurance exchanges, only a state health insurance exchange is prohibited from discriminating against any individual health care provider or health care facility for refusing “to provide, pay for, provide coverage of or refer for abortions.” §1303(d)(4). *The prohibition against discrimination by other state or federal governmental entities, however, is never mentioned.* The absence of language prohibiting government agencies and government entities from discriminating against health care facilities has tremendous implications for Catholic hospitals, among others, and for *Amicus* Dr. Martin. Because all *Amici* will be forced to support the Act’s scheme directly or through the Act’s penalties, the coercive effect of potential government discrimination is of concern to all *Amici* and many other Americans.

Catholic hospitals provide a significant portion of this nation’s health care, treating 2,486,769 Medicare patients (16.6% of all “community hospital” Medicare patients) and 976,802 Medicaid patients (13.6% of all “community hospital” Medicare patients) in 2010. Catholic Health Association of the United States, *Fast Facts*, [http://www.chausa.org/Pages/Newsroom/Fast\\_Facts/](http://www.chausa.org/Pages/Newsroom/Fast_Facts/) (last visited Feb. 10, 2012) (explaining that figures are approximate since all hospitals participated in the survey).

Discrimination by governmental entities against Catholic hospitals may occur by the government’s refusal to provide federal funding for those health

care providers and health care facilities refusing to provide, pay for, provide coverage of, or refer for abortions. Such discrimination by the government could devastate healthcare as it currently exists in the United States. Historically, Catholic and non-profit health care systems, premised on their moral and religious goals to care for the sick and the poor, have provided many of the general public with health care institutions and health care providers. Without protection against discrimination in the Act, the tenets of those health care facilities and health care workers are in jeopardy and will be ripe for discrimination under the Act.

It is very significant that while the original Section 1303 mandated a general prohibition against discrimination for specific conscience protections, the Amendments to Subtitle D, Section 1303 *eliminate* the general prohibition against discrimination. Prior to the Amendment to Subtitle D, Section 1303, the following language was applicable:

(C) PROVIDER PROTECTIONS.—No individual health care provider or health care facility may be discriminated against because of a willingness or an unwillingness, if doing so is contrary to the religious or moral beliefs of the provider or facility, to provide, pay for, provide coverage of, or refer for abortions.

Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119.

This protection was intentionally removed in the Amendments to Subtitle D. Without clearly articulated conscience protections—and with the clear inference that *no* protection is accorded, health care facilities are left without guidance regarding

their ability to refuse to provide, to pay for, cover, refer for abortion or to provide or participate in training to provide abortion. The ambiguity created by the Amended §1303 is not resolved by §1303(c)(2)(A) of the Act, which provides:

- (A)—Nothing in this Act shall be construed to have any effect on Federal laws regarding—
- (i) conscience protection;
  - (ii) willingness or refusal to provide abortion; and
  - (iii) discrimination on the basis of the willingness or refusal to provide, pay for, cover, or refer for abortion or to provide or participate in training to provide abortion.

At the present time, Federal law regarding conscience protection is non-existent as it relates to the Act. Section 1303(c)(2)(A).<sup>4</sup> Combined with the elimination of conscience protection from the Original §1303 and the promulgation of rules promoting contraception (with, as discussed *supra*, very narrow conscience protections), the current section 1303(c)(2)(A) is virtually toothless. Conscience rights of health care providers will be violated by this critical omission in the Act.

Finally, this Court should consider the big picture. In addition to individual *Amici* being forced to pay for insurance coverage or penalties that cover abortion and the billions of dollars appropriated to community health centers that can fund abortion, *the overall forced inclusion of millions of Americans like*

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<sup>4</sup> A search of an electronic version of the Act produces no results except the religious exemption discussed *supra* and the conscience protection provision discussed here.

*Amici in this “system” will finance a vast increase in the overall number of abortions, a result that is anathema to the conscience of Amici. How will that happen?*

Millions of individuals who were “uninsured” will now be covered under the Act by Medicaid or forced to buy insurance. Many of these individuals will have no qualms about getting abortions (as they could do at their own expense before the Act). Thus, the overall number of abortions paid for by this “system” will increase vastly. And the “system” only works—in other words, this vast expansion of abortion (along with other medical procedures) is only possible—with the forced, compulsory inclusion of millions of Americans like *Amici* who object on religious grounds. Therefore, forcing individuals to participate in a “system” that promotes more abortions, violates their conscience and is a violation of their religious liberty.

This may be a somewhat non-traditional way of looking at a religious liberty issue, but the Act is a non-traditional way of violating religious liberty on a massive scale and requires a big picture analysis.

## CONCLUSION

While the issue of whether forcing Americans to pay for abortions that they believe are murders, is constitutional may not need to be decided in this case (if the entire statute is declared unconstitutional on other grounds), the issue is of such deep national interest and personal moral and religious interest to *Amici* that it is appropriate to be raised at this stage. *Invalidating the entire statute as unconstitutional avoids a deeply divisive issue with immense constitutional ramifications.* It is one thing for *Amici*

to live in a country that tolerates abortion on the grounds that it should be a “woman’s free and voluntary choice.” *It is entirely another to force Amici and millions of Americans with sincere, deeply held religious, moral, and philosophical beliefs that such action is murder to actually participate in such murder. Where is freedom of choice for Amici?* Congress should be warned as it revisits the issue of health care that forcing people to participate in what they believe to be murder raises substantial constitutional questions.

Respectfully submitted,  
this 13th day of February, 2012,

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**APPENDIX A**  
**Project Liberty Members**

Below are listed the members of Project Liberty. Due to the highly sensitive nature of disclosing actual abortion participation, as many members did when joining Project Liberty, first names and initials have been used for confidentiality purposes.

Diana C.	Linda F.	Jean M.
Mary M.	James	Glenn R.
Mackie G.	Richard	Ernest R.
Adams	Juanita	Della
Jackson P.	Jared	Leigh
William F.	Arch	John C.
Cindy Y.	Sherry	Lisa A.
David	Robert L.	Dwayne
Esther	Tina C.	Carol T.
Eugene L.	Jason	Mary E.
Lawrence	M.V.	Rex H.
Sarah E.	Anthony	Cecilia A.
Karen	Mary Lou	Brother
William D.	Todd D.	Stanley
Brenda L.	Toni P.	Ella M.
Maria	Kenneth	Leigh
Thomas L.	Mary B.	Charlotte H.
Richard	Mary J.	Hope
Ronald	James	Doris K.
Salena D.	Donn R.	Richard C.
Ronald	V'Ann	Robert E.
Leslie	Arthur L.	Jan
Lori	Master	Edward
Leo	Melanie A.	Lynn P.
Nancy A.	Douglas	Bonnie
Jana G.	James S.	Betty

Dr. Wiley S.	Jason	Dawn D.
Edwin	Katharine M.	Brandi
Darlene A.	Robert B.	Sharon
Brother Daniel	Joseph M.	Brad L.
Martha	Kelly L.	Janet L.
Larry Rick	Bobby J.	John
Sharon K.	Karen J.	Tonya
Robert L.	Joseph F.	Patricia E
Katherine	Sandra W.	Dr. Linda J.
Joy	Gary O.	Scott A.
Sammie J.	Rosalie Ann	Claudine
Florence	Wayne C.	Charles
Rick	Rosalie	Julia K.
Katherine	Malcolm	Erica
Norman	John	Josette
Melanie T.	Brian K.	Debra K.
Jo Ann	Bruce	Eleanor A.
Dagne	Shirley	Edgar L.
Rebecca S.	Douglas L.	Gary E.
Lynn	Joel D.	Maureen
Carolyn Sue	Marcia K.	Anne S.
Michelle R.	Robert R.	W. L.
William	Tammy J.	Marion S.
Victor	David	Marianne J.
Shirley K.	Robert A.	Jennifer
Steven F.	Father Tom J.	Fred G.
Nancy M.	Thomas H.	Brandi J.
Donna L.	J.D.	Daniel J.
James I.	Leslie R.	Suzanne
Richard	Monalee	Daria J.
Thelma	Nelda	Christine A.
Pat R.	Deborah K.	Maurice M.
Sharon C.	Barbara J.	Barbara S.
Carol M.	Jennifer	Holly J.
Myra L.	Walter	Joseph S.
Thalia	Thomas	Peggy

Cary	Dardine M.	Carrolith A.
Dawn	Alice M.	Julia M.
Sarah N.	David L.	Joe M.
Thomas	Narda L.	Helanie
Madeline	Carol L.	Eugene
William R.	Franklin K.	Tommy D.
J. Ashton	Ruth Eileen	Lauretta M.
Sue	Deborah A.	Betty D.
Emily	James	Robert D.
Jean M.	Michael J.	Lee Ann
Sheila	Linda J.	Cristine
Kerri N.	Wilma	Larry
James L.	Terry V.	Mary Anne
Andrea	Angela R.	Milton
Jorge L.	Lisa M.	Molly S.
Becky	Aubrey L.	Elvin D.
David E.	Richard M.	Piper
Susan P.	Gary L.	James H.
Richard W.	Don	Dale
Peggy	Polly T.	Doyle R.
Sharra A.	Lana	Earl Z.
Patricia Ann	Robbie	D.R.
James	Arthur L.	Liz
Jane	Dr. Ann Marie	Nicole
Sheila E.	Rusty	Leslie G.
Jesse G.	Mary A.	Lizbeth L.
Linda R.	Elwood	Debra C.
Kathy J.	Al	Ruth E.
Diane	William	Catherine M.
Jimmie D.	David J.	Betty
Wilma R.	Betty	Elizabeth
Pamela	Carla	Leonard
Barbara R.	Christine M.	Phillip
Lisa M.	Franklin L.	Jennifer
Lisa K.	T. R.	Karrie
Larry	Gordon	Ralph

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Carl  
Francisco