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## Health Care Mandate Applies to All -- Except the Amish

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Most Americans would have to prove they have insurance or face a fine under the health reform legislation that is now nearing the finish line in Congress, but at least one group won't have to worry, on religious grounds.

Democrats are planning to exempt the Amish and similar religious groups from the health insurance mandate in the final health care bill.

That's because when the Amish need medical care, they go to regular doctors and hospitals and pay in cash often with financial help from their church and neighbors. They rely on each other, not the government or insurance companies as a tenet of their faith.

"The Amish believe it's the fundamental responsibility of the church to care for the material needs of the members of the church," said Steven Nolt, a professor at Goshen College who has written books on the Plain community of Amish.

"And so they don't buy commercial health insurance and they don't participate in public assistance programs."

So while most Americans would be required to sign up with insurance companies or government insurance plans, the church would serve as something of an informal insurance plan for the Amish.

Law experts say that kind of exemption withstands scrutiny.

"Here the statute is going to say that people who are conscientiously opposed to paying for health insurance don't have to do it where the conscientious objection arises from religion," said Mark Tushnet a Harvard law professor. "And that's perfectly constitutional."

This would not be the first time the Amish received this type of special accommodation. Congress exempted this and other communities from Social Security and Medicare taxes since 1965 for the same religious reasons.

But if the Amish can opt out, then some civil libertarians say they want out, too -- not for religious reasons but because they don't think the underlying health insurance mandate is legal.

"If they can do it for religious objection, well, I have a different type of objection," said Ilya Shapiro, a senior fellow in constitutional studies at the libertarian Cato Institute said. "I think I'm being coerced into doing

something against my will, and so the challenge would be from a different perspective."

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