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Amish families exempt from insurance mandate

HEALTH REFORM: People with religious objections can opt out

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WASHINGTON — Federal health care reform will require most Northern New Yorkers — but not all, it turns out — to carry health insurance or risk a fine.

Hundreds of Amish families in the region are likely to be free from that requirement.

The Amish, as well as some other religious sects, are covered by a "religious conscience" exemption, which allows people with religious objections to insurance to opt out of the mandate. It is in both the House and Senate versions of the bill, making its appearance in the final version routine unless there are last-minute objections.

Although the Amish consist of several branches, some more conservative than others, they generally rely upon a community ethic that disdains government assistance. Families rely upon one another, and communities pitch in to help neighbors pay health care expenses.

The Amish population has been growing in the north country, as well as in New York generally. The state ranks sixth nationally in Amish population and posted the biggest net increase in Amish households — 307 — from 2002 to 2007, according to the Young Center for Anabaptist and Pietist Studies at Elizabethtown College in Pennsylvania.

Lawmakers reportedly included the provision at the urging of Amish constituents, although the legislation does not specify that community and the provision could apply to other groups as well, including Old Order Mennonites and perhaps Christian Scientists.

A professor and lawyer at Yeshiva University in New York complained last summer that exempting groups for religious reasons could run afoul of the Constitution. Marci A. Hamilton, who teaches at the University's Benjamin N. Cardozo School of Law, wrote at Findlaw.com in August, "If the government can tolerate a religious exemption, then it must do so evenlyhandedly among religious believers with the same beliefs. This is sheer favoritism for a certain class of religions, or even for one religion."

In her column, Ms. Hamilton speculated that lobbyists for the Christian Science Church were responsible for the provision, given their public stance that health care reform bills around the country should include religious exemptions. In an e-mail message Friday, she said she was unaware of the Amish interest in the bill and that their objections to the mandate surprised her because the Amish do buy vehicle insurance, for instance.

Ms. Hamilton said the exemption could harm the health of children whose families avoid medical care for religious reasons, although the Amish objections relate more to insurance than to medical care itself.

Congressional aides said the exemption is based on a carve-out the Amish have had from Social Security and Medicare taxes since the 1960s. Whether Amish businesses, however, would fall under the bill's mandates is still an open question.

Sen. Charles E. Schumer, D-N.Y., who was a key negotiator on the Senate bill, supports the religious exemption, said a spokesman, Maxwell Young, who called the provision a "no brainer."

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