

# NOEL FRANCISCO ON ABORTION

## Highlights:

- Noel Francisco called on the Supreme Court to allow a Louisiana abortion restriction to go into effect.
  - Critics said the law was not medically necessary and was aimed at hindering abortion access.
- Noel Francisco went to the Supreme Court to argue against allowing an undocumented immigrant teenager to obtain an abortion while they were in U.S. custody.
- Noel Francisco argued against an abortion coverage mandate in New York state.
- Noel Francisco argued against the Affordable Care Act's requirements that certain employer health plans include free contraception.

## **Francisco Called On The Supreme Court To Allow A Louisiana Abortion Restriction To Go Into Effect**

### **FRANCISCO URGED THE SUPREME COURT TO ALLOW A LOUISIANA ABORTION RESTRICTION TO GO INTO EFFECT**

**Francisco Urged The Supreme Court To Allow A Louisiana Abortion Restriction To Go Into Effect.** According to CNN, "The Trump administration urged the Supreme Court on Friday to allow a Louisiana abortion access law to go into effect, arguing that it does not pose an unconstitutional burden on women seeking an abortion. [...] In Friday's filing, Solicitor General Noel Francisco told the court in briefs that the law comports with *Roe v. Wade*, the landmark 1973 Supreme Court decision that legalized abortion nationwide." [CNN, [1/3/20](#)]

### **Critics Said The Law Was Medically Unnecessary**

**Critics Said The Requirements Were Not Medically Necessary.** According to CNN, "The law at issue requires doctors to have admitting privileges in a local hospital within 30 miles of the facility where the abortion is performed. Critics say there is no medical justification for the law and are fearful that the case will provide the justices with a chance to chip away at abortion rights." [CNN, [1/3/20](#)]

## **Francisco Went To The Supreme Court To Argue Against Allowing An Undocumented Immigrant Teen In U.S. Custody To Obtain An Abortion**

### **FRANCISCO FOUGHT AT THE SUPREME COURT TO PREVENT AN UNDOCUMENTED IMMIGRANT TEENAGER IN U.S. CUSTODY FROM OBTAINING AN ABORTION**

**The Trump Administration Fought At The Supreme Court To Keep An Undocumented Immigrant Teenager In U.S. Custody From Obtaining An Abortion.** According to the Washington Post, "The Supreme Court on Monday dismissed a lower court's decision that allowed an undocumented immigrant teenager to obtain an abortion over the protests of the Trump administration. The action, which came in an unsigned opinion without noted dissents, wipes out the lower court's ruling as precedent. [...] The case centers on a Central American teenager, identified in court papers as Jane Doe, who was being held in a government-funded shelter last fall. She had been seeking an abortion since learning, shortly after she crossed the border, that she was pregnant. But the administration said it would not 'facilitate' abortions for minors in federal custody." [Washington Post, [6/4/18](#)]

**Francisco Brought The Complaint To The Supreme Court.** According to the Washington Post, “That Solicitor General Noel Francisco went to the court with the complaint says much about the political salience of the abortion issue and the changed nature of the administration’s position.” [Washington Post, [6/4/18](#)]

## **Francisco Argued Against New York Abortion Coverage Protections**

### **FRANCISCO ARGUED AGAINST AN ABORTION COVERAGE MANDATE IN NEW YORK STATE**

**Francisco Represented The Roman Catholic Diocese Of Albany In A Case Against An Abortion Coverage Mandate.**

According to Bloomberg Law, “Judges on New York’s highest court questioned whether the state’s insurance coverage requirements for medically necessary abortions are constitutional, referencing a 2021 US Supreme Court decision at oral arguments Tuesday. The New York Department of Financial Services’ 2017 regulations improperly give the state discretion to ‘pick winners and losers’ when deciding which religious organizations are exempt, said Noel Francisco of Jones Day, arguing for the Roman Catholic Diocese. The regulations, which require health insurance policies in the state to provide coverage for medically necessary abortions, must provide an exemption for religious employers who certify that their purpose is to teach their religious values and who employ and primarily serve those who share the same religious tenets of the employer. But that criteria unconstitutionally burdens religious entities, Francisco said.” [Bloomberg Law, [4/16/24](#)]

**Francisco Argued To Remove A State Regulation Requiring Group Health Insurers To Offer Medically Necessary Abortions To Employees.** According to ALM, “Jones Day partner Noel Francisco asked New York’s top court to remove a state regulation requiring group health insurers to offer medically necessary abortions to employees, in an appeal that stands to have broad implications on the division of religious freedoms and state oversight.” [ALM, [4/16/24](#)]

## **Francisco Argued Against The ACA’s Contraception Mandate**

### **FRANCISCO REPRESENTED A NUMBER OF GROUPS ARGUING AGAINST THE AFFORDABLE CARE ACT’S REQUIREMENT THAT MOST EMPLOYER HEALTH PLANS INCLUDE FREE CONTRACEPTION**

**Francisco Challenged The Affordable Care Act’s Requirement That Most Employer Health Plans Include Free Contraception.** According to the Washington Spectator, “This argument was made in the 2016 Supreme Court case *Zubik v. Burwell* by Noel Francisco, now the U.S. solicitor general and then the lawyer representing the Roman Catholic archbishop of Washington, Priests for Life, and several other clients who were challenging the Affordable Care Act’s sound preventive requirement that most employer health care insurance plans include free contraception.” [Washington Spectator, [1/5/18](#)]