Amicus briefs filed in the Supreme Court in support of the contraceptive coverage requirement

The following chart lists the 23 amicus briefs filed in the Supreme Court in support of the contraceptive coverage requirement in Hobby Lobby and Conestoga Wood Specialties. For more information, please contact Brigitte Amiri – (212) 519-7897 (bamiri@aclu.org) and Leila Abolfazli – (202)329-3358 (labolfazli@nwlc.org).

- **Organizations representing the interests of women, LGBT individuals, patients, businesses, the civil rights community, and survivors of child abuse and sexual violence.**

U.S. Women's Chamber of Commerce and the National Gay & Lesbian Chamber of Commerce
Press contact: Laura Berry (202) 234-9181 lberry@nglcc.org

The brief filed by the U.S. Women's Chamber of Commerce and the National Gay & Lesbian Chamber of Commerce argues that a decision holding that for-profit corporations have the right to exercise religion under the Religious Freedom Restoration Act (RFRA) would have a host of unintended consequences that would thwart effective corporate governance and management. Such a decision could be expected to lead to attempts by religiously-motivated individuals and entities to engage in proxy contests and shareholder derivative actions designed to establish or alter a target company's religious identity, requiring significant time and resources to defend against. Granting corporations free exercise rights would also draw corporate stakeholders into divisive debates over contentious social issues, jeopardizing effective corporate management. Finally, allowing for-profit corporations to ignore generally applicable federal laws and regulations in the name of religion would result in an uneven regulatory playing field. The brief urges the Court not to interpret RFRA in a manner that would lead to such market-skewing results.

National Women's Law Center and 68 other organizations
Press contacts: Rachel Perrone P: (202) 588-5180 rperrone@nwlc.org Rebecca Wall P: 202-588-5180 rwall@nwlc.org

The National Women's Law Center brief, joined by 68 other organizations, focuses on the rights of the women who would be harmed by for-profit companies refusing to provide coverage of birth control without cost-sharing as guaranteed under the contraception regulations. It analyzes how the contraception regulations further the government's compelling interests in women's health and gender equality. More specifically, it explains how providing access to the full range of FDA-approved contraceptive methods without cost-sharing reduces the risk of unintended pregnancy, thereby forwarding the health of women and children; promotes equal access to health care for women; and leads to greater social and economic opportunities for women. The brief emphasizes that the rights and interests of the women covered by the companies' health plans weigh heavily against the companies' RFRA claims and that the Supreme Court has never held that religious exercise provides a license to harm others or violate the rights of third parties as the companies seek to in these cases.

9to5	National Association of Commissions for Women
The Abortion Care Network	National Association of Women Lawyers
Advocates for Youth	National Center for Lesbian Rights (NCLR)
American Association of University Women (AAUW)	National Congress of Black Women
American Federation of State, County and Municipal Employees (AFL-CIO)	The National Council of Women's Organizations
	The National Gay and Lesbian Task Force (The Task Force)
American Federation of Teachers (AFT)	National Health Care for the Homeless Council
American Sexual Health Association	The National Network to End Domestic Violence (NNEDV)
Animal Safehouse Incorporated	The National Partnership for Women & Families
The Asian & Pacific Islander American Health Forum (APIAHF)	National Women's Law Center
Association of Asian Pacific Community Health Organizations	North Carolina Justice Center
The Black Women's Health Imperative (Imperative)	North Dakota Women's Network
California Women Lawyers (CWL)	Northwest Health Law Advocates
The Coalition of Labor Union Women	National Organization for Women (NOW) Foundation
The Connecticut Women's Education and Legal Fund (CWEALF)	Planned Parenthood Federation of America (PPFA)
Equal Rights Advocates (ERA)	Population Connection
Feminist Majority Foundation (FMF)	Progressive States Network
Franklin Forum	Raising Women's Voices for the Health Care We Need
Gender Justice	The Reproductive Health Technologies Project (RHTP)
Ibis Reproductive Health	Sargent Shriver National Center on Poverty Law (Shriver Center)
The Institute for Science and Human Values	Secular Woman
Jewish Women International (JWI)	Service Employees International Union (SEIU)
Law Students for Reproductive Justice (LSRJ)	The Sexuality Information and Education Council of the U.S. (SIECUS)
The League of Women Voters of the United States	
Legal Momentum: The Women's Legal Defense Fund	The Southwest Women's Law Center
Legal Voice	UniteWomen.org ACTION
Mabel Wadsworth Women's Health Center	WV FREE
The Maine Women's Health Campaign	The Wisconsin Alliance for Women's Health
Maine Women's Lobby	The Women Donors Network (WDN)
The Maryland Women's Coalition for Health Care Reform	Women Employed
MergerWatch	Women's Bar Association of the District of Columbia
Ms. Foundation for Women	Women's Business Development Center
NARAL Pro-Choice America	Women's Institute for Freedom of the Press
The National Abortion Federation (NAF)	Women's Law Center of Maryland, Inc.
National Advocates for Pregnant Women (NAPW)	Women's Law Project (WLP)
	WOMEN'S WAY

ACLU, Julian Bond, ACLU of Pennsylvania, ACLU of Oklahoma, NAACP Legal Defense & Education Fund, and the National Coalition of Black Civic Participation
Press contact: Robyn Shepherd P: (212) 519-7829 rshepherd@aclu.org

This brief discusses the history of attempts to invoke religion to trump anti-discrimination measures to explain that such attempts are not new, and such attempts have been consistently rejected by the courts since the civil rights movement. For example, religion was invoked to justify slavery and segregation, as well as women's subjugation. But as the law advanced, religiously based arguments to justify noncompliance with anti-discrimination laws were rejected. The contraception rule addresses a remaining vestige of discrimination: the sex disparities in the cost of health care, the historical exclusion of coverage for health care unique to women, and the need for women to have meaningful access to all forms of contraception so that they can control unintended pregnancies and enjoy greater equality in society. The Court should reject the attempt to use religion to justify discrimination against their female employees.

Lambda Legal, GLMA: Health Professionals Advancing LGBT Equality, and Pride at Work—AFL CIO
Press contact: Tom Warnke C: 213-841-4503 twarnke@lambdalegal.org

The for-profit corporations challenging the contraception coverage requirement of the Affordable Care Act seek a dramatic change to settled law - a change that could have grave implications for LGBT people and people living with HIV. Of particular interest to Amici are laws protecting LGBT persons and those with HIV from discrimination in commercial contexts, including health care services. The Supreme Court never before has allowed a commercial business to ignore a regulation simply because the regulation offends the religious views of the corporation's owners. Indeed, in case after case where corporate owners, health care providers, and other individuals in commercial contexts have argued that a religious belief justified discrimination on the basis of race, sex, sexual orientation, or disability, courts have said "no," and enforced the nondiscrimination requirement. Granting the corporations here the exemption they seek would invite re-litigation of those questions and open the door to increased use of religion to deny LGBT persons, those with HIV, and other vulnerable minorities equal compensation, health care access, and other equitable treatment in commercial interactions.

National Health Law Program, and 17 other organizations
Press contacts: Jane Perkins perkins@healthlaw.org Dipti Singh singh@healthlaw.org

The National Health Program brief, joined by 17 other organizations, highlights well-established standards of medical care that recognize contraception as essential preventive care for women. It also brings to the Court an in-depth understanding of existing federal laws and policies that address the use and coverage of preventive reproductive health services.

American Public Health Association
National Family Planning & Reproductive Health Association
National Health Law Program
National Women's Health Network
National Latina Institute for Reproductive Health
National Asian Pacific American Women's Forum
Asian Americans Advancing Justice
Asian & Pacific Islander American Health Forum
Black Women's Health Imperative
Forward Together
National Hispanic Medical Association
Ipas
Sexuality Information and Education Council of the U.S. (SIECUS)
HIV Law Project
Christie's Place
National Women and AIDS Collective
California Women's Law Center
Housing Works

Ovarian Cancer National Alliance
Press contact: Amanda Davis P: (202) 331-1332 ext.307 www.ovariancancer.org

Ovarian cancer is the tenth most common cancer among women, and is the deadliest gynecologic cancer. One of the few ways women can proactively reduce their risk is by using oral contraceptive pills; numerous studies have shown that women who take oral contraceptives for five or more years reduce their risk of ovarian cancer by 50%. In addition, intrauterine devices (IUDs) have been linked with a reduced risk of two other deadly women's cancers: endometrial and cervical cancers. Thus, many women, in conjunction with their doctors, use contraceptives as a medical, cancer-preventing therapy. As the nation's leading advocacy organization for women with ovarian cancer, the Ovarian Cancer National Alliance strongly supports women's access to oral contraceptives and IUDs without cost-sharing.

Freedom From Religion Foundation, BishopAccoutability.org, Children's Healthcare is a Legal Duty, the Child Protection Project, the Foundation to Abolish Child Sex Abuse, Survivors for Justice, and the Survivors Network of Those Abused by Priests

Marci Hamilton, Counsel of Record
Press contact: Marci Hamilton P: (267) 907-3995 hamilton.marci@gmail.com

This case is testimony to the extreme religious liberty rights accorded to believers by the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb et seq. (2012), at the expense of others. The intense passions about religious freedom and women's reproductive health in this case have obscured the issue that should be decided before this Court reaches the merits: RFRA is unconstitutional. RFRA is Congress's overt attempt to takeover this Court's role in interpreting the Constitution. "Congress enacted RFRA in direct response to the Court's decision in Employment Div., Dept. of Human Resources of Oregon v. Smith, 494 U.S. 872, 110 S.Ct. 1595, 108 L.Ed.2d 876 (1990)." Boerne v. Flores, 521 U.S. 507, 512 (1997).

- **Organizations representing faith communities.**

Americans United for Separation of Church and State on behalf of nearly 30 religious organizations

Press contact: Rob Boston communications@au.org

Americans United for Separation of Church and State prepared a brief on behalf of nearly 30 religious organizations, who are concerned that the application of RFRA sought by Conestoga Wood and Hobby Lobby would undermine – rather than promote – religious liberty. Both the nation and the workforce are becoming increasingly religiously diverse, and most Americans – including most religious Americans – support the use of contraception. Americans should have the ability to make these private healthcare decisions according to their own religious and moral values, and their healthcare decisions should not be at the mercy of the religious beliefs of their employers' owners.

The intrusion of employee religious liberty proposed by Conestoga Wood and Hobby Lobby is, moreover, without justification: application of the contraception regulations to these companies does not substantially burden the free exercise of religion. First, the companies may at any time stop providing health insurance to employees, and thus free up employees to obtain subsidized health insurance – including coverage for contraception – on the public exchanges. Second, even if the companies do wish to provide health insurance, there is no substantial burden arising from a rule regulating employees' compensation. Just as Hobby Lobby and Conestoga have no religious liberty interest in restricting how its employees use their wages, the companies have no legitimate interest in the manner in which their employees use their benefits compensation. In each case, their employees are making their own decisions about the use of their own compensation, in consultation with their own physicians, and according to their own conscience.

Anti-Defamation League (ADL)	National Coalition of American Nuns

Bend the Arc: A Jewish Partnership for Justice Catholics for Choice (CFC) CORPUS DignityUSA Disciples for Choice Disciples Justice Action Network Global Justice Institute Hadassah, The Women's Zionist Organization of America, Inc. The Hindu American Foundation The Interfaith Alliance Foundation Jewish Women International (JWI) Methodist Federation for Social Action Metropolitan Community Church (MCC)	National Council of Jewish Women New Ways Ministry Reconstructionist Rabbinical College (RRC) & Jewish Reconstructionist Communities Religious Coalition for Reproductive Choice (RCRC) The Religious Institute Society for Humanistic Judaism (SHJ) Union for Reform Judaism & Central, Conference of American Rabbis & Women of Reform Judaism Unitarian Universalist Association Unitarian Universalist Women's Federation Women's Alliance for Theology, Ethics and Ritual (WATER) Women's Ordination Conference (WOC)

American Jewish Committee and Jewish Council for Public Affairs
Press contact: Marc Stern (212) 891-1480 sternm@ajc.org

This brief argues that the contraceptive coverage requirement furthers two compelling governmental interests as applied to Claimants and their employees. First, it promotes gender equality by closing the wide disparity in out-of-pocket medical costs incurred by women in funding their own reproductive health needs, which, improves the social and economic standing of women. Second, it meaningfully enhances public health by reducing the negative health costs of unintended pregnancy, improving birth spacing, and reducing the number of women seeking invasive abortions. Contraceptive coverage also provides significant cost savings. These are not abstract interests; they are particularized to Claimants and their employees.

The contraceptive coverage requirement is, moreover, the least restrictive means available to further the government's interests. The Mandate cannot function as intended unless it is applied evenly to all statutorily eligible employers and employees; each ad hoc exemption based on religious objections excludes employees from the coverage they would otherwise receive, deprives them of the economic and medical benefits of coverage, and undermines the requirement as a comprehensive system designed to provide uniform benefits to covered employees. Claimants' proposed alternatives impose an unworkable patchwork quilt of insurmountable administrative burdens upon the government, would be substantially and materially less effective than the requirement, and may well fail even to address Claimants' own religious objections. For these reasons, Claimants are not entitled to an exemption from the requirement under RFRA.

Jewish Social Policy Action Network
Press contact: Jeffrey I. Pasek P: (212) 453-3835 P: (215) 665-2072 jpasek@cozen.com

Extending RFRA to for-profit secular corporations will open up a can of worms that the Court will ultimately regret. There is no logical way for confining RFRA to only small family held businesses. Intractable problems will inevitably arise in trying to determine what a corporation's beliefs are. Extending RFRA to private, for-profit corporations would potentially call into question a vast array of federal laws that extend substantive rights to individuals regardless of their personal religious views. Were the Court to expand RFRA in this manner, it would upset the delicate balance that has been struck allowing America to function as a pluralist democracy in which one individual's right of free expression does not cut off the protected rights of persons of different faiths.

- **Scholars, including corporate and criminal law professors, church-state professors, and international and foreign law professors; and think tanks.**

44 law professors with a background in corporate and securities law and criminal law as applied to corporations
Press contact: Professor Jayne Barnard P: (757) 221-3849 jwbarn@wm.edu

Corporate law for centuries has recognized the "separateness" of corporations from their shareholders. This separateness is essential to smooth commercial dealings. To permit shareholders to impose a religious identity on a corporation will up-end many key principles of corporate law, invite gamesmanship by corporations claiming a religious identity to secure a competitive advantage, and inevitably lead to intrafamilial and intergenerational disputes that will interrupt business and clog the courts.

Jennifer H. Arlen
New York University School of Law
Jayne W. Barnard
William & Mary Law School
Barbara Black
University of Cincinnati College of Law
Douglas M. Branson
University of Pittsburgh School of Law
Marilyn Blumberg Cane
Nova Southeastern University
Donna Nagy
Indiana University
Lisa H. Nicholson
University of Louisville
Marleen A. O'Connor
Stetson University College of Law
Stefan J. Padfield
University of Akron School of Law
Alan Palmiter
Wake Forest University School of Law

John C. Coates
Harvard Law School
Morgan Cloud
Emory University School of Law
James D. Cox
Duke Law School
Lisa M. Fairfax
The George Washington University Law School
Tamar Frankel
Boston University School of Law
Brandon L. Garrett
University of Virginia School of Law
Erik Gerding
University of Colorado Law School
Kent Greenfield
Boston College Law School
Daniel J. H. Greenwood
Hofstra University
Lawrence A. Hamermesh
Widener Law School
Matthew Jennejohn
Brigham Young University Law School
Jennifer J. Johnson
Lewis & Clark Law School
Renee M. Jones
Boston College Law School
Anita K. Krug
University of Washington School of Law
Andrew C.W. Lund
Pace Law School
Daniel J. Morrissey
Gonzaga University School of Law
Joseph F. Morrissey
Stetson University College of Law
Frank Partnoy
University of San Diego School of Law
Tamara R. Piety
University of Tulsa
Ellen S. Podgor
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Brian JM Quinn
Boston College Law School
Theresa J. Pulley Radwan
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Paul Rose
Ohio State of University
Margaret V. Sachs
University of Georgia School of Law
J. Kelly Strader
Southwestern Law School
Faith Stevelman
University of Washington School of Law
Lynn Stout
Cornell Law School
Jennifer S. Taub,
Vermont Law School
Kellye Y. Testy
University of Washington School of Law
Ciara Torres-Spelliscy
Stetson University College of Law
Anne Michelle Tucker
Georgia State University College of Law
Christyne J. Vachon
University of North Dakota School of Law
Cheryl L. Wade
St. John's University School of Law
Deborah Zalesne
CUNY School of Law

21 Church-State Scholars

Press contacts: Frederick Mark Gedicks P: (801) 319-0880 gedicksf@law.byu.edu
Catherine Weiss P: (973) 597-2438 cweiss@lowenstein.com

Professor Frederick Mark Gedicks and 20 other church-state scholars argue that the Establishment Clause prohibits the religious accommodations that Hobby Lobby and other for-profit corporations claim under the Religious Freedom Restoration Act. These corporations ask the Supreme Court to grant them religious exemptions from the Affordable Care Act requirement that they provide coverage for contraception for employees and their dependents. This exemption would impose the significant financial and personal costs of the denial of contraceptive coverage on thousands of employees who do not share the religious beliefs of their employers. The accommodation of the religious beliefs of employers at the expense of their employees would violate the Establishment Clause.

Frederick Mark Gedicks
Brigham Young University Law School
Vincent Blas
Columbia Law School
Caitlin Borgmann,
CUNY School of Law
Caroline Mala Corbin
University of Miami School of Law
Sarah Barringer Gordon
University of Pennsylvania Law School
Steven K. Green,
Willamette University College of Law
Leslie C. Griffin
University of Nevada, Las Vegas
B. Jessie Hill
Case Western Reserve University School of Law
Andrew M. Koppelman
Northwestern University
Martha C. Nussbaum
The University of Chicago
Eduardo Peñalver
The University of Chicago
Michael J. Perry
Emory University School of Law
Frank S. Ravitch
Michigan State University College of Law
Zoë Robinson
DePaul University College of Law
Lawrence Sager
University of Texas at Austin School of Law
Richard Schragger,
University of Virginia School of Law
Micah Schwartzman
University of Virginia School of Law
Elizabeth Sepper
Washington University School of Law
Steven H. Shiffrin
Cornell University Law School
Nelson Tebbe
Brooklyn Law School
Laura Underkuffler
Cornell University Law School

Center for Reproductive Rights on behalf of 5 professors specializing in international and foreign law
Press contact: Kate Bernyk P: 917-637-3637 C: 917-968-5657 kbernyk@reprorights.org

The Center for Reproductive Rights, along with co-counsel Morrison & Foerster and Prof. Noah Novogrodsky of the University of Wyoming School of Law, filed an amicus brief on behalf of professors specializing in international and foreign law with the U.S. Supreme Court arguing that in a global context, women's access to affordable contraception has been consistently recognized as key to furthering a woman's liberty, dignity, and equality. And in balancing those rights against the right to conscientious objection in the health care context, the world community gives priority to women's right to access health care and limits any objection right to those who are directly involved in providing the medical service at issue. Furthermore, the United States has rightfully cited the benefits of the Affordable Care Act as evidence of the nation's compliance with its human rights treaty obligations and other global agreements on sustainable development. The brief also demonstrates that courts and statutes around the globe have recognized that individual religious or conscience rights only apply to those directly providing care, and not to institutions or businesses.

Lawrence O. Gostin
Georgetown University Law Center
Bernard Dickens,
University of Toronto Faculty of Law

Erika R. George,
S.J. Quinney College of Law – the University of Utah
Johanna E. Bond,
Washington and Lee University School of Law
Jaya Ramji-Nogales
Temple University Beasley School of Law

Constitutional Accountability Center
Press contact: Doug Pennington P: (202) 296-6889, ext. 303 pennington@theusconstitution.org

This brief focuses on the text and history of the Free Exercise Clause, and demonstrates that the right to religious free exercise protects a basic right of human dignity and conscience, a fundamentally personal right that cannot be invoked by secular, for-profit corporations. Corporations lack the basic human capacities—reason, conscience, and conviction—at the core of religious belief and the free exercise right, and never before in the history of the Free Exercise Clause have secular, for-profit corporations been understood to fall within the Clause's protection.

The Brennan Center for Justice at N.Y.U. School of Law
Press contact: Naren Daniel (646) 292-8381 naren.daniel@nyu.edu

The brief explains that for-profit business corporations, as legal abstractions, are incapable of exercising the intensely personal emotions associated with religious worship. The right to the free exercise of religion instead belongs to human beings. While the Court has recognized corporate constitutional rights in some contexts, it has not done so when the right in question is rooted in human dignity. Consequently, for-profit corporations with religious owners are not entitled to an exemption from the law's requirements based upon the First Amendment's protection of the free exercise of religion.

Center for Inquiry, American Humanist Association, American Atheists, Military Association of Atheists, Freethinkers, and the Institute for Science and Human Values
Press contact: Nicholas J. Little P: (202) 629-2403 ext.202 nlittle@centerforinquiry.net

Hobby Lobby and Conestoga Wood Specialties claim the Contraceptive Coverage requirement imposes a religious burden on them. In removing that burden from the corporations, however, an exemption would simply shift it onto the employees, who may not share the religious views of the owners. Employees would move from being entitled to coverage without co-payment to paying up to $1,000 a year for contraception, as a direct result of the religious beliefs of their employers. This form of burden-shifting has never been allowed by the Supreme Court, and cannot be allowed here. Moreover, no one is asking the companies to use contraception, to approve contraception, or to recommend contraception. Multiple third party decisions insulate the corporations from any association with the final choice by an individual employee and her doctor of whether to use a method of contraception. There is therefore no religious burden on the corporations here. The Center for Inquiry also notes that if such an exemption is granted, there will be no way of limiting what exemptions will follow. Such a ruling would undercut the entire purpose of the Affordable Care Act – the reduction in the number of underinsured and uninsured Americans.

Free Speech for People, Auburn Theological Seminary, and Hollender Sustainable Brands, LLC
Press contact: Ronald Fein (413) 253-2700 rfein@freespeechforpeople.org

Business corporations cannot exercise religion within the meaning of the Free Exercise Clause of the First Amendment. Petitioners suggest that business corporations have Free Exercise Clause rights because the Court has previously heard free exercise challenges raised by churches and other religious organizations.

While the Court has considered religious exercise claims by churches and other religious nonprofit corporations, these claims are best understood as examples of associational standing. Indeed, in many of these cases, the organization has explicitly challenged a law on behalf of its members. And even the cases that do not explicitly employ associational standing analysis are best viewed through this lens, because corporations – even

religious nonprofit corporations – do not themselves exercise religion. To the contrary, corporations (as opposed to humans) derive their very existence from a government charter, and cannot hold the inherent human right to free exercise of religion. But nonprofit organizations can assert the rights of their members, and so the free exercise cases brought by churches and other religious organizations are best understood as relying on associational standing.

In contrast, for-profit business corporations cannot raise their stockholders' constitutional claims through associational standing. The stockholders of such corporations – no matter how active in daily management, nor how close their family relations – are not comparable to the members of a membership organization. They do not possess the "indicia of membership" necessary for associational standing. Moreover, regardless of the private purposes of stockholders, states charter business corporations for the purpose of engaging in commerce, and grant them many privileges that nonprofit corporations do not receive, so that they may more effectively engage in commerce. Consequently, a business corporation cannot raise free exercise claims based on the private religious purposes of stockholders.

- **Major medical and research organizations.**

American College of Obstetricians and Gynecologists, Physicians for Reproductive Health, and 20 other major medical organizations
Press contact: Mary Alice Carter P: (646) 649-9930 MaryAlice@prh.org

A brief by major medical organizations argues that contraception is a private medical decision that should be made by a woman in consultation with her health care provider and that recognizing an exemption to the contraception mandate for for-profit corporate employers based on their owners' personal religious beliefs interferes with the provider-patient relationship. The brief also argues that allowing a religious exemption has ramifications beyond contraception.

The American Academy of Pediatrics (AAP)
The American Nurses Association (ANA)
American College of Nurse-Midwives (ACNM)
The American College of Osteopathic Obstetricians and Gynecologists (ACOOG)
The American Medical Student Association (AMSA)
The American Medical Women's Association (AMWA)
The American Society for Emergency Contraception (ASEC)
The American Society for Reproductive Medicine (ASRM)
The Association of Reproductive Health Professionals (ARHP)
The California Medical Association (CMA)
International Association of Forensic Nurses (IAFN)
Jacobs Institute for Women's Health (JIWH)
The Maine Medical Association (MMA)
The Massachusetts Medical Society (MMS)
The National Association of Nurse Practitioners in Women's Health (NPWH)
The National Physicians Alliance (NPA)
The Society for Adolescent Health and Medicine
The Society of Family Planning (SFP)
The Society for Maternal-Fetal Medicine
The Washington State Medical Association (WSMA)

Guttmacher Institute and Professor Sara Rosenbaum
Press contacts: Joerg Dreweke P: (202) 296-4012 ext. 4230
Rebecca Wind P: (212) 248-1953
mediaworks@guttmacher.org

The brief cites extensive data from the Guttmacher Institute and other leading authorities to demonstrate that methods of contraception differ dramatically in effectiveness and that cost is a substantial barrier to women seeking to prevent unintended pregnancy. By eliminating cost barriers to the full range of women's contraceptive methods, the federal contraceptive coverage guarantee allows women to choose the method most appropriate for their circumstances and health needs. Improved access to effective contraception reduces women's risk of unintended pregnancy, which in turn reduces the need for abortion and promotes women's educational, economic and social advancement. By depriving women of the coverage provided by federal law, the religious exemption sought by Hobby Lobby and Conestoga Wood would substantially burden a woman's ability to make childbearing decisions in accord with her own religious and moral beliefs, health needs and family responsibilities.

- **Members of Congress, states, and organizations representing the interests of cities, mayors, and counties.**

Senator Murray, and 18 other Democratic senators
Press contact: Meghan Roh P: (202) 224-2834 Meghan_Roh@murray.senate.gov

The amicus brief led by Senator Murray, and signed by 18 other Democratic senators, provides an authoritative account of the legislative history and intent underlying the Religious Freedom Restoration Act of 1993 (RFRA) and the Affordable Care Act (ACA). The brief urges the Supreme Court to reverse the Tenth Circuit's expansion of RFRA's scope and purpose as applied to secular, for-profit corporations seeking to evade the contraceptive-coverage requirement under the ACA. As Members of Congress at the time of RFRA's debate and passage, Senators Murray, Baucus, Boxer, Brown, Cantwell, Cardin, Durbin, Feinstein, Harkin, Johnson, Leahy, Levin, Markey, Menendez, Mikulski, Reid, Sanders, Schumer, and Wyden, are uniquely situated to explain the legislative intent underlying RFRA—that in passing RFRA, Congress did not intend to, nor did it, extend free-exercise rights to secular, for-profit corporations. Similarly, as Members of Congress during the debate and passage of the ACA, Senator Murray and her aforementioned colleagues are most qualified to explain how exempting secular, for-profit corporations from the ACA's contraceptive-coverage requirement is inconsistent with the plain language and legislative intent of RFRA, and undermines the government's compelling interest in providing women access to preventive health care under the ACA.

Max Baucus	Carl Levin
Barbara Boxer	Edward J. Markey

Sherrod Brown Maria Cantwell Benjamin J. Cardin Richard J. Durbin Dianne Feinstein Tom Harkin Tim Johnson Patrick J. Leahy	Robert Menendez Barbara A. Mikulski Patty Murray Harry Reid Bernard Sanders Charles E. Schumer Ron Wyden

91 Members of the United States House of Representatives
Press contact: Colby Nelson P: (202) 225-4431 Colby.nelson@mail.house.gov

91 Members of the House of Representatives, including House Minority Leader Nancy Pelosi, filed an *amicus* brief defending the preventive care provisions of the Affordable Care Act, which ensure that all Americans receive critically-important preventive health care services. The Members supported the Solicitor General's position that requiring contraceptive coverage as part of the Act's required preventive care does not violate the Religious Freedom Restoration Act (RFRA) because it does not substantially burden any free exercise rights that for-profit corporations may have and is appropriately tailored to serve the government's compelling interest in protecting women's health and bringing much-needed equality to health insurance coverage.

House Democratic Leader Nancy Pelosi House Democratic Whip Steny Hoyer Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce Louise Slaughter, Ranking Member, Committee on Rules John Conyers, Jr., Ranking Member, House Committee on the Judiciary Charles B. Rangel George Miller, Ranking Member, House Committee on Education and the Workforce Henry Waxman, Ranking Member, House Committee on Energy and Commerce Marcy Kaptur Sander Levin, Ranking Member, House Committee on Ways and Means Peter DeFazio John Lewis Frank Pallone	Linda Sanchez Chris Van Hollen Doris Matsui Gwen Moore Allyson Schwartz Kathy Castor Yvette Clarke Steve Cohen Donna Edwards Keith Ellison Marcia Fudge Henry C. "Hank" Johnson, Jr. Jerry McNerney Jackie Speier Niki Tsongas Peter Welch

Robert Andrews Nita Lowey Jim McDermott Rosa DeLauro James Moran Jerrold Nadler, Ranking Member, Subcommittee on the Constitution and Civil Justice, House Committee on the Judiciary Eleanor Holmes Norton Xavier Becerra Sam Farr Luis Gutierrez Eddie Bernice Johnson Carolyn Maloney Lucille Roybal-Allard Robert C. "Bobby" Scott Elijah Cummings Lloyd Doggett Chaka Fattah Sheila Jackson-Lee Zoe Lofgren Lois Capps Danny K. Davis Barbara Lee James McGovern John Tierney Joseph Crowley Grace Napolitano Janice Schakowsky Michael Honda Steve Israel Betty McCollum Raul Grijalva	John Yarmuth Judy Chu Gerry Connolly Gary Peters Chellie Pingree Mike Quigley Paul Tonko Suzanne Bonamici David Cicilline Suzan DelBene Alan Grayson Dan Maffei Dina Titus Frederica S. Wilson Ami Bera Julia Brownley Katherine Clark Elizabeth Esty Lois Frankel Jared Huffman Joe Kennedy Daniel T. Kildee Ann McLane Kuster Alan Lowenthal Michelle Lujan Grisham Grace Meng Mark Pocan Brad Schneider Eric Swalwell Mark Takano Marc A. Veasey

States of California, Massachusetts, et al.
Press contact: Nick Pacilio P: (415)-703-5837 C: (858)-774-8801 Nick.pacilio@doj.ca.gov

The brief of the States of California, Massachusetts and 13 others explains that granting corporations free exercise rights to avoid regulation ignores state corporate law principles against which RFRA should be interpreted. Further, extending RFRA in this way could lead to religious challenges that endanger a variety of state and federal provisions, including those concerning corporate operations, civil rights, health care, land use, and taxation. Finally, the States have long required plans within their jurisdiction to cover contraceptives; the federal contraceptive provision addresses those plans that state law cannot reach, bringing health, social, and economic benefits to the States and their citizens.

California	Maryland
Massachusetts	New Mexico
District of Columbia	New York
Hawaii	Rhode Island
Illinois	Oregon
Iowa	Vermont
Maine	Washington

National League of Cities, National Association of Counties, International City/County Management Association, U.S. Conference of Mayors, and International Municipal Lawyers Association
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The Religious Freedom Restoration Act (RFRA), the statute at issue in these cases, is closely related to another federal statute: The Religious Land Use and Institutionalized Persons Act (RLUIPA). RLUIPA applies the same compelling interest standard as RFRA to state and local governments' land use decisions that substantially burden a person's religious exercise. Amici represent state and local governments experienced in RLUIPA's administration. RLUIPA's text, legislative history, and practical administration all show that a for-profit corporation is not a "person" who exercises religion under either RLUIPA or RFRA.