

If you really care about  
**Putting Patients Before  
Religion,**  
Then you should care about  
**Reproductive Justice**

September 13, 2017

Kira Shepherd • Public Rights/Private Conscience Project

Janel George • National Women's Law Center

Kelli K. Garcia • National Women's Law Center

Lina Houston • If/When/How



# About this series

- Developed to address intersection between Reproductive Justice and other progressive issues.
- Introduces Reproductive Justice to new communities.
- Highlight the social justice and human rights underpinnings of progressive work.
- Identify common goals among social justice movements.

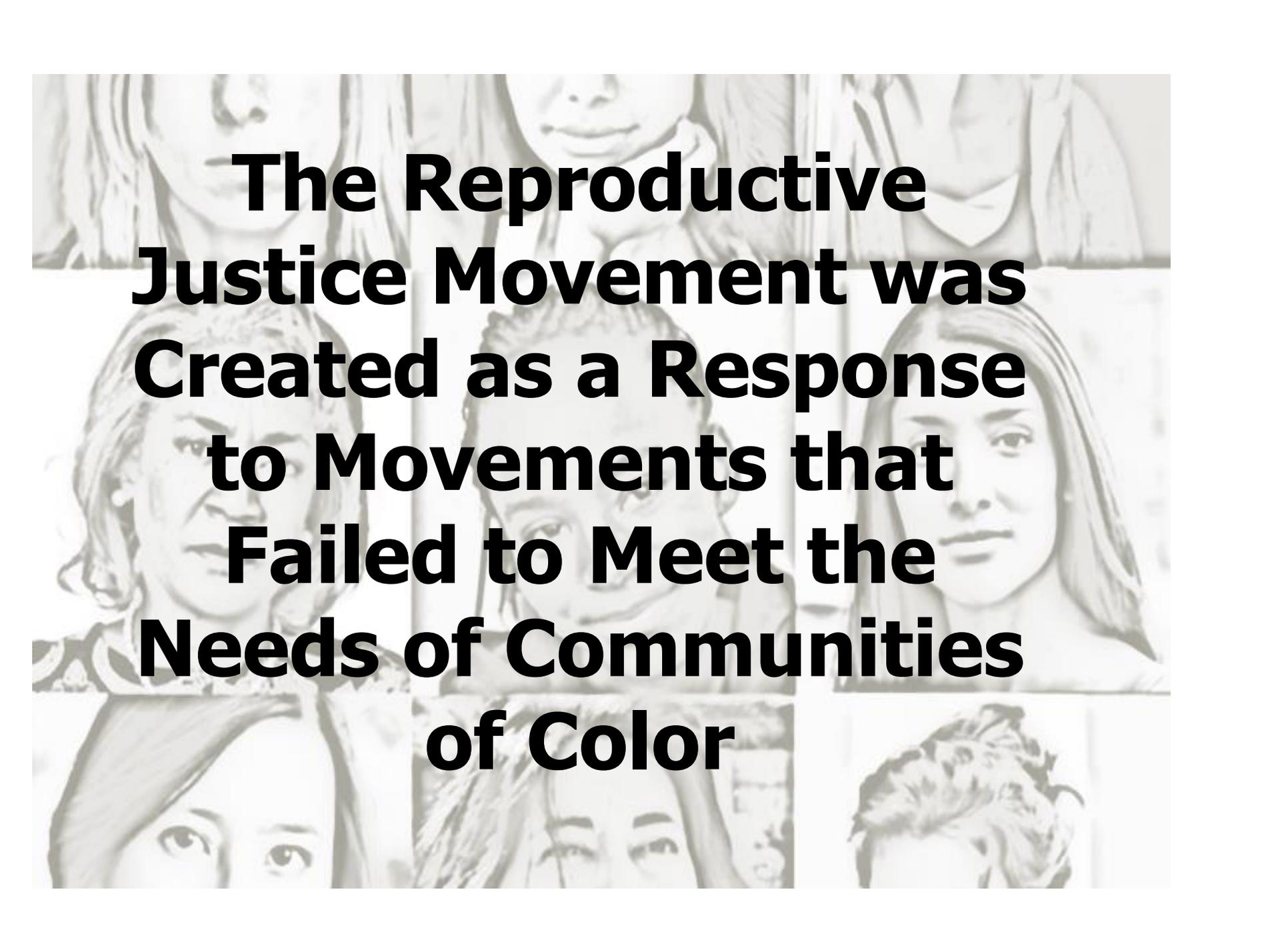
# Upcoming Webinars

**If You Really Care About Immigrant Justice, You Should Care About Reproductive Justice**

When: Wednesday, October 25, 6:00 – 7:00 p.m. ET

**If You Really Care About Environmental Justice, You Should Care About Reproductive Justice**

When: Wednesday, November 15, 6:00 – 7:00 p.m. ET



**The Reproductive  
Justice Movement was  
Created as a Response  
to Movements that  
Failed to Meet the  
Needs of Communities  
of Color**

# What are the components of Reproductive Justice?

- The right of individuals to:
  - have the children they want
  - raise the children they have, and
  - plan their families through safe, legal access to abortion and contraception.

# How does Reproductive Justice relate to social justice movements generally?

- Reproductive Justice requires that all people have the resources, as well as the economic, social, and political power to make decisions about their bodies, sexuality, and reproduction with self-determination and dignity.
- The government plays a key role in remedying social inequalities that contribute to reproductive oppression.

Refusals to provide care place religious beliefs over patient needs.



# RELIGIOUS EXEMPTIONS LAWS: THE HARM THEY POSE TO PATIENTS

Janel George, Director, Federal Reproductive Rights and Health

The National Women's Law Center

If/When/How Webinar

September 13, 2017



## **ABOUT THE CENTER**

We're passionate champions of policies and laws that help women and girls achieve their potential throughout their lives — at school, at work, at home, and in their communities. We're committed advocates who take on the toughest challenges, especially for the most vulnerable women — and we make change happen. We're proud to have been on the frontlines of virtually every advance for women for more than 40 years, benefitting their families, their communities, and the nation.



# THE BIRTH CONTROL BENEFIT

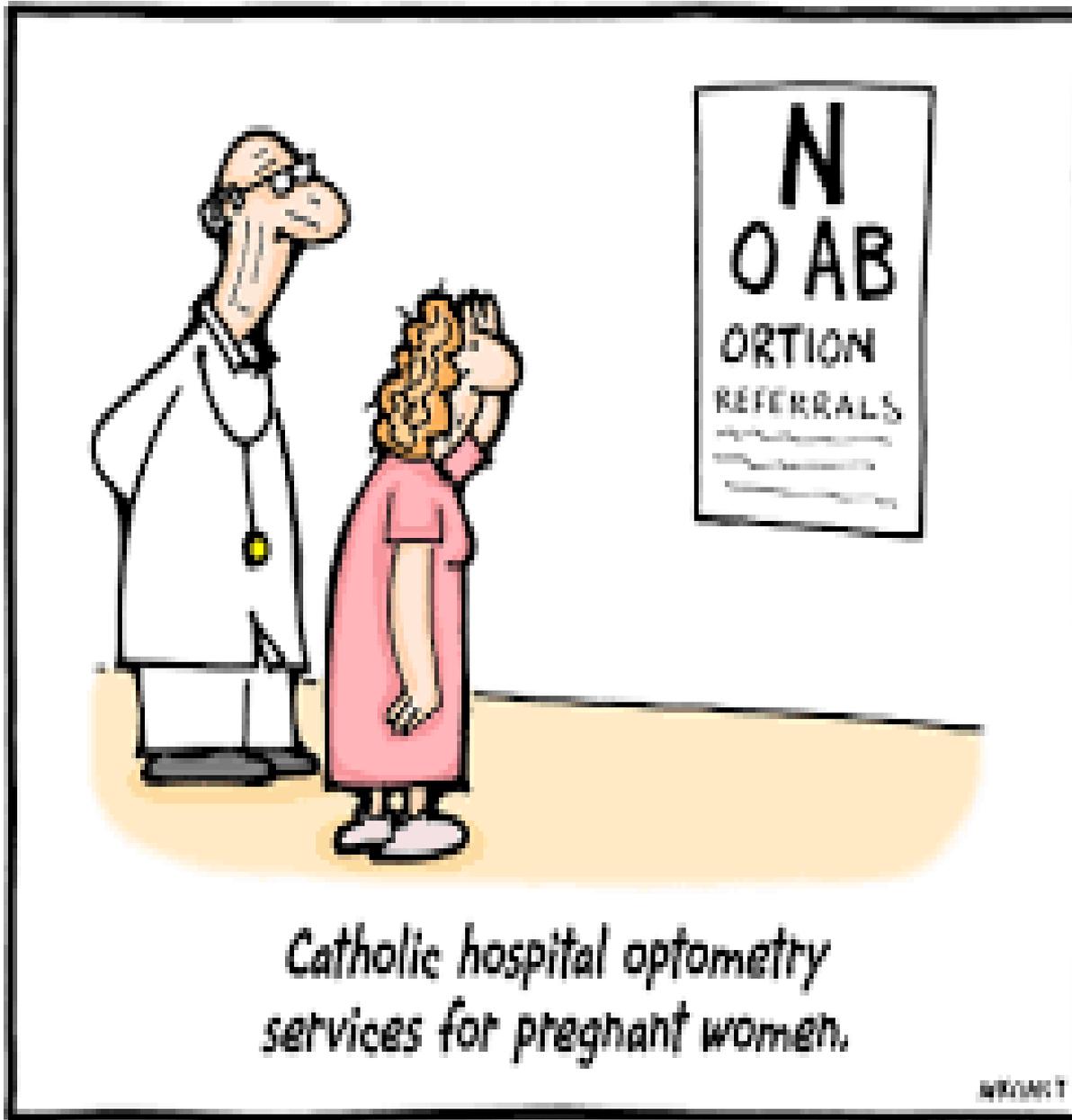


# OVERVIEW



# PHARMACY REFUSALS





2008-2009 © INNOVICT Caricatures [www.innovict.com.au](http://www.innovict.com.au)

*Catholic hospital optometry services for pregnant women.*

WFOAST

# PATIENTS SHOULD COME FIRST



# THE WELDON AMENDMENT

Allows health care entities – including hospitals, health insurance plans, individual doctors and nurses – to refuse to provide abortion, cover abortion, pay for abortion, or refer for abortion.

# CATHOLIC HOSPITALS



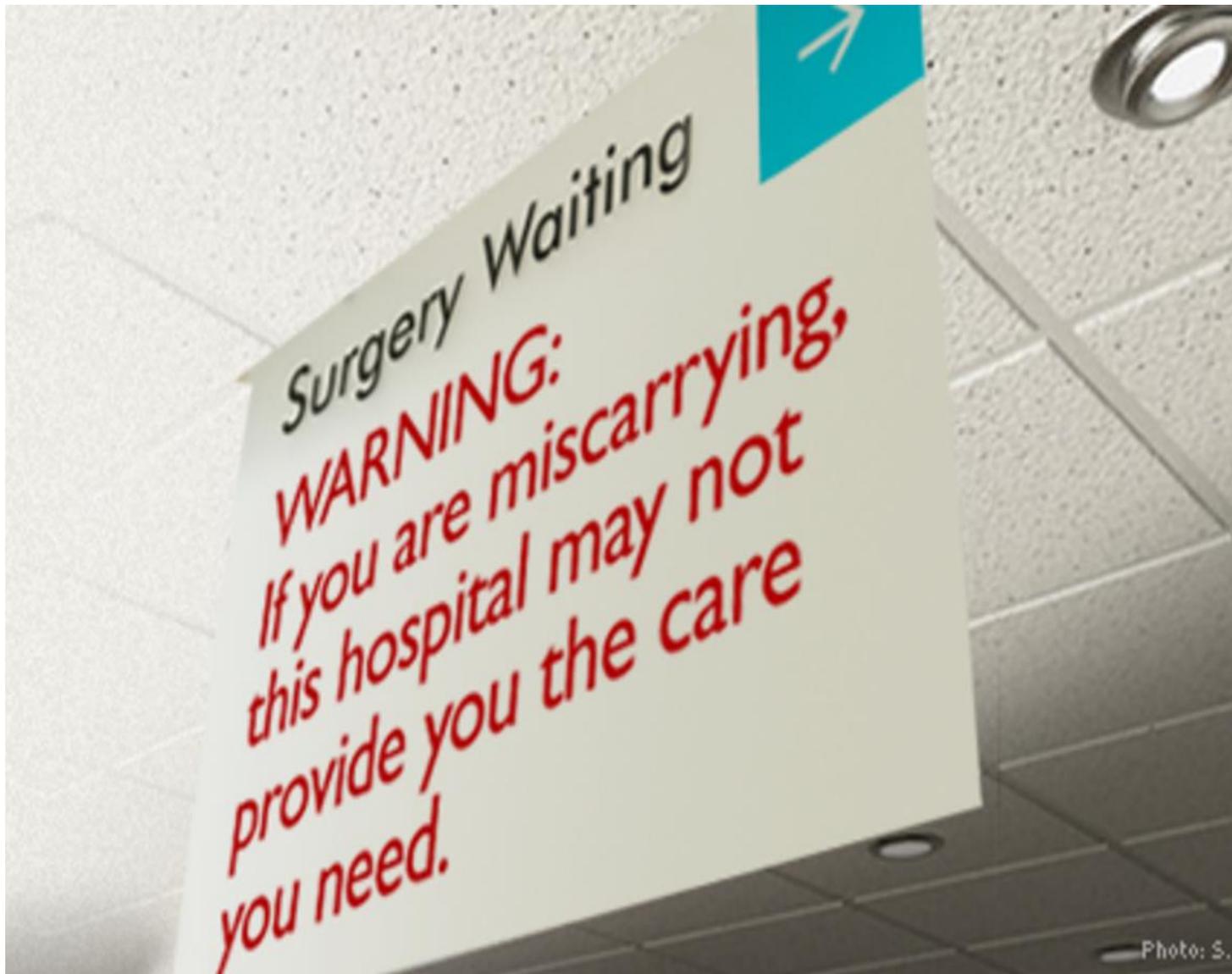


Photo: S.

# PUBLIC OPINION

A March 2017 nationally representative survey conducted on behalf of the National Women's Law Center shows that sixty-one percent of voters oppose religious exemption laws.

In addition:

- Sixty-three percent of voters oppose laws that allow *hospitals* to refuse to provide a patient with information or referrals about abortion because of religious or moral beliefs.
- Sixty-two percent of voters oppose laws that allow *insurance companies* to refuse to cover abortion because of religious or moral beliefs.
- Sixty-two percent of voters oppose laws that allow *doctors or nurses* to refuse to provide a patient with information or referrals about abortion because of religious or moral beliefs

Keep your   
Rosaries  
OFF MY  
 ovaries

**TEAM**  
the  
**PRO-LIFE**  
GENERATION  
WWW.STUDENTSFORLIFE.ORG

**TEAM**  
the  
**PRO-LIFE**  
GENERATION  
WWW.STUDENTSFORLIFE.ORG

FEMINISTS  
ARE THE  
MAJORITY

FEMINISTS  
ARE THE  
MAJORITY

uterus  
opinion  
STOP  
THE  
# SHAM

PERFECT  
ABORTION  
ACCESS



# **IMPACT OF RELIGIOUS EXEMPTIONS ON COMMUNITIES OF COLOR**

Kira Shepherd

Racial Justice Director

[ks3377@columbia.edu](mailto:ks3377@columbia.edu)

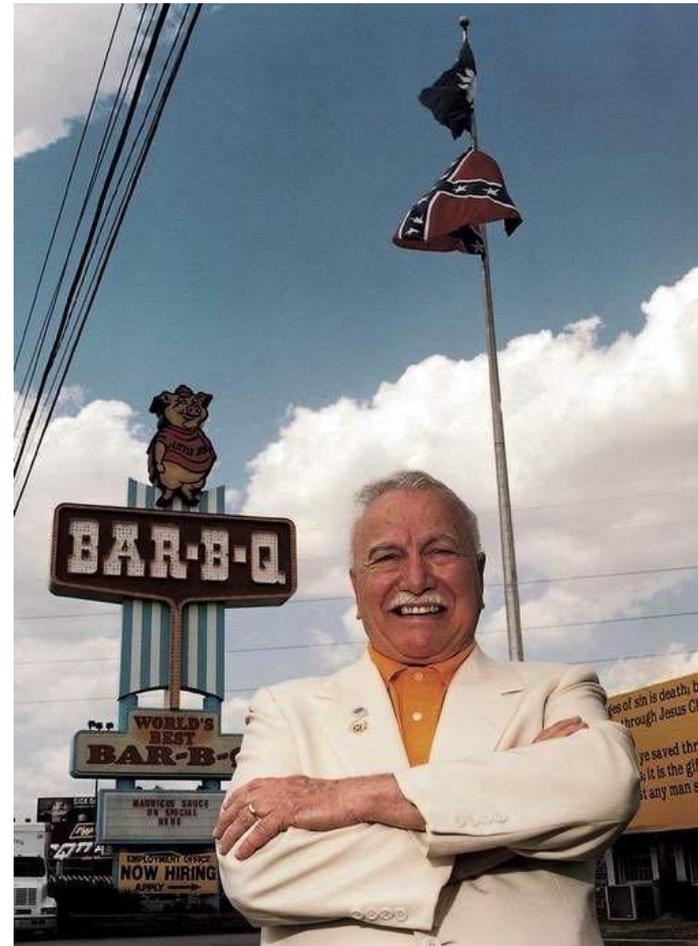
Public Rights Private Conscience Project

Columbia Law School

# “Segregation Academies”



# Newman v. Piggie Park



# Frank Church's "Church Amendment"



# Giving *Obergefell* "the *Roe* treatment"



# New Era of Religious Exemptions

Anti-Choice Religious Exemptions



# Anti-choice Religious Exemptions

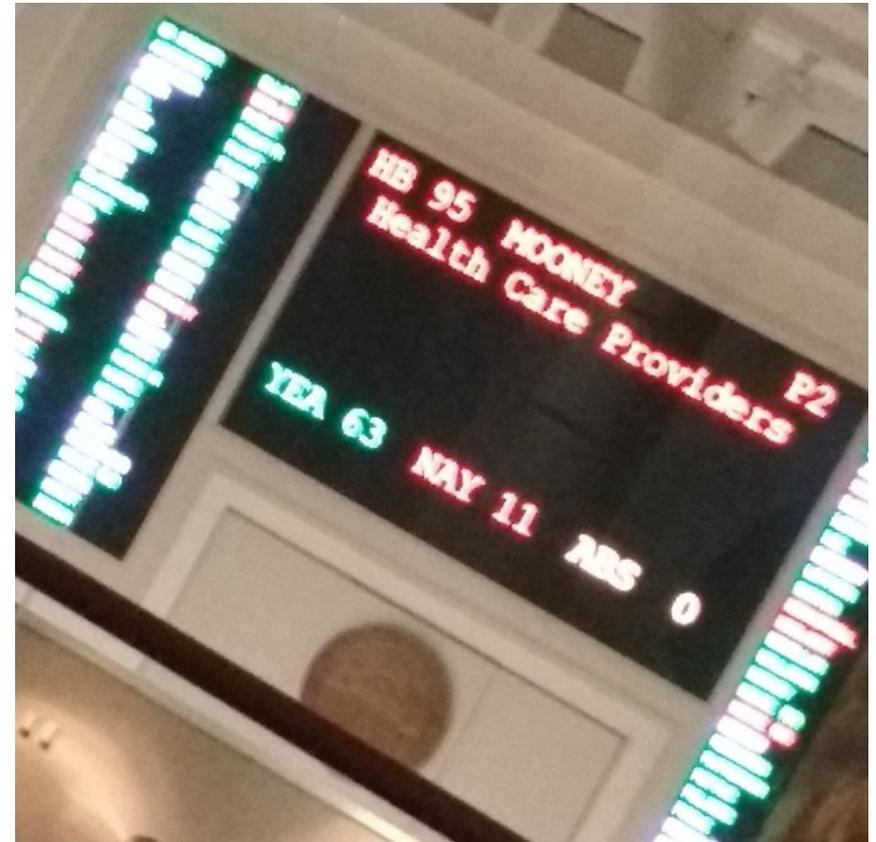
- FADA & other bills that allow discrimination against unmarried pregnant and parenting people

2016

- Illinois SB 1564

2017

- Alabama SB 185
- Proposed religious exemption to ACA



# First Amendment Defense Act

- (a) ...the Federal Government shall not take **any discriminatory action** against a person, wholly or partially on the basis that such person believes or acts in accordance with a religious belief or moral conviction that:
  - marriage is or should be recognized as the union of one man and one woman, or
  - that sexual relations are properly reserved to such a marriage.

# “Presidential Executive Order Promoting Free Speech and Religious Liberty”

Sec. 4. Religious Liberty Guidance. “In order to guide all agencies in complying with relevant Federal law, the Attorney General shall, as appropriate, issue guidance interpreting religious liberty protections in Federal law.”



# The Religious Freedom Restoration Act (RFRA) 42 U.S.C. § 2000bb -1

- (a) IN GENERAL Government shall not **substantially burden a person's exercise of religion** even if the burden results from a rule of general applicability, except...
- (b) EXCEPTION Government *may* substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person—
  - (1) is in furtherance of a **compelling governmental interest**; and
  - (2) is the **least restrictive means** of furthering that compelling governmental interest.

# Burwell v. Hobby Lobby, 573 U.S. \_\_\_\_ (2014)



# Zubik v. Burwell (2016)

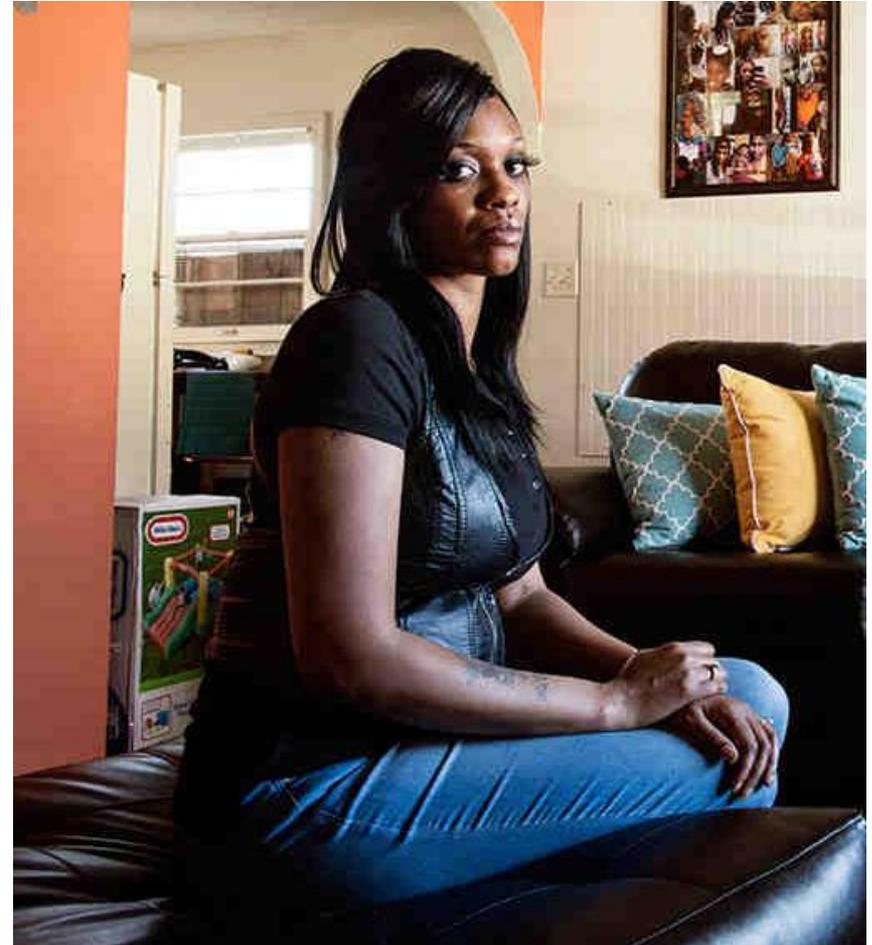


# Other reproductive health cases...



# Effect of Religious Exemptions

Tamesha Means— denied care at Mercy Health Partners in Michigan because of its compliance with the Ethical and Religious Directives (ERDs).



# Questions?

**Please type your questions in the chat box.**

Kira Shepherd  
Director of Racial Justice  
Public Rights/Private Conscience  
Project, Center on Gender &  
Sexuality Law  
Columbia Law School  
[ks377@columbia.edu](mailto:ks377@columbia.edu)

Janel George  
Director of Federal Reproductive  
Rights and Health & Senior Counsel  
National Women's Law Center  
[jgeorge@nwlc.org](mailto:jgeorge@nwlc.org)

Kelli Garcia  
Director of Reproductive Justice  
Initiatives & Senior Counsel  
National Women's Law Center  
[kgarcia@nwlc.org](mailto:kgarcia@nwlc.org)

Lina Houston  
Director of Campus & Community  
Programs  
If/When/How  
[lina@ifwhenhow.org](mailto:lina@ifwhenhow.org)