

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

*The following chart lists the amicus briefs filed in the Supreme Court in support of the contraceptive coverage requirement in *Zubik v. Burwell*. For more information, please contact Brigitte Amiri – (212) 519-7897 (bamiri@aclu.org) and Leila Abolfazli – (202) 956-3065 (labolfazli@nwlc.org).*

Medical Experts

The American College of Obstetricians and Gynecologists, Physicians for Reproductive Health, the American Academy of Family Physicians and the American Nurses Association

Press contact: Dana Rasso, 202-484-3321, Communications@acog.org

The American College of Obstetricians and Gynecologists, Physicians for Reproductive Health, the American Academy of Family Physicians and the American Nurses Association, along with other medical groups, have filed an amicus brief explaining that contraception is essential to women’s health and well-being, a critical component of preventive care, and integral to the health of families.

The American Academy of Pediatrics

Press contact: Jamie Poslosky, 202-724-3301, jposlosky@aap.org

The American Academy of Pediatrics submitted a brief explaining that the petitioners have asked the Court for an “accommodation” that will increase costs and administrative burdens on families. Since other religious adherents object to essential pediatric medical services, including vaccination, future plaintiffs could obstruct life-saving health care for children if the Court rules for the petitioners.

The Ovarian Cancer Research Fund Alliance, Its Partner Members and Scientific Advisors

Press contact: Lisa Mauti, 212-268-1002, lmauti@ovariancancer.org

The Ovarian Cancer Research Fund Alliance, along with its partner members and scientific advisors, as *amici curiae*, support the government’s compelling public health interest to ensure that all women, regardless of employer, can access medicines and treatments that reduce the risk of ovarian and other gynecological cancers by as much as 50 percent. A wealth of scientific evidence collected over decades shows that contraceptives provide significant medical benefits to millions of women that are unrelated to procreation. There is currently no screening method to reliably detect ovarian cancer at an early stage and most women receive the

diagnosis when it is often too late for any effective treatment, therefore prevention remains the primary weapon against these deadly diseases which kill thousands of women each year, including more than 24,000 American women in 2015 alone. Petitioners' interpretation of the Religious Freedom Restoration Act (RFRA) would needlessly prevent access to preventive care for thousands of women whose employers object to contraceptive use, even where the employer can opt out of the requirements to which they object simply by filling out a form stating their religious objections. Indeed, the gravity of interests at stake, and the life and death nature of the cancers at issue, confirms that it is critical that contraceptives are both accessible and affordable to all women.

Faith Groups

American Jewish Committee, Jewish Council for Public Affairs, Union for Reform Judaism, and Central Conference of American Rabbis

Press contact: Kenneth Bandler, 212-891-6771, bandlerk@ajc.org

Baptist Joint Committee with Douglas Laycock

Press contact: K. Hollyn Hollman, (202) 544-4226, hhollman@bjconline.org;
Douglas Laycock, 434-243-8546, dlaycock@virginia.edu

The brief makes two points. First, RFRA does not require absolute deference to religious understandings of burden, and petitioners here have not been substantially burdened. Second, the government's exemption for houses of worship does not undercut its compelling interest or require that the same exemption should be applied to petitioners.

Catholics for Choice and 9 other organizations

Press contact: Carolyn Browender, 202 986 6093, media@catholicsforchoice.org

Catholics for Choice joined nine other Catholic organizations on a brief representing the voices of the Catholic laity, workers, women and children and LGBT people in *Zubik v. Burwell*. The Catholic amici believe as a matter of their deep Catholic faith that all employees are equally entitled to contraceptive coverage no matter where they work or what they believe. The Catholic organizations' brief highlights the hundreds of thousands of employees and their dependents, Catholic and non-Catholic alike, who work at religiously-affiliated nonprofit organizations who could be deprived of their conscience rights, religious freedom and access to healthcare should the petitioners be successful in this case.

Call to Action

| New Ways Ministry

<p>CORPUS A Critical Mass: Women Celebrating Eucharist DignityUSA The National Coalition of American Nuns</p>	<p>The Quixote Center/Catholics Speak Out The Women’s Alliance for Theology, Ethics and Ritual The Women’s Ordination Conference</p>		
<p>Anti-Defamation League and 12 other organizations Press contact: David Barkey, 561-988-2912, dbarkley@adl.org</p> <p>The Anti-Defamation League’s amicus brief focuses on the Religious Freedom Restoration Act’s “substantial burden” requirement. It argues that petitioners have failed to demonstrate that filing of the one-page form to opt out of the contraception mandate is a substantial burden on their free exercise of religion. Rather, they have merely asserted subjective offense of their religious beliefs, which should not be conflated with objective substantial burdens on their religious exercise. The brief further argues that assessment of substantial burden should also include impact of granting a RFRA claim on the rights of others. In this case, striking down the opt-out provision would deny women access to affordable contraception, but at most alleviate indirect and minimal burdens on the petitioners. Balancing these interests, the Court should reject the petitioners’ claim.</p> <table border="0" data-bbox="170 776 1919 993"> <tr> <td data-bbox="170 776 1045 993"> <p>Bend the Arc: A Jewish Partnership for Justice Hindu American Foundation Interfaith Alliance Foundation Japanese American Citizens League The Jewish Social Policy Action Network Keshet</p> </td> <td data-bbox="1045 776 1919 993"> <p>National Council of Jewish Women The Organization of Chinese Americans People for the American Way Foundation Religious Coalition for Reproductive Choice Religious Institute Women’s League for Conservative Judaism</p> </td> </tr> </table>		<p>Bend the Arc: A Jewish Partnership for Justice Hindu American Foundation Interfaith Alliance Foundation Japanese American Citizens League The Jewish Social Policy Action Network Keshet</p>	<p>National Council of Jewish Women The Organization of Chinese Americans People for the American Way Foundation Religious Coalition for Reproductive Choice Religious Institute Women’s League for Conservative Judaism</p>
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What’s at Stake for Women

<p>National Women’s Law Center and 68 other organizations Press contact: Maria Patrick, 202-588-5180, mpatrick@nwlc.org</p> <p>NWLC filed a brief with 68 other organizations demonstrating the importance of the contraceptive coverage benefit in protecting and promoting women’s health, improving women’s social and economic circumstances, and ending gender discrimination. By making contraception available from a woman’s insurance company and removing cost barriers, the accommodation furthers the government’s compelling interests in promoting health and gender equality. The brief also demonstrates why the alternatives proposed by the</p>
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objecting employers, such as sending affected women into the marketplace, providing tax credits for contraception, or expanding health care programs such as Medicaid or Title X, would undermine those interests and force women to navigate serious and sometimes insurmountable economic and other barriers to obtain contraception.

9to5

Abortion Care Network

American Association of University Women (AAUW)

American Federation of State, County and Municipal Employees (AFL-CIO)

American Sexual Health Association

Atlanta Women for Equality

Business & Professional Women's Foundation (BPWF)

California Women Lawyers (CWL)

California Women's Law Center (CWLC)

Center for Community Change

Chicago Foundation for Women

Coalition of Labor Union Women

Connecticut Citizen Action Group

Connecticut Women's Education and Legal Fund (CWEALF)

District of Columbia Employment Justice Center

Equal Rights Advocates (ERA)

Feminist Majority Foundation (FMF)

Gender Justice

Girls Inc.

Good Jobs First

Hadassah, the Women's Zionist Organization of America, Inc.

Institute for Science and Human Values

Jewish Women International (JWI)

League of Women Voters of the United States

Legal Momentum

Legal Voice

Mabel Wadsworth Women's Health Center

Maine Women's Lobby

National Association of Social Workers (NASW)

National Association of Women Lawyers (NAWL)

National Black Justice Coalition (NBJC)

National Consumers League (NCL)

National Immigration Law Center (NILC)

National Institute for Reproductive Health

National Organization for Women

National Partnership for Women & Families

North Dakota Women's Network

Planned Parenthood Federation of America (PPFA)

Population Connection

Pro-Choice Resources

Raising Women's Voices for the Health Care We Need (RWV)

Re:Gender

Reproductive Health Access Project

Reproductive Health Technologies Project (RHTP)

Sargent Shriver National Center on Poverty Law (Shriver Center)

Service Employees International Union (SEIU)

Sexuality Information and Education Council of the U.S. (SIECUS)

SisterReach

South Carolina Coalition for Healthy Families

Southwest Women's Law Center

UltraViolet

UniteWomen.org ACTION

USAction

The Women Donors Network (WDN)

MANA, A National Latina Organization
Mental Health America (MHA)
MergerWatch
Methodist Federation for Social Action (“MFSA”)
Ms. Foundation for Women
NARAL Pro-Choice America
National Abortion Federation (NAF)

Women Employed
Women of Reform Judaism
Women’s Bar Association of the District of Columbia
Women’s Institute for Freedom of the Press
Women’s Law Center of Maryland, Inc.
Women’s Law Project (WLP)
WVFREE

Americans United for Separation of Church and State

Press contact: Gregory M. Lipper, 202-466-3234, lipper@au.org

Our brief is filed on behalf of 240 students, faculty, and staff at religiously affiliated universities—including Jane Doe 3, a student at the University of Notre Dame who has intervened to oppose Notre Dame’s challenge to the contraception accommodation regulations. The brief explains that the Religious Freedom Restoration Act does not authorize, and the Establishment Clause does not permit, religiously affiliated entities to veto third parties’ provision of vital contraceptive coverage to women. And the brief includes quotes from several of the amici about the importance of contraception in preventing unintended pregnancies, preserving their educational and professional opportunities, and protecting their health.

Students, Faculty, and Staff at Religiously Affiliated Universities, including:

Benjamin N. Cardozo School of Law
DePaul University
Fordham University
Fordham University School of Law
Georgetown University

Georgetown University Law Center
Loyola Marymount University (Los Angeles)
Loyola University New Orleans
Saint Louis University School of Law
University of Detroit Mercy School of Law
University of Notre Dame

Black Women’s Health Imperative

Press contact: Rae Oglesby, 202-660-1407, roglesby@bwhi.org

The brief addresses longstanding and systemic history of infringement of Black women’s reproductive rights, including disparate access to contraception care and coverage. We argue that denial or limitations of contraceptive coverage by employers cause an undue burden on Black women, further infringing on their bodily autonomy and right to determine their own reproductive care options.

National Latina Institute for Reproductive Health and 28 other organizations

Press contact: RaeAnn Roca Pickett, 202-621-1409, raeann@latinainstitute.org

The brief addresses longstanding harms and exclusions many women of color and other communities face in achieving equality, dignity and liberty, including burdens they experience in accessing comprehensive reproductive healthcare, particularly seamless coverage for contraception. We argue that granting employers further accommodations to deny or limit access under the Affordable Care Act will disproportionately burden these communities, impermissibly infringing upon their rights to dignity, liberty, and self-determination.

ACT for Women and Girls
Advocates for Youth
Black Women's Health Imperative
California Latinas for Reproductive Justice
Casa de Esperanza
Center on Reproductive Rights and Justice at the University of California, Berkeley, School of Law
Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)
Desiree Alliance
Farmworker Justice
In Our Own Voice: National Black Women's Reproductive Justice Agenda
LatinoJustice PRLDEF
Law Students for Reproductive Justice
MANA, A National Latina Organization

National Advocates for Pregnant Women
National Asian Pacific American Women's Forum
National Center for Lesbian Rights (NCLR)
National LGBTQ Task Force
National Network of Abortion Funds
Northwest Health Law Advocates
Oregon Foundation for Reproductive Health
SisterLove, Inc.
SisterReach
SisterSong National Women of Color
Reproductive Justice Collective
SPARK Reproductive Justice Now!
URGE: Unite for Reproductive & Gender Equity
Voto Latino
Women With A Vision, Inc (WWAV)
WV FREE

National Health Law Program and 10 other organizations

Press contact: Susan Berke Fogel, 310.204.6010, ext. 113, fogel@healthlaw.org

The National Health Law Program, joined by the American Public Health Association, National Hispanic Medical Association, National Family Planning & Reproductive Health Association, National Women's Health Network, Ipas, Asian Americans Advancing Justice | AAJC, Asian Americans Advancing Justice – Los Angeles, Asian & Pacific Islander American Health Forum, Black Women's Health Imperative, and Christie's Place filed an amicus brief explaining that cost and other nonfinancial barriers prevent

individuals from receiving health care services, particularly contraception. The brief further explains that ACA's contraceptive coverage is one of many government strategies working together to ensure that all Americans have coverage of and access to health care services, including contraception, and that Title X is not substitute for private health insurance.

American Public Health Association
National Hispanic Medical Association
National Family Planning & Reproductive Health Association
National Women's Health Network
Ipas

Asian Americans Advancing Justice (AAJC)
Asian Americans Advancing Justice – Los Angeles
Asian & Pacific Islander American Health Forum
Black Women's Health Imperative
Christie's Place

What this Case Could Mean For Other Critical Rights

Lambda Legal Defense and Education Fund, Inc., the Human Rights Campaign, and the Transgender Law Center

Press contact: Lisa Hardaway, 212-809-8585 x 266, lhardaway@lambdalegal.org;
Tom Warnke 213-382-7600 x 247, twarnke@lambdalegal.org

For Lambda Legal, expanding access to nondiscriminatory, quality health care and reproductive freedom are core mission goals. From the beginning of the LGBT civil rights movement, the community has had to confront religion-based efforts to condemn, control, or restrict the reproductive and sexual autonomy of LGBT people, same-sex couples, and people living with HIV. The petitioners in these cases propose a dramatic change in law that would increase barriers that already harm our community and, in the bigger picture, threaten whether individual religious and personal freedom can continue to coexist for anyone when large, religiously affiliated service providers disagree.

Compassion & Choices

Press contact: Sean Crowley, 202-495-8520, scrowley@compassionandchoices.org

Statutory mandates in 47 states require a healthcare provider who morally objects to a healthcare decision or advance directive, such as a do-not-resuscitate order or refusal of a ventilator or feeding tube, to cooperate in the patient's transfer to a provider who will comply. Adopting the petitioners' position would undermine these statutory mandates and impair the exercise of the constitutional right to refuse unwanted medical treatment.

Legal Scholars

Church-State Scholars

Press contact: Catherine Weiss, 973-597-2438, cweiss@lowenstein.com

Church-state scholars from around the country argue that the Establishment Clause bars the government from allowing the cost of Petitioners' religious exercise to be shifted to their employees and students, and their dependents, who are entitled by federal law to receive contraceptive coverage without cost-sharing. RFRA cannot be read to protect Petitioners' religious freedom by sacrificing the federal rights of third parties who do not share their beliefs.

Religious Liberty Scholars

Press contact: Martin S. Lederman, 202-662-9937, mssl46@law.georgetown.edu

Religious liberty scholars look at the history of the Court's free exercise jurisprudence and how it should inform the Court's decision.

Historical Briefs

American Civil Liberties Union, the Leadership Conference on Civil and Human Rights, the NAACP Legal Defense & Educational Fund, Inc., the National Coalition on Black Civic Participation, and the National Urban League

Press contact: Allison Steinberg, 212-549-2540, asteinberg@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.

Military Historians

Press Contact: Doug Pennington, 202-296-6889, ext. 303, pennington@theusconstitution.org

The military historians' amicus brief, filed on behalf of seven prominent historians, demonstrates that the plaintiffs' claim is profoundly inconsistent with how religious accommodation has long been understood in this country, as demonstrated by the history of conscientious objector laws enacted from 1776 to the present. As the brief explains, for the entire course of American history, conscientious objectors laws have promoted religious liberty without harming other essential interests by allowing religious objectors to war to opt-out, while also requiring them to aid the nation, either by paying for a substitute or performing alternative service.

Social Scientists and Health Policy Experts

Guttmacher Institute and Professor Sara Rosenbaum

Press contact: Joerg Dreweke, 202-296-4012 ext. 4230;
Rebecca Wind, 212-248-1953, mediaworks@guttmacher.org

The brief makes the case for why the government has a compelling interest in ensuring seamless contraceptive coverage, presenting extensive data from the Guttmacher Institute and other leading authorities to demonstrate that methods of contraception differ dramatically in effectiveness; that contraceptive methods are not interchangeable medically or in terms of their appropriateness or ease of use for a given woman at a given point in her life; that cost is a substantial barrier to women's ability to choose and use the best method for them based on their individual circumstances and health needs; that removing cost barriers—as the federal policy currently requires—has been proven to make a substantial difference in facilitating access to contraceptive services; and that improved access to effective contraception reduces women's risk of unintended pregnancy, which in turn advances the health and well-being of women and children, reduces the need for abortion, and promotes women's education, workforce participation and economic advancement. The brief also details why the contraceptive coverage guarantee is the most effective way to achieve the policy goal of giving millions of U.S. women access to contraceptive services without out-of-pocket costs, while creating the least burden on objecting employers; in particular, the brief explains that proposed alternate approaches to the ACA's accommodation would put the burden on female employees and family members to seek and secure alternate coverage for contraceptive care—if such coverage could be found at all—and thereby interfere with their ability to effectively plan whether and when to have a child in accordance with their own religious and moral beliefs, health needs and family responsibilities.

Health policy experts and leaders

Press contact: Robert Snoddy, 202-637-6826, robert.snoddy@hoganlovells.com

This amicus brief, on behalf of health policy experts, addresses the “least restrictive means” portion of the legal analysis and argues that the proposed alternatives to the current accommodation would not be feasible and are not nearly as effective in furthering the government’s interests in public health and gender equality. These amici are health policy experts, and leaders in their field, who can speak to the numerous shortcomings of the Petitioners’ proposed alternatives.

Harvard Law School Center for Health Law and Policy Innovation and 26 other organizations

Press contact: Robert Greenwald, 617-390-2584, rgreenwa@law.harvard.edu

The brief warns that if the Court grants a contraceptive services exception, “[r]eligious employers will continue to ‘edit’ the mandated package of preventive services, and chip away at other coverage of these conditions.” The Center said it has already received reports of employers using religious objections to avoid covering HIV medications on the health plans they offer employees.

Twenty-six non-profit organizations signed onto the brief, including many health care access and HIV advocacy organizations. The signatories say this case is about more than just access to contraception. By creating a precedent that allows for a contraceptive services exception, the brief argues, the Court could create a scenario that motivates other religious employers to try to block no cost access to a broad range of preventive care services, including screening for HIV, HCV, and depression; substance abuse counseling; and vaccinations, such as flu shots. The brief also argues that a contraceptive services exception would prevent women from being able to control their fertility in the face of public health emergencies, such as the Zika virus epidemic.

AIDS Action Committee of Massachusetts, Inc.
AIDS Alabama
AIDS Foundation Chicago
AIDS Law Project of Pennsylvania
AIDS Project Los Angeles
AIDS Research Consortium of Atlanta
APLA Health & Wellness
Cascade AIDS Project
Community Catalyst, Inc.
Eastern Bank Corporation
The Empowerment Program

Latino Commission on AIDS and the Hispanic Health Network
Legacy Community Health
MassEquality
Minnesota AIDS Project
NO/AIDS Task Force
North Carolina AIDS Action Network
Positive Women’s Network – USA
Project Inform
SisterLove, Inc.
Southern AIDS Coalition
Southern HIV/AIDS Strategy Initiative at Duke University

Hepatitis Education Project
HIV Prevention Justice Alliance
John Snow, Inc.

School of Law
Rhode Island Public Health Institute
Urban Coalition for HIV/AIDS Prevention Services

Members of Congress, State Attorneys General, and Former Prosecutors

90 Members of the House of Representatives and 33 Senators

Press contact: Sen. Franken media@franken.senate.gov;

Rep. Nadler John.Doty@mail.house.gov

The Congressional brief, led by Congressman Jerrold Nadler (NY-10), Congresswoman Diana DeGette (CO-1), Congresswoman Louise Slaughter (NY-25), Senators Al Franken (D-Minn.), and Patty Murray (D-Wash.), argues that the religious accommodation challenged by Petitioners must be upheld in order to effectuate Congress's clear intent in enacting the ACA to advance public health and welfare and promote equality for women. The religious accommodation comports with RFRA, and Petitioners should not be permitted to use RFRA as a means of inhibiting women's access to cost-free contraceptive coverage.

State Attorneys General, filed by California and 16 other States and the District of Columbia

Press contact: 415-703-5837, agpressoffice@doj.ca.gov

California authored an amicus curiae brief in support of Sylvia Burwell, Secretary of the U.S. Department of Health and Human Services, et al, which was joined by 16 other States and the District of Columbia, urging the U.S. Supreme Court to protect women's access to contraceptive healthcare coverage under the federal government's Affordable Care Act (ACA). The multi-state amicus brief makes three main arguments: (1) courts must independently analyze whether a challenged law actually causes the "substantial burden" under the Religious Freedom and Restoration Act (RFRA); (2) applying RFRA's "least restrictive means" does not require the restructuring of a government program to the detriment of its purpose; and (3) a misinterpretation of RFRA would interfere with state objectives and prerogatives.

Former State Attorneys General, United States Department of Justice Officials, and Professors of Criminal Law

Press contact: Antoinette McGovern, 212-728-8404, amcgovern@willkie.com

This brief, filed on behalf of former State Attorneys General, United States Department of Justice Officials, and Professors of

Criminal Law, argues that the requirement that Petitioners submit an opt-out notice to invoke a religious exemption to the coverage requirement under the ACA does not substantially burden their religious exercise in violation of the Religious Freedom Restoration Act (RFRA). It further argues that, contrary to the flawed analogies drawn by certain of Petitioners’ Amici, the law of secondary criminal liability does not support Petitioners’ arguments that the notice requirement violates RFRA by making them “morally complicit” in the provision of contraceptive coverage. As former law enforcement officials and legal experts, Amici submit that Petitioners’ arguments reduce to an objection to providing truthful information in response to a routine governmental inquiry and that, if credited, those arguments would erode the proper functioning of government.

Congressman Robert Scott

Press contact: Kiara Pesante, 202-226-0853, kiara.pesante@mail.house.gov

Congressman Robert C. “Bobby” Scott, Ranking Member of the Education and the Workforce Committee, filed a brief in support of the Government, asserting that religious liberty and freedom should not abrogate the civil rights protections of workers. The brief discusses the legislative history and the legislative intent of the Religious Freedom and Restoration Act (RFRA) when it was first passed by Congress in 1993. At that time, it was repeatedly asserted that RFRA would not trump civil rights laws and would not be a tool for employers to subvert anti-discrimination laws. Further, the brief outlines that a ruling in favor of Petitioners in this case would be a certain violation of the separation of powers, as the Court would be putting itself in the shoes of the elected branches in reaching permissive accommodation.

International Law Perspective

Center for Reproductive Rights

Press contact: Gavin Broady, GBroady@reprorights.org

The brief was submitted on behalf of a group of foreign and international law experts: Prof. Lawrence Gostin, Prof. Bernard Dickens, Prof. Erika George, Prof. Johanna Bond, Prof. Fionnuala Ní Aoláin, and Prof. Noah Novogrodsky. Urging the Court to look to foreign and international law as persuasive authority, the experts explain just how far-reaching and unprecedented the petitioners’ claims are. As the brief lays out, under consistent foreign and international law and practice, would-be objectors must take steps to ensure that beneficiaries are not deprived of access to healthcare and cannot—as the petitioners seek to do—impose their religious beliefs on beneficiaries and veto their access to healthcare services.

Interplay with Other Constitutional Rights

American Humanist Association

Press contact: Maggie Ardiente, 202-238-9088, mardiente@americanhumanist.org

The specific aspect of humanism that is relevant here is its commitment to the separation of church and state and the reproductive rights of individuals.

Center for Inquiry and American Atheists

Press contact: Paul Fidalgo, 207-358-9785, press@centerforinquiry.net

Signing a paper to claim a religious exemption is not in itself a violation of one's religious liberty, argues the Center for Inquiry in a brief filed with the Supreme Court in the case of *Zubik v. Burwell*. Calling the lawsuit "ludicrous," CFI, joined in their brief by American Atheists, urges the court to stop the snowballing of religious privilege by rejecting the unconstitutional claims of employers attempting to impose their religious beliefs on the lives of their employees.

Already granted an exemption from having to provide contraceptive coverage as guaranteed by the Affordable Care Act, a group of religious nonprofits now claims that the mere act of requesting that exemption constitutes a violation of their religious liberty, making them somehow "complicit" in what they perceive to be a sin. Under the auspices of the Religious Freedom Restoration Act (RFRA), they effectively seek to ensure that their employees are denied any contraceptive coverage whatsoever.

Norman Dorsen, Aryeh Neier, John Shattuck, and Burt Neuborne

Press contact: Burt Neuborne, 212-998-6172, burt.neuborne@nyu.edu

Amici argue that the Religion Clauses should not be read by the Court as freestanding sources of law in tension with one another.² Rather, amici urge the Court to read the Establishment and Free Exercise Clauses robustly, as harmonious integrated expressions of the Founders' prescient understanding of the hydraulic capacity of the religious impulse to shape human behavior. Amici argue, as well, that the law's insistence, in the context of administering the Selective Service System, that sincere, religiously-motivated "noncooperators" register for the draft and provide the government with information needed to ascertain whether they qualify for conscientious objector status provides a useful model for the resolution of this dispute.