

***Trump v. Pennsylvania* Toolkit for Faith Communities**

INTRODUCTION

On Wednesday, May 6th, the Supreme Court will hear a case on federal regulations that allow employers and universities to invoke religious or moral beliefs to deny birth control coverage to employees and students. How this case is decided has the potential to impact millions of people's access to birth control. A bad ruling in this case could open the door for bosses and school administrators to further restrict coverage and access to the health care employees and students need. As people of faith committed to social justice, the dignity and worth of all, and the right to reproductive health care, we invite you to take action around this case. True religious freedom means letting people make their own health care decisions based on their conscience—free from employer or government interference.

DESCRIPTION OF THE CASE

In *Trump v. Pennsylvania*, the Supreme Court will decide whether to uphold Trump administration regulations which allow employers and universities to invoke religious or moral beliefs to withhold contraception coverage from employees and students without taking the simple step of stating their objection in writing, which would allow that coverage to be provided through other means.

Thanks to the birth control benefit of the Affordable Care Act (ACA), an estimated 62 million people have been able to access birth control coverage with no additional cost—meaning no co-pays, deductibles, or co-insurance. Challenges to this benefit have reached the Supreme Court twice before, but the court failed to resolve a 2016 case from religious employers, including colleges and universities (*Zubik v. Burwell*), instead instructing the parties to develop a solution that would respect the religious objections of the universities while ensuring that students and employees had coverage. Shortly after taking office in 2017, President Donald Trump issued regulations stating that universities and employers—including publicly traded for-profit companies—could invoke their religious or moral beliefs to withhold contraception coverage from students and employees without filling out the form for an accommodation. In *Trump v. Pennsylvania* (also known as *Little Sisters of the Poor v. Pennsylvania*), the states of Pennsylvania and New Jersey challenged those regulations which would, if allowed to take effect, (a) dramatically expand the existing religious exemption to the birth control benefit under the Affordable Care Act and (b) add a whole new exemption for institutions objecting on moral grounds. Should the court allow the Trump administration policy to stand, it would deny tens of thousands of people coverage for contraceptive care otherwise guaranteed by law. The court will hear oral arguments in the case by phone on May 6, 2020.

WHY PEOPLE OF FAITH AND FAITH COMMUNITIES SHOULD CARE

- Birth control is critical to people's health, equity, and economic security.
- The most vulnerable people in our society have the most at stake in this case. The people most impacted if this rule goes into effect will be low-wage workers and others struggling to make ends meet who already face barriers to care, like Black, Latinx, and Asian American and Pacific Islander people, undocumented people, and LGBTQ people.
- This case is part of a larger, strategic effort to use religious freedom as a cover for discrimination and restrictions on reproductive health care. Faith communities value religious freedom deeply, but this value must not be manipulated to defend discrimination or impose one set of religious beliefs on others.
- There is an [ongoing and long-standing history](#) of faith support for access to birth control. A majority of people of faith support this important coverage, including the Affordable Care Act's birth control benefit, because of—not in spite of—our religious beliefs. Our religious traditions share common values like justice, compassion, freedom, and care for others that guide our support.
- The regulations in question in this case would allow employers' and universities' religious and moral beliefs to override those of their employees and students. This impedes the ability of students and workers to make health care decisions based on their conscience and religious beliefs.

WHAT YOU CAN DO

- **Get Informed.** Many people simply do not know about this case or the effect it could have on access to health care. In addition to reading this toolkit and sharing it with your faith community, you can learn more about the [history of this case](#), read one of the two [amicus briefs](#) submitted by religious groups in this case, or find out how the case could [impact contraception coverage](#).
- **Speak Out.** There are a number of ways you can speak out around this case. Speak with your friends, colleagues, and local communities about the case. Share how your faith informs your perspective and your support for birth control. Share a story about why access to birth control is important to you. Use the talking points below to write an op-ed about this case for your local paper. Use the sample social media posts below to amplify your stories and perspectives on social media.
- **Break the Silence.** In many faith communities, there is silence around reproductive health care including access to birth control. This case presents a great opportunity to break that silence and the related silences around embodiment, sexuality, gender, and reproductive health. Share information about the case with members of your faith community. Start a community conversation about the case and the importance of access to birth control. If you're a religious leader, consider incorporating the case into your weekly message, a blog post, or newsletter article. Post about the case from your faith community's social media account.

- **Help Build the Movement.** Join the digital rally Tuesday, May 5th at 3pm ET ([RSVP here](#)). Connect with reproductive health clinics in your area. Support the work of organizations advocating at the intersection of reproductive health, religious freedom, and faith-rooted advocacy.

SAMPLE TALKING POINTS (Highlighted those most relevant in light of decision)

Contraception is essential health care and a moral good.

- Birth control is health care. Attacks on the birth control benefit jeopardize people's health and safety.
- Access to contraception, as guaranteed under the ACA's birth control benefit, is [a moral good](#). It protects people's health and well-being, builds strong families, and advances a more just and equitable world.
- A [majority of people of faith](#) support the birth control benefit and access to contraception. We advocated for the birth control benefit in the ACA, use birth control ourselves, and—based on our religious traditions—believe it is a moral choice made in good conscience.
- For nearly a century, people of faith have been outspoken supporters of access to contraception as a means of protecting public health and promoting the common good .
- Particularly in the midst of a pandemic, our government should be protecting America's workers and students, not putting their health at risk and calling it religious freedom.

Access to birth control is a matter of social and economic justice.

- Everyone deserves access to birth control, no matter where they work or go to school. My religious tradition teaches me that access to birth control is a matter of human rights and basic human dignity.
- Restricting access will have devastating consequences for women, especially low income women. Reducing health care options for some based on their income or where they work is profoundly unjust.

Religious freedom does not give anyone the right to impose their religious beliefs on others.

- True religious freedom means letting people make their own health care decisions based on their conscience and free from employer or government interference.
- Many people's use of contraception is informed by their religious beliefs. Denying employees access to contraception is a violation of *their* religious freedom, privileging employers' religious views over their employees.
- Religious freedom does not give us the right to impose our religious beliefs on others or to obstruct or coerce the exercise of another's conscience.
- As a society, we must guard against any attempt to expand religious exemptions so far that they have the effect of harming others.

Employers have no right to interfere with the personal health care decisions of their employees.

- Protecting employees from employer or government interference in their health care corresponds to our religious values of care for the vulnerable and support for the well-being of communities.
- Employers should not impede their employees' access to reproductive health care or play a determinative role in their personal reproductive decisions.
- As a person of faith, I value every person as a moral decision-maker. Everyone has the capacity, right, and responsibility to make personal decisions about their reproductive lives—guided by their own conscience, personal circumstances, and the dictates of their own faith and beliefs. Everyone should be given the moral agency to decide for themselves, based on their own beliefs, whether and when to use birth control.

SAMPLE SOCIAL MEDIA POSTS (Highlighted those most relevant in light of decision)

My faith teaches that no matter where you work or go to school, everyone deserves access to birth control coverage. #HandsOffMyBC

As a person of faith, I believe students and employees deserve the right to make health care decisions based on their own conscience and religious beliefs—not on those of their employer or university. #HandsOffMyBC

#ReligiousFreedomIs letting people make their own health care decisions based on their own conscience—free from employer or government interference. #HandsOffMyBC

Faith communities have long been outspoken supporters of access to contraception. A majority of people of faith in the U.S. support birth control coverage, including the Affordable Care Act's birth control benefit, because of—not in spite of—our religious beliefs. #HandsOffMyBC

With access to preventative care limited and those living with abusive partners forced to shelter-in-place, COVID-19 has highlighted just how critical access to birth control is to true moral autonomy and agency. #HandsOffMyBC

Many people use birth control informed by their religious beliefs. Denying employees access to contraception is a violation of *their* religious freedom. #HandsOffMyBC

My faith teaches me that everyone has the capacity, right, and responsibility to make personal decisions about their reproductive lives—guided by their own conscience, personal circumstances, and the dictates of their own faith and beliefs. #HandsOffMyBC

As a person of faith, I believe access to contraception, as guaranteed under the ACA's birth control benefit, is a moral good. It protects people's health and well-being, builds strong families, and advances a more just and equitable world. #HandsOffMyBC