Women Speak FOR THEMSELVES

THEMES FOR SPEAKING AND WRITING ABOUT *HOBBY LOBBY* AND *CONESTOGA WOODS* CASES BEFORE THE SUPREME COURT

1. **ONLY P.C. CONSCIENCES GET RESPECT**:
   In its legal argument, the federal government refuses to acknowledge that corporations can have a conscience… sometimes. It's ok in their view if corporations want to refuse to sell tobacco, or they want to promote environmental conservation or fair trade. (**See** http://www.usatoday.com/story/theoval/2014/02/05/obama-cvs-caremark-cigarette-tobacco-ban/5220941/).

   It's *not* ok if religious actors want to refuse to cooperate with the trivialization of sex or the destruction of human beings in their embryonic stage, by refusing to go along with the HHS Mandate. (***See*** HHS' Brief in Hobby Lobby, at http://sblog.s3.amazonaws.com/wp-content/uploads/2014/01/01.12.14_brief_for_petitioners_doj.pdf, pp. 15-23)

   2. **UNCLE SAM WILL TELL YOU WHETHER YOU'VE SINNED OR NOT**:
   In its legal argument, the government insists on having the last word on whether anything it commands religious actors to do is a "burden" on the Free Exercise of religion. They have asked the Supreme Court to find that the Mandate does not burden Free Exercise because the **government doesn't believe** it's asking religious actors to do anything bad, and because the religious actors aren't forced to swallow contraceptives and abortifacients **themselves**. If the religious actors believe that facilitating abortifacients or contraceptives in health insurance is wrong, this is too "attenuated" and therefore irrelevant. (***See*** HHS' Brief in Hobby Lobby, at http://sblog.s3.amazonaws.com/wp-content/uploads/2014/01/01.12.14_brief_for_petitioners_doj.pdf, 26-31.)

3. **THE FEDERAL GOVERNMENT WOULD RATHER SPEND MILLIONS OF DOLLARS FORCING RELIGIOUS ACTORS TO KNUCKLE UNDER, THAN USE THE SAME MONEY TO GIVE OUT FREE CONTRACEPTION AND ABORTIFACIENTS:**
   The federal government is so obsessed with forcing religious actors to facilitate contraception and ECs, that—with the money it could easily have

used to provide free contraception to any woman in America—it is fighting 93 lawsuits and 300 religious plaintiffs to force religious people to provide it instead. (***See*** http://www.becketfund.org/hhsinformationcentral/).

4. **HHS IS "RELYING ON" BIASED AND IRRELEVANT AND INCONCLUSIVE "SCIENTIFIC" EVIDENCE TO FORCE ITS IDEOLOGY ONTO PRIVATE INDIVIDUALS AND BUSINESSES**
   The "scientific" report on which HHS completely relies—about contraception and early abortifacients as "preventive health care for women"—is embarrassingly shoddy. It was produced by a panel largely staffed with Planned Parenthood board members and contributors; it makes big, general causal claims without data to back them up; and it completely overlooks significant scientific evidence about the physical, emotional and social risks to women of strenuous campaigns promoting contraception and early abortifacients. (***See*** *Amicus* Brief of Women Speak for Themselves at http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/briefs-v3/13-354-13-356_amcu_wst.authcheckdam.pdf, and article "No Compelling Interest" at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2272821).

5. **REMEMBER, THIS IS THE SAME GOVERNMENT THAT ARGUED (UNSUCCESSFULLY) TO THE SUPREME COURT THAT RELIGIONS *DON'T HAVE THE RIGHT TO CHOOSE THEIR OWN MINISTERS***
   In the *Hosanna Tabor* case, by a vote of 9-0, the Supreme Court called "remarkable" this administration's argument that the Constitution provided no special protection for religion's freedom to hire and fire their own ministers. This same lack of respect—for history, for our Free Exercise rights, and for the important roles religion plays in society—is apparent in the Hobby Lobby and Conestoga Wood cases. (***See*** *Hosanna Tabor* at http://www2.bloomberglaw.com/public/desktop/document/HosannaTabor_Evangelical_Lutheran_Church__Sch_v_EEOC_No_10553_201).

6. **IF FOR-PROFIT COMPANIES (*AND* THEIR OWNERS) HAVE NO CONSCIENCE RIGHTS, THEN ONLY ANTI OR IRRELIGIOUS COMPANIES CAN REALLY SET UP AND THRIVE IN AMERICA:**
   The federal government is arguing that neither for-profit corporations, nor even the individuals running them, have any constitutionally-recognized Free Exercise rights. In other words, if you want your religious freedom protected, don't try to grow your business or take advantage of the benefits of incorporation. (See source cited for #1 above).

7. **A MAJORITY OF AMERICAN WOMEN OPPOSE THE HHS MANDATE:**
   Stunningly, advocates of the Mandate continue to argue that its opponents are waging a "war on women." But the majority of women oppose the Mandate! (***See*** polls at http://downloads.frc.org/EF/EF13K71.pdf, and http://www.rasmussenreports.com/public_content/politics/current_events

/healthcare/december_2013/51_oppose_health_law_s_contraceptive_mandate).

8. **THE FEDERAL GOVERNEMENT IS SENDING THE MESSAGE THAT CASUAL SEX IS THE NORM AND FREE CONTRACEPTION IS THE ANSWER TO THE PROBLEMS THIS CREATES. BUT THIS IS HOW WE GOT TO WHERE WE ARE TODAY – HIGH ABORTION AND "UNINTENDED PREGNANCY" RATES ARE THE PRODUCT IN LARGE PART OF THE SEPARATION OF SEX FROM CHILDREN, FROM MARRIAGE, EVEN FROM ANY KIND OF COMMITMENT:** The way the federal government has promoted the mandate—its messages and its spokespeople—give the deliberate impression that it's cool, it's realistic, and it's very pro-women, to endorse sex without commitment…so long as contraception and abortion are freely available to "manage" the outcomes. (See http://www.creativeminorityreport.com/2012/09/obama-suggests-postcard-asking-mom-for.html; and https://www.weeklystandard.com/blogs/obama-campaign-website-vote-your-lady-parts-depend-it_653393.html; and http://www.youtube.com/watch?v=rHADDMRKfM0; and http://www.youtube.com/watch?v=o6G3nwhPuR4

   But research indicates that women suffer more when casual sex is the norm. http://www.youtube.com/watch?v=cO1ifNaNABY, and abortion rates and unintended pregnancy rates, as well as rates of STDs, go up, not down. http://qje.oxfordjournals.org/content/111/2/277.abstract.

9. **WHAT A WAR ON WOMEN LOOKS LIKE: PROMOTING POWERFUL, LONG ACTING CONTRACEPTIVES (LARCs) WHICH POSE KNOWN RISKS TO WOMEN'S HEALTH, ALONGSIDE THE IDEA THAT BABIES ARE A HINDRANCE TO WOMEN'S SOCIAL AND ECONOMIC SUCCESS:** HHS' Supreme Court brief acknowledges the link between hormonal drugs – which are part of most LARCs – and women's heart attacks, strokes and blood clots. They failed to mention cancer, or increased rates of HIV transmission, in the case of some hormonal birth control. They also failed to mention that LARCs are traditionally more "encouraged" and more used among the poor and among minority women, by government programs and demonstration projects. They also failed to mention that sometimes LARCs are associated with increased rates of sexually transmitted infections. In sum, LARCs as a governmental preference are loaded with moral hazards. But HHS argues that birth control generally, and LARCs specifically, are a way to assure women's equality with men, and freedom, in the social and economic sphere. This is a harmful and reductionistic look at women and their real needs, and pretty much ensures that government will continue to get away with giving women more "opportunities" to be childless than giving them opportunities to succeed on their OWN terms if they become mothers. (***See*** Women Speak for Themselves brief, Section IV, cited at #4 above).

10. **RELIGION WAGING A WAR ON WOMEN? WARS ARE ENDED, NOT BEGUN, BY RECOGNIZING RELIGIOUS FREEDOM, ESPECIALLY GIVEN THAT WOMEN PRACTICE RELIGION MORE THAN MEN**. (**See**, http://www.hoover.org/publications/defining-ideas/article/168086; and http://religions.pewforum.org/pdf/report2religious-landscape-study-chapter-1.pdf).