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Brief for Amici Curiae Church-State Scholars in Support of Respondents in *Zubik v. Burwell*

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Brief for Amici Curiae Church-State Scholars in Support of Respondents, in *Zubik v. Burwell*

By
Elizabeth Boylan
February 16, 2016

[Access a .pdf of the full Amicus Brief, here](#)

The Law, Rights, and Religion Project assisted the Counsel for Church-State Scholars in the preparation of an amicus brief submitted in the Supreme Court of the United States case of *David A. Zubik, et al., v. Sylvia Burwell, et al.*

An excerpt from the brief follows: "For several years, Congress, the Administration, and the courts have struggled with how to accommodate religious objections to the requirement of contraceptive coverage in the Affordable Care Act (the "Mandate") while also ensuring that women retain the full access to contraceptive services the Act guarantees them. In all phases of the litigation, the courts have recognized that religious accommodation cannot come at the expense of women's access to contraception, although the courts have not always been clear about why this is so. Amici submit that the parties and the courts have overlooked or underemphasized a critical reason for this limitation on religious accommodation: the Establishment Clause prohibits the government from shifting the costs of accommodating a religion from those who practice it to those who do not. Shifting burdens in this way improperly imposes one person's faith on another, in violation of the government's obligation to be evenhanded in the face of religious differences among citizens."