

We need to take a moment here and understand what is happening in America. When President Obama stood with women by drawing a bright line between the narrow exemption that covers employees of houses of worship, such as churches, synagogues, or mosques themselves and religiously-connected or associated schools, universities, hospitals and other corporations, California NOW stated that we should celebrate, but to brace for the corporate lobbying effort of the National conference of Catholic Bishops.

It is clear that the Catholic Bishops are in full assault against President Obama and more importantly the United States Constitution through an effort that seeks to legitimize discrimination against women and anyone else a religious corporation finds morally or religiously objectionable.

The Catholic Bishops and other religious corporatist claim that the constitution does not protect the religious liberty of employees or consumers served by religiously affiliated corporations. That the First Amendment solely applies to religious corporations' rights to free exercise of religion. According to the Catholic Bishops and radical Evangelicals, religious freedom means the freedom to discriminate and among other things deny millions of women access to birth control. And if they get their way - religious freedom will mean the freedom to discriminate by denying pregnant women life-saving medical care.

There are three problems with how corporations and most of us are treated in this country:

- 1) corporations are treated as people,
- 2) people are not treated equally, some are more equal than others, and
- 3) corporations are routinely granted superior or greater rights, by the courts than human beings.

Corporations are treated, by the courts, as people having rights and now a conscious. We also know that the courts have found that a religiously affiliated corporate employer also has religious liberty. Creating this fiction would not be so dangerous for human beings and non-religiously affiliated corporations if the courts valued all human beings and corporations equally, but as we've seen time and time again the court consistently finds religiously affiliated corporations having rights that trump individual employees' and individual consumers' religious liberty.

Religiously affiliated corporations have been granted rights that no other corporation - no other individual possesses, the right to discriminate and deny anyone services or benefits that the religiously affiliated corporation finds objectionable. This extraordinary exemption from anti-discrimination laws extends into whatever commercial corporate service a church decides to go into next - hospitals, schools, universities, nursing homes, housing, health insurance, you name it.

We are witnessing a new Jim Crow era, targeted at women, the LGBT community, and anyone else, including race and ethnicity, no one is protected from religious bigotry. We should have never forgotten that Jim Crow segregation laws were justified on religious and moral grounds. Although race segregation in its most vicious form maybe gone from non-religiously affiliated corporations, however, the remnants and its justification are alive and well in religiously affiliated corporations. Today Jane Crow remains the law of the land, where religiously affiliated corporations cannot be coerced into

participating in actions they find objectionable, such as providing life-saving medical care to a pregnant woman or following an individual's end of life directives. This fundamental disrespect for the rights of every human being - especially the rights of women, when in the hands of government leads to what is happening in Virginia - state mandated raping of women who exercise their constitutional right to abortion.

As Jon O'Brien, president of Catholics for Choice, said, "Rather than securing religious liberty for all, they seek special treatment for themselves. ... Religious liberty includes the freedom of conscience for everyone, including women who use contraception and family planning. Women must not be stymied in their family-planning choices by the beliefs of their employer or the hierarchy of any given tradition or faith."

In direct contradiction, as Kathleen Sebelius takes pains to point out, one-sided conscience clause laws remain in full effect. Although our government states that it "is committed to its mission of expanding patient access to necessary health care services. Americans can enjoy healthier, happier, and more productive lives through access to, and appropriate utilization of, all of the life-saving and life-improving procedures and services produced by medical innovation" For women, our government, for now, accepts certain religious beliefs as a justifications for denial of life-saving and life-improving procedure.

Allowing religiously affiliated hospitals to provide substandard care is justified by a "concern about the development of an environment in sectors of the health care field that is intolerant of individual objections to abortion or other individual religious beliefs or moral convictions. Such developments may discourage individuals from entering health care professions. Such developments also promote the mistaken belief that rights of conscience and self-determination extend to all persons, except health care providers. Additionally, religious and faith-based organizations have a long tradition of providing medical care in the United States, and they continue to do so today--some of these are amongst the largest providers of health care in this nation. "

Before our eyes the worst kind of intellectual bait and switch is occurring where "health care provider" the individual nurse or doctor is conflated into health care provider the corporation. The corporation's alleged right to religious freedom, the corporation's conscious is in direct conflict with individual human beings' right to religious freedom. Today we live in a country that allows religious corporation's rights to trump individual rights to religious freedom. As we can see from the case below, religiously affiliated corporations can now discriminate against their employees because they're now exempt from anti-discrimination laws by simply claiming the employee is a minister.

In *Hosanna-Tabor Church v. Equal Employment Opportunity Commission*, No. 10-553, a teacher at a school in Redford, Mich., that was part of the Lutheran Church-Missouri Synod, the second-largest Lutheran denomination in the United States, was found not to be covered by this nation's anti-discrimination laws. Ms. Perich, a called teacher said she was fired for pursuing an employment discrimination claim based on a disability, narcolepsy. Ms. Perich had taught mostly secular subjects but also taught religion classes and attended chapel with her class. "It is true that her religious duties consumed only 45 minutes of each workday," Chief Justice Roberts wrote, "and that the rest of her day

was devoted to teaching secular subjects.” “The issue before us, however, is not one that can be resolved with a stopwatch,” he wrote.

Perich, as a called teacher was a minister for purposes of the exception, so her employment was covered by the ministerial exemption that prevents the government from interfering in the selection of the churches own ministers. The Court held that the exception ensures that the authority to select and control who will minister to the faithful is the church's alone.

For the Court, the First Amendment's Establishment Clause prevents the government from appointing ministers, and the Free Exercise Clause prevents the government from interfering with the freedom of religious groups to select their own. The issue for all of us is the definition of minister. For the Court, the definition of minister is not limited to the head of a religious congregation. The Court did not state a test to apply, but simply pointed to ways in which a religious employer could name virtually any employee a minister by conferring that title upon them.

Justice Thomas in his own concurrence: "As the Court explains, the Religion Clauses guarantee religious organizations autonomy in matters of internal governance, including the selection of those who will minister the faith. A religious organization's right to choose its ministers would be hollow, however, if secular courts could second-guess the organization's sincere determination that a given employee is a "minister" under the organization's theological tenets. Our country's religious landscape includes organizations with different leadership structures and doctrines that influence their conceptions of ministerial status. The question whether an employee is a minister is itself religious in nature, and the answer will vary widely. Judicial attempts to fashion a civil definition of "minister" through a bright-line test or multi-factor analysis risk disadvantaging those religious groups whose beliefs, practices, and membership are outside of the "mainstream" or unpalatable to some. "

Justices Kagan and Alito, wrote in their concurrence, the First Amendment protects the freedom of religious groups to engage in certain key religious activities, including the conducting of worship services and other religious ceremonies and rituals, as well as the critical process of communicating the faith. Accordingly, religious groups must be free to choose the personnel who are essential to the performance of these functions. ... the 'ministerial' exception should be tailored to this purpose. It should apply to any 'employee' who leads a religious organization, conducts worship services or important religious ceremonies or rituals, **or serves as a messenger or teacher of its faith. (emphasis added).**"

The reason this case is so important is that a unanimous Supreme Court stated that the First Amendment allows churches and religiously affiliated corporations, such as schools, hospitals and universities to be exempt from anti-discrimination laws. Affording private religious institutions such a broad exemption from anti-discrimination laws in all types of corporations and employment categories is bad enough for the individuals employed at these corporations, but simultaneously allowing discriminatory religious corporations to receive taxpayer funding is absurd.

This case is the basis for the Catholic Bishops and radical Evangelicals' claims that the Obama administration is violating their "religious liberty" by compelling the coverage of contraceptives in health

insurance policies. The "religious exemption" right now is limited to religious organizations that employ and serve only their own congregants. The argument being made is to expand the exemption to include all religiously affiliated corporations because the "ministry" of the church is served by the religiously affiliated corporation and is therefore protected by the first amendment.

It is bad enough that the separation of church and state has been virtually obliterated with the funneling of millions of taxpayer dollars to religiously affiliated organizations, but to do so, when those institutions are exempt from anti-discrimination laws is an outrage. This Alice In Wonderland world is made more dangerous with the U.S. House of Representatives' sponsored legislation that allows religiously affiliated hospitals to walk away from a dying pregnant woman by refusing to give her aid or send her to a hospital where aid awaits, or ignore end of life decisions of a terminally ill patient based on the religious corporation's conscious. While the religiously affiliated corporation is watching as pregnant women die and terminally ill patients suffer, taxpayer money flows like rain during monsoon season. The flow of taxpayer funding cannot be stopped at the state level because these same legislators claim state's would be "discriminating" against these religiously affiliated institutions by protecting women, gays, lesbians or the terminally ill's rights to religious liberty or equal protection.

That's right , you read it right - the same institutions that are exempt from anti-discrimination laws are seeking to use those laws to prevent the human beings who they discriminate against from protecting themselves. Right now the Senate Majority is the only institution that stands in the way of the Catholic Bishops and radical evangelicals - they're spending millions to remove this barrier.

Our system is broken, fundamentally flawed, and as singer Ani DiFranco so aptly states, we need an amendment....

"We gotta put down abortion. Put it down in the books for good as central to the civil rights of women. Make diversity legal. Make it finally understood through the civil rights of women .."

Our constitution doesn't have a declaration of human rights. Our Constitution should state: All human beings are born free and equal in dignity and rights and must enjoy the equal protection of the law against discrimination based on race, color, sexuality, sex or gender, age, ethnicity, disability, language, religion, immigration status, national or social origin, or other status.

Because people do not have human rights under our constitution, we do not have a right to education, healthcare, or even dignity. Churches are constitutionally protected in this country but when those rights are enforced through the lens of dominance, as this Court now routinely does, we are but a breath away from theocracy with the full weight and force of the law protecting "religious" corporations' right to discriminate against their employees and patrons while receiving guaranteed government funding while doing so. When the law allows a religious institution to legally provide substandard care to their patients, we are all affected. That injustice not only affects the patient but her family, the community she lives in and our society.

Women, individually and collectively must participate in both direct action and voting and by that I mean getting up out of your chair and into the street. And we have to vote. In every single election,

not just every four years. We must change this country - its laws - so all women matter, because our destiny is in our hands. It's time we take control of it!