

TESTIMONY OF ALICIA WILSON BAKER
BEFORE THE COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
HEARING ON THE NOMINATION OF BRETT KAVANAUGH TO
BE AN ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT
September 7, 2018

My name is Alicia Wilson Baker. I am a pro-life Christian and an ordained minister from Indiana. I am honored to be invited here today to share with the Committee my story about being denied insurance coverage of birth control and to express my concerns about the nomination of Judge Brett Kavanaugh to the United States Supreme Court. I believe that now more than ever it is essential for those in public office to hear the voices of ordinary people like me, and I am grateful for this opportunity. I testify today not just for myself, but for the countless others whose health and ability to make personal decisions are at stake with this nomination, and who do not have the same opportunity to have their voices heard.

I. I am a Pro-Life Christian Who Strongly Believes that for People Who Decide to Use it, Birth Control is Critical to Living Our Fullest Lives.

I grew up in a devout evangelical Christian family in California. My parents were leaders in our church congregation, and I was also deeply involved with my church from a young age. My childhood was filled with happy memories of attending Sunday School and Christian primary and secondary schools, going on mission trips, and serving in our local community. My parents are amazing people who taught my sister and me to put our faith into action at a very young age. They demonstrated their love for Christ through loving others, and they encouraged us to do the same.

One such way that my parents demonstrated their passion and commitment to putting faith in action was by serving others together as a family. I went on my first mission trip when I was 5 years old. Our church was a “sister church” with a church in Mexico that we visited at least once a year. During those trips, we worked alongside the local church to serve their community. My eyes were opened to the reality that not every child has the same privileges I had. I loved meeting and learning from people who were different than me—a passion that propelled me forward as I grew older.

In 2015, I graduated with a master's degree from Fuller Theological Seminary. In May 2018, after a 6-year-long process, I was ordained as a minister in the Free Methodist Church. I decided to attend seminary and become ordained because I recognized that I had the passion to serve others but not necessarily the tools and education to do it well. Seminary and the ordination process have allowed me to grow in my relationship with Christ, my understanding of my calling as a Christian, and my understanding of the world we are called to love and serve.

My faith and relationship with Jesus is the foundation of who I am. Everything I do, every interaction with others, every decision I make; it's all rooted in what I believe. I work to create a world of justice and love according to the teachings of Jesus. Without my faith, I am not the same.

Because of my faith, I am called to "act justly, love mercy, and walk humbly with God." (Micah 6:8). My faith calls me to love God and love others without exception. (Matthew 22:37-40). At the end of my life, I hope I will have accomplished that well. To live the principle of faith in action instilled in me by my parents, I currently work at a neighborhood center in urban Indianapolis, where I collaborate with local agencies and neighbors to improve the quality of life in our community. I believe that if we are all able to become more loving, more compassionate, and more aware of others, and if we are able to learn from each other instead of being afraid of one another as we grow in our relationship with Christ, then we will all be stronger.

Jesus directs us to advocate for a just society that allows people to live their lives to the fullest. In John 10:10, Jesus says, "I have come that you might have life, and have it to the full." In this passage, Jesus is not referring merely to personal salvation; He also intends for us to seek justice for the poor and the oppressed here on Earth. One such way of accomplishing this is by supporting policies to assist mothers, single parents, and low-income families both before and after babies are born. And this means supporting access to affordable birth control, because by permitting individuals to plan if, whether, and when to become pregnant, birth control allows us to live our fullest lives.

II. I Was Denied Insurance Coverage of Birth Control Because of My Insurance Company's Religious Beliefs.

In 2015, I moved to Indiana to start my dream job doing international development work for a church-affiliated organization in Indianapolis.

Spring 2016 was one of the happiest and most exciting times of my life. I was about six months into my new job, and I was engaged to be married to my best friend, Josh. Like me, Josh is a Christian and steadfast in his convictions. Josh and I bonded over the importance of faith in our lives. For both of us, faith is so much more than just a belief system; faith is a verb: it is about how we live our lives. We love being able to serve together and consider it an honor to be able to walk on our faith journey together.

Josh and I had both separately decided to abstain from sex until marriage. As our wedding approached, we began to prepare for the consummation of our marriage. We did not feel we were ready to have children immediately after getting married; instead, we wanted to prioritize buying a home and paying off our hefty student loan debt on our limited budget. So, I began to research birth control options.

I researched the Affordable Care Act's birth control benefit and learned that it requires health plans to cover the full range of FDA-approved birth control methods without any out-of-pocket costs to the individual.

I had taken birth control in the past for medical reasons, and I knew that my body responded negatively to hormonal birth control. So I researched the various birth control methods and decided that the non-hormonal IUD was right for me. It is a safe, highly effective, and reversible birth control option.

I reviewed the insurance coverage I had through GuideStone Financial Resources. The plan document said it would cover contraceptives. So, I had the IUD inserted a few months prior to my wedding, to allow my body to become accustomed to it.

I was shocked when, a few weeks before my wedding, I received an explanation of benefits in the mail telling me that my IUD was not covered by my insurance, and that I would have to pay \$1,200 out of pocket. I was charged for the IUD, for the insertion of the IUD, and for the mandatory pregnancy test that is required prior to IUD insertion. Guidestone pointed to an exception in the plan document specifying that "GuideStone does not provide coverage for abortions or abortion-causing drugs, as this violates our Biblical convictions on sanctity of life." But an IUD is a form of birth control that prevents pregnancy; it does not terminate pregnancy.

In all my studies, I have yet to find a scripture or evangelical doctrine that says that contraceptives are against God's will. My husband and I believe that nothing in Christianity opposes use of birth control. We were making prudent and responsible decisions for our family. But our beliefs and our decisions were overridden by the religious beliefs of an insurance company.

For the days leading up to my wedding and for months thereafter, I was busy fighting with my insurance company. The anxiety was overwhelming. This bill was a huge strain on our strapped budget, at a time when we were just starting our new life together.

I sent appeal after appeal to my insurer. I explained to GuideStone that their refusal to cover this FDA-approved form of contraception puts ordinary women's well-being on the line. My doctor wrote an appeal to my insurer, explaining that my IUD was a "necessary, preventative treatment." I raised the issue with the human resources department at my church-affiliated employer, which was surprised by the insurance company's denial and supportive of my efforts, but ultimately unable to help.

In the end Josh and I were forced to figure out a way to pay the bill, since we did not want it to get sent to collections. To cover the cost, we paid less towards our student loans for a few months, and we used some of the money we had set aside for a down payment.

The experience was as frustrating as it was emotionally taxing. I felt like I had done everything “right.” I waited to have sex until marriage, and I was proactive about getting birth control before my wedding date. But I still felt like I was being punished for attempting to be responsible and waiting to have children until Josh and I were financially secure.

I know that I am fortunate. Even though it was a financial hardship, I ultimately could pay that \$1200 bill. But many people cannot. For many, \$1200 would mean having to choose between getting the health care they need and having food on the table. It could mean losing the ability to protect their bodies and determine their own futures.

These concerns are not just hypothetical. Studies show that cost is a major determinant of whether people obtain the health care they need across the income spectrum, but particularly for people with lower incomes.ⁱ When finances are scarce, people stop using birth control altogether, use it improperly or inconsistently, or use methods that are medically inappropriate or less effective.ⁱⁱ As a result, those people may be denied the many benefits of birth control for their health, self-determination, economic security, and equality. For those who already face increased obstacles to health care, including people of color, LGBT people, young people, and people with lower incomes, a \$1200 bill would only exacerbate existing disparities.

III. Judge Kavanaugh’s Confirmation Will Make It Harder for Individuals and Families to Access Birth Control.

I share my story today because the nomination of Judge Kavanaugh jeopardizes access to affordable birth control for countless individuals nationwide.

Judge Kavanaugh has shown his willingness to prioritize the religious beliefs of employers, universities, and insurance companies over the beliefs and personal decisions of individuals. In 2015, Judge Kavanaugh split with other judges on his court and wrote a dissenting opinion in the case *Priests for Life* that would have allowed employers and universities to use religion to deny birth control coverage to individuals.ⁱⁱⁱ His reasoning showed that he thinks courts must give nearly unrestricted deference to organizations’ claims that they do not have to follow a law because it “substantially burdens” religion. And he even refused to say whether he thinks there is a compelling government interest in ensuring women’s access to contraception.

His refusal to affirm that interest is especially troubling given that these issues are in the courts right now. For example, there are multiple court challenges to Trump Administration rules allowing nearly any employer or university to deny birth control coverage for religious or moral

reasons. The Supreme Court could hear those cases—or others about birth control access—in the near future.

Based on his opinion in *Priests for Life*, I am concerned that Judge Kavanaugh on the U.S. Supreme Court would allow religion to override not only access to birth control, but other patient health care. And the reasoning he put forward would not have to stop with health care. His reasoning could allow some to claim “religious freedom” not as a way to protect religion but as a way to discriminate. As a Christian, I worry about this incredibly broad interpretation of “religious freedom.” I worry what this means for real people, for the communities I work with every day.

I have experienced firsthand what it is like to struggle to afford birth control when someone else’s religious beliefs deny it to you. My faith dictates that I must speak out on behalf of the millions of women who stand to lose access to affordable birth control if Judge Kavanaugh is confirmed. Proverbs 31:8-9 says: “Speak out for those who cannot speak, for the rights of all the destitute. Speak out, judge righteously, defend the rights of the poor and needy.”

As a person of deep faith, I would never impose my religious beliefs on anyone—and no one else should either. My religious beliefs are separate from the law. Judge Kavanaugh’s record shows he does not respect this critical separation.

As a Christian and a woman, I urge this Committee and this Senate to weigh heavily the detrimental impact that confirmation of Judge Kavanaugh would have on the health and well-being of ordinary individuals and families, particularly those who already face oppression and discrimination in our society. I urge this Committee to block the nomination of Brett Kavanaugh to the Supreme Court of the United States.

ⁱ Adam Sonfield, *The Case for Insurance Coverage of Contraceptive Services and Supplies Without Cost-Sharing*, 14 *Guttmacher Pol’y Rev.* 7, 10 (2011), https://www.guttmacher.org/sites/default/files/article_files/gpr140107.pdf; Inst. of Medicine, *Clinical Preventive Services for Women: Closing the Gaps* 109 (2011).

ⁱⁱ Guttmacher Inst., *A Real-Time Look at the Impact of the Recession on Women’s Family Planning and Pregnancy Decisions* 5 (2009), https://www.guttmacher.org/sites/default/files/report_pdf/recessionfp_1.pdf; Debbie Postlethwaite et al., *A Comparison of Contraceptive Procurement Pre- and Post-Benefit Change*, 76 *Contraception* 360, 360, 363 (2007) (finding decrease in out-of-pocket costs of contraception increased use of more effective methods); *Insurance Coverage of Contraception*, Guttmacher Inst. (Dec. 2016), <https://www.guttmacher.org/evidence-you-can-use/insurance-coveragecontraception>.

ⁱⁱⁱ *Priests for Life v. U.S. Dep’t of Health & Human Servs.*, 808 F.3d 1, 14 (D.C. Cir. 2015) (Kavanaugh, J., dissenting).