Religious Freedom and *Burwell v. Hobby Lobby*

The *Hobby Lobby* Case Was Wrongly Decided

- *Hobby Lobby* was wrongly decided. The Court radically redefined religious freedom – allowing it to be used as a weapon to take away other people’s rights – when it permitted a for-profit corporation to deny employees access to critical healthcare services in the name of religion.

- The right to religious freedom ends when it harms someone else. The Supreme Court ignored this principle when it allowed Hobby Lobby and Conestoga Wood to ignore the law, even though it would cause irreparable harm to countless women who now have no coverage for contraception.

- Religious freedom has always been seen as a shield to protect religious belief and not a sword to be used to discriminate against or deny others medical care or other rights. In *Hobby Lobby*, however, the Supreme Court allowed corporations to invoke religion to strip their workers of medical care guaranteed by federal law.

- The law and the courts should never allow business owners to deny another person access to critical health services because of their religious beliefs, or otherwise discriminate against a person because they believe their religion demands it. Yet the Supreme Court in *Hobby Lobby* allowed corporations to use their owners’ religion to discriminate against women who want access to particular medical services.

Why We Support the “Not My Boss’ Business” Act

- Passage of the “Not My Boss’ Business Act” would be a significant step toward overturning the immediate effects of *Hobby Lobby*. The legislation would ensure employees access to important healthcare services guaranteed under federal law, and make clear that employers cannot use their religious beliefs as a basis to deny coverage. If passed, the bill would restore employee access to birth control coverage under the Affordable Care Act to what it was before the *Hobby Lobby* decision.

- The “Not My Boss’ Business” Act would protect true religious liberty by making sure that an employer cannot deny its employees health insurance coverage in the name of religion.

- Workers should have access to the health care they need no matter where they work. Workers shouldn’t be penalized because they need health care services that their employers’ religion would not allow.

- Business owners deserve the right to make moral and medical decisions for themselves—but not for their employees. The “Not My Boss’ Business Act” would make sure that each employee has the ability to freely make choices, based on their own consciences, and in consultation with their own physicians.
Some Will Try to Extend *Hobby Lobby* to Other Medical Services and Employee Protections

- It might not end with birth control: What other insurance coverage could employers try to take away next? Bosses might try to use their religious beliefs to deny coverage for blood transfusions, vaccinations, psychiatric services, HIV medication, or gelatin-covered pills.

- Bosses could also try to expand *Hobby Lobby* to deny medical leave, pay women less than men, or prevent workers from unionizing—all in the name of religion.

- Workers have the right to express their own beliefs, and make their own medical decisions, without interference from a boss. There should be no fear of reprisal, no threat of penalization, and no unequal treatment on the basis of sex.

- It is not yet clear how far reaching the *Hobby Lobby* opinion is and how it could affect other religious freedom issues. We are already seeing the Religious Right try to interpret the *Hobby Lobby* decision to put other rights at risk.

Some May Try to Misinterpret *Hobby Lobby* and Use It as an Excuse to Discriminate or Deny Services

- The Court said that employers cannot use the *Hobby Lobby* opinion to override anti-discrimination laws, such as using religion to discriminate on the basis of race, but the decision is already emboldening some to attempt to discriminate. For example, days after the ruling, 14 faith leaders sent the Obama administration a letter demanding religious exemptions from an executive order that would ban anti-gay discrimination by organizations receiving federal contracts.

- Some businesses have already unsuccessfully tried to use religion to deny service to LGBT couples. From photographers to cake-makers, these cases have become rallying cries for the Religious Right. *Hobby Lobby* might embolden these employers to try to use religion as an excuse to discriminate.

- Others might use *Hobby Lobby* as an excuse to discriminate on the basis of religion. As an example, a taxi driver might incorrectly try to assert the right to refuse to transport passengers to certain houses of worship if the driver believes that doing so violates their own religious beliefs.

- We have also seen failed claims from landlords who have argued that they can refuse apartments to people who practice a different religion or anyone whose lifestyle they find morally objectionable. *Hobby Lobby* might lead to more similar cases.

Americans United stands ready to assist those who are discriminated against, or who are denied services or benefits, by companies seeking to impose the religious beliefs of their owners. Please visit [https://au.org/reportdiscrimination](https://au.org/reportdiscrimination) if you have been victimized by these practices.