

Religious Freedom or Freedom to Discriminate? May 3, 2014

A company should not be allowed to dictate whether women have access to reproductive health care. The Supreme Court should uphold the mandate for contraceptives under The Affordable Care Act.

The Religious Freedom Restoration Act of 1993 requires that the federal government must meet a strict standard in order to impose upon religious beliefs. But the case of *Sebelius vs. Hobby Lobby Stores, Inc.* does not center entirely on religious freedom. It is, more importantly, about equal protection under the law.

Freedom of religion also means freedom *from* religion. Agnostics and atheists are protected by the First Amendment every bit as much as Catholics, Muslims, Jews or Baptists. As *atheist.about.com* eloquently states, “You do not truly have the freedom to practice your beliefs if you are also required to adhere to any of the religious beliefs or rules of other religions.”

To deny women who work for companies that espouse religious beliefs the same access to health care as women as those who do not is simply wrong. It's wrong because equal protection under the law

guarantees equal access to the benefits of the law. An employer cannot be allowed to undermine this.

The architects of RFRA did not design the law to be used as a means for corporations to discriminate based on religious beliefs. “It was never intended as a sword as opposed to a shield,” says Rep. Jerry Nadler (D-NY), one of the architects of RFRA in the House. “Once you went into the commercial sector, you couldn’t claim a religious liberty to discriminate against somebody. It was completely obvious we weren’t talking about that.”

In other words, people are afforded protection under the First Amendment—corporations should not be.

Even in RFRA applied in this case, the contraception mandate does not place a “substantial religious burden” on Hobby Lobby. A woman’s decision to take any form of birth control is hers alone—not her employer’s.

Hobby Lobby does not take issue with most forms of birth control, only emergency contraceptives such as so-called morning after pills and IUDs—which the company claims be abortifacients. But these drugs do not induce abortion; they simply prevent implantation. Emergency contraceptives can actually *save* lives in cases where pregnancy would be harmful to the mother.

Employers should not be permitted to impose their religious beliefs on workers. This would open the door to many other forms of discrimination. Some religions do not believe in blood transfusions, drinking or smoking. However, no one is debating whether companies should cover the costs of lung cancer treatment for a smoker or a liver transplant for a heavy drinker.

Uphold the contraception mandate. It is the only way to provide American women equal protection under the law.

—*Davina van Buren*