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Professor Marci Hamilton on Supreme Court's Hobby Lobby Decision- -America's Workers are the Losers-

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PROFESSOR MARCI HAMILTON ON SUPREME COURT'S HOBBY LOBBY DECISION: "AMERICA'S WORKERS ARE THE LOSERS"

June 30, 2014

"America's workers and taxpayers are the losers," according to [Cardozo Law Professor Marci Hamilton](#)

(/node/4912), a leading

authority in religion and

state constitutional

conflicts. The decision by

the United States Supreme

Court came down on Monday, June 30th and is perhaps the most controversial of this year's decisions by the high court. In a 5-to-4 decision, the Court said that requiring family-owned corporations to pay for insurance coverage for contraception under the Affordable Care Act violated a federal law protecting religious freedom.



The decision, which applied to two companies owned by Christian families, opened the door to challenges from other corporations to many laws that may be said to violate their religious liberty.

[Hobby Lobby](http://www.hobbylobby.com/our_company/) (http://www.hobbylobby.com/our_company/), a chain of crafts stores, and Conestoga Wood Specialties, which makes wood cabinets, objected to some of the methods, saying they are tantamount to abortion because they can prevent embryos from implanting in the womb. Providing insurance coverage for those forms of contraception would, the companies said, make them complicit in the practice.

"This decision means large, for-profit corporations can use RFRA and their owners' (or board members') religious beliefs to trump the federal anti-discrimination laws, like Title VII; craft benefit policies

RELATED NEWS

April 10, 2018

[Professor Zelinsky Quoted in Standard-Examiner \(/news/professor-zelinsky-quoted-standard-examiner\)](#)

Professor Ed Zelinsky was quoted in the Standard-Examiner on the issue of state sales tax. President Donald Trump recently attacked online retailer Amazon.com for paying "little or no taxes" to state and local governments, and called for changes in current laws to require retailers to collect sal

February 28, 2018

[Professor Shaw Comments on DACA Case \(/news/professor-shaw-comments-daca-case\)](#)

Professor Kate Shaw commented on ABC News regarding the Supreme Court's decision to decline to review a federal judge's order continuing the Deferred Action for Childhood Arrivals (DACA) program.

January 26, 2018

[Professor Suk](#)

according to their own religious lights, even though their employees have different beliefs; and make medical treatments in all categories more difficult for workers to obtain," said Prof. Hamilton. "Pandora's box is now open for all to see."

"Even if workers can still obtain the medication, as in this particular case, it is only because taxpayers must pay for it," said Hamilton. "We have just shifted the cost of healthcare from believers to the government." Hamilton went on to say that over 80% of U.S. corporations will now be able to discriminate against their employees.

The government loses on "least restrictive means." As usual, the impossible standard for the government to meet is the "least restrictive means" standard. This is the part of RFRA that was never part of the Supreme Court's doctrine and turns RFRA into a tool for extreme protection for extreme views.

Professor Hamilton filed an amicus brief in the case. She has clerked for the U.S. Supreme Court and is considered one of the leading constitutional scholars on the area of First Amendment religion cases and the law known as RFRA which she has advocated repealing.

"The time has come to repeal RFRA and return to common sense religious liberty under the First Amendment," said Hamilton.

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[Discusses Discrimination Law at Paris Conference \(/news/professor-suk-discusses-discrimination-law-paris-conference\)](#)

Professor Julie Suk was a guest speaker at a conference in Paris January 18 titled "Multiplication of Discrimination Criteria: Challenges, Effects, and Prospects." The conference was organized by the French government to address changes to discrimination legislation in France in recent years.

May 18, 2017

[Professor Herz Examines Trump's Actions, Possible Obstruction of Justice in The Tampa Bay Times \(/news/professor-herz-examines-trumps-actions-possible-obstruction-justice-tampa-bay-times\)](#)

May 17, 2017

[Professor Love Appointed Scholar-in-Residence at International Academy of Mediators \(/news/professor-love-appointed-scholar-residence-international-academy-mediators\)](#)

Professor Lela Porter Love, director of the Kukin Program for Conflict Resolution and the Cardozo Mediation Clinic, has been named a Scholar-in-Residence, with a two-year appointment at the International

Academy of Mediators
(IAM) for 2017-19.