

**RETIRED MEN'S ASSOCIATION OF GREENWICH, Inc. (RMA)
invites you to attend its meeting, on Wednesday, July 16, 2014.
First Presbyterian Church, Lafayette Place, Greenwich, CT.**

NELSON TEBBE

FREEDOM OF RELIGION AND THE *HOBBY LOBBY* DECISION



The Religious Freedom Restoration Act of 1993 prohibits the "Government [from] substantially burden[ing] a person's exercise of religion even if the burden results from a rule of general applicability." The owners of three closely held for-profit corporations, who had Christian beliefs that life begins at conception, argued that their rights would be violated if they would be required to facilitate access to contraceptive drugs or devices that operate after that point in time. In particular, they were challenging federal regulations of the Department of Health and Human Service that required employers' group health plans to furnish "preventive care and screenings" for women without "any cost sharing requirements." Religious employers, such as churches, are exempt from this contraceptive mandate, and HHS has also effectively exempted religious nonprofit organizations. Under this accommodation, the insurance issuer must exclude contraceptive coverage from the employer's plan and provide plan participants with separate payments for contraceptive services without imposing any cost-sharing.

In *Burwell v. Hobby Lobby*, the Supreme Court, in a sharply divided 5-4 decision (with the Court's three women members joining in the dissent), extended to for-profit businesses the rights and privileges that have previously been extended to churches and religious nonprofits. The full scope of *Hobby Lobby* is not yet completely clear, some believing that it has opened the way for a broad swath of businesses to object to any government regulation they dislike based on the particular beliefs religious of their corporate owners; others suggest that the decision only applies to small non-public (closely-held) corporations. It is clear that *Hobby Lobby* is consistent with *Citizens United v. FEC*, that broadens to corporations certain protections that had previously been understood to apply only to individuals.

Nelson Tebbe teaches courses on constitutional law and the First Amendment at Brooklyn Law School and Cornell Law School. His scholarship addresses religious liberty and general constitutional law, both in the U.S. and abroad. He holds a B.A. from Brown University, a J.D. from Yale Law School, and a Ph.D. with distinction from the University of Chicago Divinity School. Before entering teaching, he clerked for Hon. John M. Walker Jr. of the U.S. Court of Appeals for the Second Circuit, worked for the American Civil Liberties Union and was an associate at Davis Polk and Wardwell. He was a Fulbright Scholar at the University of Cape Town in South Africa.

Our business meetings begin at 10, and our speakers are scheduled for 10:30. No Charge, and No Reservations are required. For additional information, call Bernard Schneider, 203-698-2558; bgsesq@gmail.com. See our website greenwichrma.org.