

## Debate

# The Hobby Lobby Legal Controversy

*ISSUE: As a for-profit company, should Hobby Lobby be allowed to refuse certain types of contraceptives because they conflict with the religious beliefs of the founders?*

---

Hobby Lobby was founded in Oklahoma City by the Green family. The Green family was Christian and decided to found their company Hobby Lobby on biblical principles. The company continues to use these principles to guide its decision making, including closing the stores on Sundays to observe the Sabbath. The company tries to help its employees maintain a healthy work-life balance; a full-time hourly employee is paid \$14.50 per hour, nearly twice the minimum wage. Yet despite its attempts to remain an ethical and socially responsible company, Hobby Lobby has recently encountered a conflict with the Affordable Care Act requiring employers with 50 or more employees to provide minimum essential coverage as determined by the US Department of Health and Human Services. These include different types of contraceptives.

In 2012 Hobby Lobby sued the federal government. Hobby Lobby already had a benefits package for its employees, including contraceptives. However, it realized that four of these contraceptives were abortifascent, meaning that they could destroy fertilized eggs after fertilization. Because Hobby Lobby founders believe life starts after conception, they see these methods as supporting abortion and are morally opposed to it. However, because these contraceptives are mandated, failure to comply with the law would cost Hobby Lobby a fine of \$100 per employee per day. This would cost Hobby Lobby \$475 million per year. Because it believed that forcing it to cover these four contraceptives violated its religious freedom, Hobby Lobby filed a lawsuit.

The lawsuit, *Burwell v. Hobby Lobby*, went all the way to the Supreme Court. In June 2014 the Supreme Court issued a 5-4 decision in favor of Hobby Lobby. The ruling was not based on the First Amendment but on the 1993 Religious Freedom Restoration Act (RFRA). This act placed curbs on the government's ability to interfere with the exercise of religion. The Court determined that RFRA applied to private, closely-held corporations such as Hobby Lobby. It also found these corporations as being "legally capable" of exercising religion or the beliefs of its founders. Additionally, it found that the mandate did not meet "the least restrictive need" criteria that would require the government to intervene because alternatives for coverage was available elsewhere.

This spurred a rousing debate among the public. Hillary Clinton described the Supreme Court decision as "deeply disturbing," and critics of the ruling believe this gives companies like Hobby Lobby the option of denying coverage for items whenever the company claims it would violate its belief system. They also see this as a clear loophole for circumventing the law. Because the Affordable Care Act is a federal law, opponents claim that companies must comply with all aspects of the law—including some aspects which owners and employees might disagree with. Finally, because the company is a for-profit company employing people from a number of backgrounds and religions, Hobby Lobby's ability to deny certain coverage because of its principles might be seen as pushing its religious convictions onto others.

On the other hand, Hobby Lobby has supporters as well. Supporters are quick to point out Hobby Lobby does not object to the coverage of contraceptives, only those that are believed to be able to induce abortion. To Hobby Lobby abortifacients involve a highly moral issue that conflicts with the company's core values. Finally, while a

public company has a number of shareholders with a range of perspectives, closely held private companies such as Hobby Lobby are owned by only a few individuals. Proponents of the Supreme Court decision argue that these owners should have the right to determine their company's values and avoid adopting practices that directly violates these values.

---

There are two sides to every issue:

1. Hobby Lobby should not have the right to restrict legal contraceptives just because its founders disagree with them morally.
  2. Hobby Lobby should be allowed to restrict certain contraceptives because it is a privately, closely-held organization.
- 

Sources:

- Susan Berfield, "Does God Hate Obamacare? Hobby Lobby takes its case to the Supreme Court," *Bloomberg Businessweek*, April 2014, pp. 76-79.
- ChristiaNet, "Hobby Lobby CEO, David Green," *ChristiaNet*, 2012, <http://christiannews.christianet.com/1096289115.htm> (accessed August 25, 2014).
- Jaime Fuller, "Here's what you need to know about the Hobby Lobby case," *The Washington Post*, March 24, 2014, <http://www.washingtonpost.com/blogs/the-fix/wp/2014/03/24/heres-what-you-need-to-know-about-the-hobby-lobby-case/> (accessed August 25, 2014).
- Hobby Lobby, *Customer Service: Frequently Asked Questions*, 2014, [http://www.hobbylobby.com/customer\\_service/faq.cfm](http://www.hobbylobby.com/customer_service/faq.cfm) (accessed August 25, 2014).
- Hobby Lobby, *Hobby Lobby marks 40 years of helping families celebrate life*, <http://www.hobbylobby.com/assets/pdf/40years/40years.pdf> (accessed August 25, 2014).
- Hobby Lobby, *Our Company*, 2014, [http://www.hobbylobby.com/our\\_company/](http://www.hobbylobby.com/our_company/) (accessed August 25, 2014).
- Hobby Lobby, *Sebelius v. Hobby Lobby: FAQ*, <http://www.hobbylobbycase.com/faq/> (accessed August 25, 2014).
- Alex Murashko, "Hobby Lobby's President Honored for Practicing Biblical Values in the Marketplace," *The Christian Post*, February 5, 2013, <http://www.christianpost.com/news/hobby-lobbys-president-honored-for-practicing-biblical-values-in-marketplace-89462/>
- Thomas Reese, "In the Hobby Lobby case before the Supreme Court, law is not the ethics," *National Catholic Reporter: The Independent News Source*, April 11, 2014, <http://ncronline.org/blogs/faith-and-justice/hobby-lobby-case-supreme-court-law-not-ethics> (accessed August 25, 2014).
- Sanjeev Sriram, "My Faith Is Offended by Inequality, Not Birth Control," *Huff Post: Politics*, March 26, 2014, [http://www.huffingtonpost.com/sanjeev-k-sriram/my-faith-is-offended-by-i\\_b\\_5031689.html](http://www.huffingtonpost.com/sanjeev-k-sriram/my-faith-is-offended-by-i_b_5031689.html) (accessed August 25, 2014).
- Nina Totenberg, "Hobby Lobby Contraceptive Case Goes Before Supreme Court," *NPR*, March 25, 2014, <http://www.npr.org/2014/03/25/293956170/hobby-lobby-contraceptive-case-goes-before-supreme-court> (accessed August 25, 2014).
- Supreme Court of the United States, *Burwell, Secretary of Health and Human Services, et al. v. Hobby Lobby Stores, Inc., et al.: Certiorari to the United States Supreme Court of Appeals for the Tenth Circuit*, No. 13-354, June 30, 2014.
- Ilya Shapiro, "Hobby Lobby: Government Can't Violate Religious Liberties Willy-Nilly," *The Federalist*, July 1, 2014, <http://thefederalist.com/2014/07/01/hobby-lobby-government-cant-violate-religious-liberties-willy-nilly/> (accessed August 25, 2014).
- Mark L. Russell, "A Candid Interview with David Green Founder and CEO of Hobby Lobby," *The High Calling*, October 25, 2014, <http://www.thehighcalling.org/leadership/candid-interview-david-green-founder-and-ceo-hobby-lobby> (accessed August 25, 2014).
- Alex Kocman, "Hobby Lobby Raises Minimum Wage to \$14: What Happens When Govt Doesn't Tie Businesses' Hands," *Charisma News*, July 3, 2014, <http://www.charismanews.com/marketplace/44543-hobby-lobby-raises-minimum-wage-to-14-what-happens-when-govt-doesn-t-tie-businesses-hands> (accessed August 25, 2014).
- Susan Thurston, "Hobby Lobby's religious convictions aren't for sale," *Tampa Bay Times*, January 10, 2014, <http://www.tampabay.com/news/business/retail/hobby-lobbys-religious-convictions-arent-for-sale/2160568> (accessed August 25, 2014).
- Glenn Kessler, "Hillary Clinton's claim that Hobby Lobby wanted to stop covering all contraceptive procedures," *Washington Post*, July 3, 2014, <http://www.washingtonpost.com/blogs/fact-checker/wp/2014/07/03/hillary-clintons-claim-that-hobby-lobby-wanted-to-stop-covering-all-contraception-procedures/> (accessed August 25, 2014).
- Maggie Fox, "Supreme Court on Birth Control: What Hobby Lobby Ruling Means," *NBC News*, June 30, 2014, <http://www.nbcnews.com/health/health-care/supreme-court-birth-control-what-hobby-lobby-ruling-means-n144526> (accessed August 25, 2014).
- Kent Hoover, "HHS issues contraception workaround in response to Hobby Lobby ruling," *Columbus Business First*, August 22, 2014, [http://www.bizjournals.com/columbus/news/news-wire/2014/08/22/hhs-issues-contraception-workaround-in-response-to.html?ana=e\\_abq\\_rdup&s=newsletter&ed=2014-08-25&u=38ahMxn8yHTkjb3pqpxi7Q091b98b0&t=1408977152](http://www.bizjournals.com/columbus/news/news-wire/2014/08/22/hhs-issues-contraception-workaround-in-response-to.html?ana=e_abq_rdup&s=newsletter&ed=2014-08-25&u=38ahMxn8yHTkjb3pqpxi7Q091b98b0&t=1408977152) (accessed August 25, 2014).

