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DATE: February 8, 2018

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Massachusetts Legislature to Consider an Act to Stop Corporations from Claiming Religious Exemptions from Anti-Discrimination Laws

Massachusetts Legislature's Joint Committee on the Judiciary favorably reported H.767, Wednesday evening, moving it closer to a floor vote

BOSTON, MA – In an effort to protect civil rights, the Massachusetts legislature will consider an act to stop corporations from claiming religious exemptions from anti-discrimination laws, sponsored by Representative Michael Day of Stoneham. Late Wednesday evening, the Massachusetts legislature's Joint Committee on the Judiciary favorably reported H.767, an act to prevent corporations from raising corporate religious objections to federal or state anti-discrimination law, moving it closer to a floor vote.

“Ever since the Supreme Court’s *Hobby Lobby* decision, business corporations have been using ‘corporate religion’ claims as an excuse for illegal discrimination,” says Ron Fein, Legal Director of Free Speech For People. “But corporations only exist because the commonwealth creates them or allows them in, and this bill sets the terms: no religious excuses for corporate discrimination.”

“LGBTQ people across the Commonwealth value the cornerstone of freedom of religion; it’s a core belief we all share. However, when faith and religion are used to hurt and discriminate, that freedom becomes a weapon against our community - and that’s not something we can allow here in Massachusetts,” says Mason Dunn, Executive Director of Massachusetts Trans Political Coalition.

“The Commonwealth has a vital interest in preventing discrimination, and our state non-discrimination laws are critically important to protecting that interest,” says Janson Wu, Executive Director of GLBTQ Legal Advocates & Defenders (GLAD). “This bill would work to ensure that corporations operating within Massachusetts cannot undermine these essential non-discrimination protections by asserting a religious exemption from our laws.”

Massachusetts law prohibits many forms of discrimination, in employment, housing, credit, and service at public accommodations, on grounds such as race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, disability, ancestry, or veteran status.

However, these important civil rights protections are in danger from a new legal strategy: corporate use of religious freedom claims to challenge anti-discrimination law. Especially since the Supreme Court’s 2014 *Hobby Lobby* decision, claims by for-profit corporations for religious freedom exemptions from anti-discrimination law—apparently, all involving businesses that discriminate or seek to discriminate against LGBTQ people—have arisen under both the federal Religious Freedom Restoration Act and the First Amendment to the Constitution. One such case, *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, is currently pending before the U.S. Supreme Court.

The object of H.767 is to prohibit business corporations from claiming corporate religious freedom as a basis for exemption from anti-discrimination law for allegedly discriminatory conduct that occurs in Massachusetts.

For more information about H.767, including videos, background, and written testimony, visit: <https://freespeechforpeople.org/mass-no-religious-excuses-corporate-discrimination-act/>

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