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November 14, 2012: No, Corporations Do Not Have Religious Rights

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11/14/2012—It was inevitable, in a world in which Chevron gives millions of dollars to a Super PAC to distribute in political campaigns, that someone would eventually argue that corporations have religious rights. That someone is Hofstra Law School Professor Ronald Colombo, in an article entitled The Naked Public Square. I am going to read the paper, which may only argue that some people in small, tightly held companies, do business through a corporate form. No one would deny that such entities are not really corporate at all. The people involved should have the same rights as partnerships, whatever those are, in terms of religious exemptions. In addition, Colombo is pointing to an issue that is important, what he calls the expulsion of religion from the working world. So I will have to see whether he and I really disagree. But about the publically held corporation—Chevron—there can be no doubt. Such corporations exist to make money. They are not human and therefore cannot exercise that most human of undertakings, religion. The confusion comes, of course, from the suggestion that corporations have any constitutional rights at all. When, in the infamous Citizens United case, the Court recognized free speech rights in any corporation, it sidestepped the question of just who was doing the speaking. But constitutional rights inhere in people, not things. (Despite some environmental thought to the contrary). The Court could do this because the source of speech is only part of a free speech analysis. There is also the right of the people to hear. No matter what speaks, the matter spoken about and what is said is constitutionally valuable. But religion is different. Religion is significant primarily to the believer. And Chevron is no religious believer—of any kind.