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LITTLE SISTERS OF THE POOR GET WELL-DESERVED WIN IN SUPREME COURT

“Christian Legal Society welcomes the Supreme Court’s decision today in favor of the Little Sisters of the Poor, who are Christian women who care for and serve the elderly poor,” said Kim Colby, Director of Christian Legal Society’s Center for Law and Religious Freedom. “After three trips to the Supreme Court in eight years, the Little Sisters’ basic human right to live according to their religious beliefs is finally vindicated.”

The Little Sisters’ [legal ordeal](#) began in 2011 when the Obama Administration adopted a regulation that required most religious nonprofits, as part of their employee insurance plans, to provide specific drugs and devices that violated the core religious beliefs of some. The Little Sisters filed a lawsuit in order not to be compelled by the government to provide insurance for the drugs and devices that violated their religious beliefs.

On their first trip to the Court in 2013, the Little Sisters won temporary relief; however, in 2016, the Court denied them further legal relief and returned the case to the lower court with instructions for the parties to agree on a means by which the government would refrain from violating the Little Sisters’ religious beliefs. The Court failed to provide any clear instruction as to how to achieve that elusive objective.

In 2018, the Trump Administration adopted a new rule, which left the original rule in place for most employers but respected the rights of the relatively small number of employers with religious and moral objections. Not willing to leave conscientious dissenters like the Little Sisters alone, states like California, Pennsylvania, and New Jersey challenged the modest rule change, pursuing a crabbed understanding of religious freedom that threatened all Americans’ freedom, including Americans belonging to minority faiths.

Christian Legal Society and National Association of Evangelicals filed an amicus [brief](#) that recounted the Court’s longstanding commitment to prohibiting judges from examining citizens’ religious beliefs to determine which are reasonable and which are not. The brief defended the federal government’s authority to act proactively and accommodate citizens’ religious beliefs and practices.

Reed Smith, the Center’s Director of Litigation, observed, “We are pleased that the Court recognized that government should not be in the business of picking winners and losers in religious doctrine. A determination that an organization’s religious belief is not reasonable improperly makes unelected bureaucrats and judges the overseers of religious doctrine.”

Christian Legal Society’s amicus brief on the merits was prepared by a team of lawyers at Wilmer, Cutler, Pickering, Hale, and Dorr LLP, led by Matthew Martens.

About Christian Legal Society: Christian Legal Society is a nationwide association of Christians dedicated to serving Jesus Christ through the practice and study of law, the defense of religious freedom, and the provision of legal aid to the poor. It was instrumental in enactment of the federal [Religious Freedom Restoration Act](#), which has protected the Little Sisters’ – and all Americans’ -- religious freedom since its bipartisan, virtually unanimous passage by Congress in 1993.

For More About Little Sisters of the Poor v. Burwell: <https://www.clsreligiousfreedom.org/littlesisters>