

News

USA News

July 31, 2020

[DOJ continues efforts to protect worship from unequal treatment](#)

U.S. Dept. of Justice

The Justice Department is continuing its efforts to ensure that the rights of places of worship are not violated in efforts to curb the spread of COVID-19. In legal briefs filed in [Washington State](#) and [Colorado](#), and in letters to officials in [Maryland](#) and [New York](#), the Department has sought to ensure that religious gatherings are treated fairly and not subject to restrictions that are imposed unequally on nonreligious gatherings with similar impacts on public health.

The Department of Justice articulated the equal treatment principle for places of worship in Attorney General William P. Barr's April 14 statement on [Religious Practice and Social Distancing](#). The Attorney General emphasized the need to practice social distancing to control the spread of COVID-19, and noted that temporary restrictions that would be unacceptable in normal circumstances may be justified. But "even in times of emergency, when reasonable and temporary restrictions are placed on rights, the First Amendment and federal statutory law prohibit discrimination against religious institutions and religious believers.

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July 29, 2020

[Religious Liberty After Bostock](#)

CNA commentary by Russell Shaw

However this dispute turns out, the larger pattern of conflict and confrontation at work here mirrors efforts – backed by most national media and the many politicians who pander to the dictates of misnamed progressivism – to advance LGBTQ interests in an ever-widening circle of settings. The Supreme Court helped set the machinery in motion in its 2015 decision legalizing same-sex marriage. Then came last month's Bostock ruling. Will Catholic foster care be next? And what comes after that?

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July 28, 2020

[Why religious freedom is special](#)

The Hill commentary by Emilie Kao

While the United Nations General Assembly approved the declaration without a single dissenting vote, freedom of thought, conscience, and religion are still widely violated today. Tragically, 80 percent of

people around the world experience high restrictions on [religious freedom](#) with the greatest burden falling on religious minorities in society.

[Read more...](#)

July 27, 2020

Department of Justice Announces Guidance on Religious Liberty Protections in Grant Programs

U.S. Dept. of Justice

Following the Supreme Court's opinion in *Espinoza v. Montana Department of Revenue*, today the Department of Justice issued guidance summarizing religious liberty protections applicable to organizations that participate in the Department's grant programs. The guidance, an initiative of the Department's Religious Liberty Task Force, reiterates the fundamental premise affirmed by the Supreme Court in *Espinoza* that "[t]he Free Exercise Clause . . . 'protects religious observers against unequal treatment' and against 'laws that impose special disabilities on the basis of religious status.'" [\[1\]](#) For that reason, absent a compelling government interest, the Department shall not disqualify otherwise eligible recipients from a public benefit solely because of their religious character.

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July 22, 2020

How the Trump administration wins on life and religious liberty

Washington Examiner commentary by Alex Azar

Last week's Supreme Court decision in *Little Sisters of the Poor v. Pennsylvania* was a major victory for freedom of religion and conscience in the United States. It affirms that the Trump administration properly crafted an exemption that allows the Little Sisters, an order of nuns, to carry out its work caring for the elderly poor without being forced to violate the nuns' consciences.

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July 20, 2020

Pompeo's Panel Offers Needed Clarity, Guidance on Human Rights

Daily Signal commentary by Emile Kao and Brett Schaefer

The United Nations itself is [advancing a campaign against so-called hate speech](#) that could empower states to curtail free speech and religious freedom, as explained in a recent [essay](#) by Michael P. Farris and Paul B. Coleman of Alliance Defending Freedom. The commission recommends careful consideration when considering these new rights claims, urging policymakers to weigh how closely they are rooted in the rights laid out in the Universal Declaration of Human Rights; whether the rights are consistent with U.S. constitutional principles and American traditions; whether the U.S. and other nations have formally given their sovereign consent to the claimed rights; whether there's a clear consensus of support among the many cultures and traditions of the human family; and whether new rights can be integrated into the existing human rights rubric without harmful conflicts.

[Read more...](#)

July 20, 2020

Ryan T. Anderson Unpacks the Supreme Court's 2020 Term

Breakpoint podcast

On today's episode, The Heritage Foundation's **Ryan T. Anderson** joins John Stonestreet to discuss the significance of the Supreme Court's recent term. How will the Court's ruling on employment law, religious freedom, and abortion affect not only Christian institutions, but individual religious believers? On the one hand, religious freedom is enjoying a winning streak at the Court, but why are so many outrageous

violations of religious freedom reaching the Supreme Court? What does that say about the culture, and the status of religious freedom?

Listen...

July 15, 2020

Where Are We in This Cultural Moment? An Historical Perspective

Breakpoint podcast

In the last month, we witnessed momentous—and disappointing--Supreme court decisions concerning abortion, transgender rights, and religious freedom. Many are wondering what the implications are for religious business owners and nonprofits and even churches in a country where radical sexual and gender ideology or becoming protected categories in law.

What can we learn from history? Does our cultural political moment resemble any other in the past? And if so, what can we learn from that time period?

Today on the BreakPoint Podcast, Colson Senior Fellow Dr. Glenn Sunshine joins Shane Morris to discuss these and other questions. Dr. Sunshine is a professor of history at Central Connecticut State University and is the author of numerous books, including *Why You Think the Way You Do: The Story of Western Worldviews from Rome to Home*.

Listen...

July 14, 2020

Defending the freedom of the Church

First Things commentary by Michael P. Moreland

The Court has given legal sanction to aspects of the sexual revolution, on the one hand, while protecting religious objectors, on the other hand, through judicial scrutiny under the free speech and free exercise rights of the First Amendment—such as the 2018 decisions in *Masterpiece Cakeshop* and *NIFLA v. Becerra* (a challenge by crisis pregnancy centers to a California abortion disclosure requirement).

How enduring the peace will be is an open question, one pressed by skeptics of liberalism on the right and progressives wielding anti-discrimination law on the left. If the settlement falters, one gets a sense of the alternative in the overbearing statism of the dissents by Justices Ginsburg (in *Little Sisters*) and Sotomayor (in *Our Lady*).

[Read more...](#)

July 14, 2020

NYC pays \$100,000 for censoring psychotherapist's private conversations with patients

Alliance Defending Freedom

The city of New York [agreed to pay \\$100,000](#) in attorneys' fees and nominal damages this week after the city council backtracked and repealed an ordinance that unconstitutionally censored private conversations between counseling professionals and their patients. Alliance Defending Freedom attorneys representing an Orthodox Jewish psychotherapist, Dr. Dovid Schwartz, asked a federal district court in June 2019 to halt enforcement of the city's new ordinance that violated Schwartz's freedom of speech and infringed on his religious faith and that of his patients. In 2018, the city council adopted a law making it illegal for any person to provide services for a fee that "seek to change a person's sexual orientation or seek to change a person's gender identity to conform to the sex of such individual that was recorded at birth." Notably, the law only prohibited counsel in one direction—assisting a patient who desires to reduce same-sex attraction or achieve comfort with their biological sex.

[Read more...](#)

July 14, 2020

Significant Win for Religious Schools, Religious Liberty, and the “Ministerial Exception” at the Supreme Court

ACLJ commentary by Laura Hernandez

This is a significant win for religious school autonomy. Religious schools can now freely make key personnel decisions about those who will pass on the faith to the next generation without having to fear costly anti-discrimination lawsuits.

[Read more...](#)

July 12, 2020

Religious Liberty Is Important, But It’s Not Enough

Public Discourse commentary by Ryan T. Anderson

Religious liberty, after all, doesn’t protect people who aren’t religious but reject progressive gender ideology. It doesn’t protect other goods and interests threatened by progressive gender ideology. And it doesn’t respond on the merits to the underlying disputed questions of truth. We need a more holistic response in terms of legislation and litigation to protect all people and all the various goods and interests at stake. We need to contend about the truth of the matter.

[Read more...](#)

July 10, 2020

Mexico City Policy Challenge Falls Short

Americans United for Life commentary by Mary Jayne Caum

Alliance for Open Society claimed that foreign affiliates of U.S. groups were entitled to full First Amendment rights, and therefore the federal government could not impose a value-based requirement on recipients of foreign aid. However, Justice Brett Kavanaugh, joined by Justices Roberts, Thomas, Alito, and Gorsuch, affirmed that government may impose conditions on an international organization’s receipt of US funds.

While this specific case dealt with the government’s requirement that certain aid recipients denounce and oppose sex trafficking and prostitution, the ruling has promising implications for the fight for Life across the globe.

[Read more...](#)

July 09, 2020

The End of the Anti-Religion Blaine Amendments is a Victory for Religious Freedom

Real Clear Religion commentary by Eric Rassbach

James G. Blaine was a towering figure in 19th Century American politics—Speaker of the House, Senator, and nominee for President. But he was also one of the most sinister characters in United States history. Blaine led a popular movement to suppress private Catholic schools by amending the United States Constitution. Had he succeeded, he would have put American Catholics and other religious groups into a permanent second-class status. As the ultimate author of the Blaine Amendments found in 37 state constitutions, Blaine was responsible for the exclusion of religious groups from participation in government programs for more than a century.

[Read more...](#)

July 09, 2020

On Religion, the Supreme Court Protects the Right to Be Different

New York Times commentary by Michael W. McConnell

Espinoza is particularly significant because increasing numbers of state legislatures wish to experiment with various kinds of school choice, but state courts often stand in the way, invoking 19th-century state constitutional provisions passed in the days of anti-Catholic, anti-ethnic prejudice. The court's decision does not require state legislatures to enact school choice programs, but it enables them to do so without the impediment of hostile state court decisions. Wednesday's decision in *Our Lady of Guadalupe v. Morrissey-Berru* likewise protects pluralism in education.

Read more...

July 08, 2020

Supreme Court to Little Sisters: you are free to serve elderly poor without violating faith

Becket

The Supreme Court [ruled](#) in favor of the Little Sisters of the Poor 7-2 today, allowing them to continue serving the elderly poor and dying without threat of millions of dollars in fines. In [Little Sisters of the Poor v. Commonwealth of Pennsylvania](#), the Little Sisters made their third trip to the Supreme Court, dragged by several states that tried to force Catholic nuns to provide coverage for contraceptives and abortion-inducing drugs. Today's ruling grants them protection to freely serve the elderly poor without violating their conscience. "America deserves better than petty governments harassing nuns. The Court did the right thing by protecting the Little Sisters from an unnecessary mandate that would have gutted their ministry," said **Mark Rienzi**, president of Becket. "Governments don't need nuns to distribute contraceptives. But they do need religious groups to care for the elderly, heal the sick and feed the hungry. These governments all have real work they ought to be doing rather than dividing people with old and unnecessary culture wars."

Read more...

July 08, 2020

Supreme Court rejects government control over religion teachers

Becket

The Supreme Court [ruled](#) 7-2 in favor of two California Catholic schools today, finding that the government cannot control a church school's decision about who teaches its religion classes. In [Our Lady of Guadalupe School v. Morrissey-Berru](#) and [St. James Catholic School v. Biel](#), the Becket Fund for Religious Liberty defended two Catholic elementary schools that chose not to renew the contracts of two fifth-grade teachers who were not effectively carrying out the schools' missions. Becket argued that both Church and State are better off when the government doesn't entangle itself in the internal religious decisions of religious groups about who best teaches the faith to the next generation. "Today is a huge win for religious schools of all faith traditions," said **Eric Rassbach**, vice president and senior counsel at Becket, who argued the case to the Court. "The last thing government officials should do is decide who is authorized to teach Catholicism to Catholics or Judaism to Jews."

Read more...

July 06, 2020

Navy updates order after religious freedom complaint from law firm, chaplains

FOX News

The [Navy](#) updated its [coronavirus](#) restrictions after chaplains and a religious liberty law firm [complained](#) last week alleging that service members were being unlawfully prohibited from attending indoor [religious](#) services. **Mike Berry**, the First Liberty Institute general counsel who sent a letter on behalf of Shultz last week, expressed assurance that the Navy would do the right thing in light of President Trump's executive actions. "Under the leadership of Commander in Chief Trump, we are

confident the Navy will follow the President's executive order on religious liberty in support of the men and women of the U.S. Armed Forces," Berry told Fox News.

[Read more...](#)

July 01, 2020

[An Angry Mob Silenced Conservative Speech on Campus... Here's What We Did About It](#)

Alliance Defending Freedom commentary by Jenna Mohrmann

YAF invited conservative political commentator Ben Shapiro to speak at a free speech event on campus in February 2016. First, university officials tried to impose unconstitutional security fees on the event claiming it was too "controversial." Then, they attempted to cancel the event altogether. When that was unsuccessful, campus security allowed a mob of people, including university faculty, to block the entrance to the auditorium where Shapiro was speaking. Ironically, the mob was chanting "no violence" while pushing and assaulting those who were trying to access the event. Thankfully, in response to the [ADF] lawsuit, Cal State LA dropped the unconstitutional security fees policy used against YAF. Cal State LA also agreed to enforce the university's Free Expression policy in a viewpoint-neutral manner.

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July 01, 2020

[Espinoza, funding of religious service providers, and religious freedom](#)

SCOTUS Blog commentary by Thomas Berg and Douglas Laycock

Espinoza does not fully theorize why discrimination against religious uses of general benefits is unconstitutional. We think it's because such discrimination violates the fundamental principles, recurrent throughout the court's religion case law, of government neutrality toward religion and protection of private choice in matters of religion ("voluntarism"). In the context of government benefits, the basic constitutional principles point in the same direction: forbidding government from favoring either religious choices or secular choices. That promotes neutrality in the "formal" sense: giving aid on a religion-blind basis, i.e., without religious classifications. It also embodies voluntarism, or neutrality in the "substantive" sense: i.e., creating neutral incentives that neither discourage nor encourage individuals' religious choices. Offering benefits but withholding them if the recipient chooses a religious provider creates a powerful incentive against religious exercise.

[Read more...](#)

June 30, 2020

[Supreme Court says bye bye Blaines, rules that archaic, anti-religious law is unconstitutional](#)

Becket

Today, the Supreme Court overturned the Montana Supreme Court's ruling and made it clear that children in Montana cannot be stripped of their right to participate in a scholarship program simply because they attend religious schools.

In an opinion written by Chief Justice Roberts, the Court said that the Blaine Amendments were "born of bigotry" and that the "no-aid provisions of the 19th century hardly evince a tradition that should inform our understanding of the Free Exercise Clause." The Court also said that "exclusion [of religious schools] from the scholarship program here is 'odious to our Constitution' and 'cannot stand.'"

"It was high time for the Blaine Amendments to bite the dust," said **Diana Verm**, senior counsel at Becket. "Our Constitution requires equal treatment for religious people and institutions. Relying on century-old state laws designed to target Catholics to exclude all people of faith was legally, constitutionally, and morally wrong. The Court was right to kick the Blaine Amendments to the curb."

[Read more...](#)