



Written by [John F. McManus](#) on February 22, 2016

## Little Sisters of the Poor Fighting for Religious Liberty

On March 23rd, the plight of the Little Sisters of the Poor will be heard once again by the U.S. Supreme Court. Having had a favorable though temporary ruling [rendered by the Court](#) in January 2014, the religious order must now seek a final judgment on their plea to be exempted from provisions of ObamaCare that conflict with their religion.

The Sisters, whose self-appointed mission involves care for elderly persons who cannot fend for themselves, employ numerous lay people in their selfless work. But ObamaCare requires them to pay for a healthcare program that includes supplying abortion-inducing drugs, sterilization, and contraception for any of their lay employees. Since doing so would violate the tenets of their Catholic Faith, the Sisters have sought relief from the government's mandates.



Founded in France in 1839 by Sister Jeanne Jugan who later was designated a saint by the Church, the order serves the elderly in 31 countries. In 2014, the 2,372 members of their order operated 234 houses. Of these, 31 are in the United States. The nuns all make vows of poverty, chastity, obedience, and hospitality.

Before the Supreme Court's ruling last year, lawyers for the Sisters went before a panel of the Tenth Circuit Court of Appeals in Denver. Their plea to be excused from the healthcare requirements they opposed was rebuffed. But the full Court of Appeals in that district later ruled in their favor though leaving open a possible appeal by the government. It was then that the Obama administration did appeal, and this appeal is what will be heard by the nation's highest court in March. A final decision on the matter isn't expected until later this year.

The Sisters are represented by the Washington-based Becket Fund for Religious Liberty, a group founded in 1994 by Kevin Hasson, who previously worked at the Justice Department and a Washington law firm. The name "Becket" stems from their admiration of Saint Thomas Becket who, as Archbishop of Canterbury in the 12th century, tangled with King Henry II and was murdered in the Canterbury Cathedral.

Hasson stepped aside in 2011 and the Fund is now led by President William P. Mumma and Executive Director Kristina Arriaga. Becket Fund's clients have included advocates of a variety of religions ranging, as they say, from "A to Z" (Anglicans to Zoroastrians). A previous client, Hobby Lobby Stores Inc., did receive an exemption from an ObamaCare dictate mandating that the company supply abortifacients to employees. Supreme Court justices voted 5-4 in that 2014 ruling.

The issue propelling the Little Sisters is religious liberty — the right to practice religion unimpeded by



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overreaching government. Therefore, there's a lot at stake here. Believers in the Bill of Rights and its guarantee that "the free exercise" of religion shall be maintained will surely be watching for the high court's eventual decision.

The death of Justice Antonin Scalia throws another consideration into the Court's eventual action. Without doubt, he would have sided with the Sisters. There are four likely supporters of the Sisters and four likely opponents of their plea to be excluded from the requirement to ignore the tenets of the Faith. Should the Court split 4-4, the customary practice calls for reverting to the previous ruling — the one in which the Sisters were granted a pass. Of course, at this point no one knows for sure what will happen.

In any case, the Obama administration has demonstrated by its decision to appeal the previous ruling that it doesn't believe in religious liberty — even for a group known as The Little Sisters of the Poor.

*John F. McManus is president emeritus of [The John Birch Society](#). This column appeared originally at the [insideJBS](#) blog and is reprinted here with permission.*



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