News
Coronavirus



The U.S. Supreme Court is seen in Washington Feb. 27, 2020. Because of the coronavirus pandemic, cases like Catholic schools, and Little Sisters of the Poor have been postponed. (CNS/Tyler Orsburn)



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The Supreme Court, much like the rest of the country, is putting some of its work on hold amid the restrictions of the COVID-19 health crisis.

The court, which had already postponed oral arguments from mid-March to mid-April, announced April 3 that it also was postponing the rest of the April argument session scheduled through April 29.

In announcing the decision, it did not say if or when it would resume scheduled arguments for this term but indicated in a short news release that the court will "consider rescheduling some cases from the March and April sessions before the end of the term, if circumstances permit in light of public health and safety guidance at that time."

The most recent announcement impacts a case the court was to hear April 29: Little Sisters of the Poor v. Commonwealth of Pennsylvania. The sisters, who have been before the nation's high court before, are back because of state challenges to the Trump administration's decision to allow religious employers to opt out of the Affordable Health Care's contraceptive mandate.

"In this trying time for our nation, the Little Sisters of the Poor are dedicated to protecting their elderly residents from the COVID-19 pandemic," said Diana Verm,

senior counsel at Becket, representing the sisters, in a statement after the court's postponement was announced. "Now more than ever, the sisters need the freedom to focus solely on that mission," she added.

Becket, a nonprofit religious liberty law firm, also is representing Catholic schools in a case that was scheduled for April 1 and was part of the first group of cases the court postponed. The combined cases center on two California Catholic schools that were sued by the teachers they had fired who claimed they had been victims of job discrimination.

Also among the orders the Supreme Court announced April 6, it said it would not review a lower court's decision that the Washington Metro system's ban on religious advertising didn't violate the First Amendment. The transit system was sued by the Archdiocese of Washington in 2017 for not displaying the Christmas message "Find the Perfect Gift" on the sides of buses with a link to a website with information about Mass times, daily reflections on the Advent season or ways to help local Catholic programs serving those in need.

Justice Brett Kavanaugh had to recuse himself from the case because he was on the three-judge panel of the appeals court that heard arguments about the proposed advertisement in 2018.

In a separate opinion on the order, Justice Neil Gorsuch said the situation could have been different if Kavanaugh were included. "Because the full court is unable to hear this case, it makes a poor candidate for our review," Gorsuch wrote in a brief opinion joined by Justice Clarence Thomas.

In announcing the postponing of April's oral arguments, the court said it would "consider a range of scheduling options and other alternatives if arguments cannot be held in the courtroom before the end of the term."

Scotusblog, a website that covers the Supreme Court, said the court could either hear scheduled spring cases at the start of the next term, decide some cases

without oral argument or even hold oral arguments remotely for some cases as the Texas Supreme Court plans to do in April.

The court also said it would proceed with the "resolution of all cases" already argued.

One case that it heard early in the term and that has been highlighted in the coronavirus outbreak is over the Deferred Action for Childhood Arrivals program, or DACA.

A divided court heard arguments about the program in mid-November and is expected to issue its decision by the end of June. Some have raised the point during the pandemic that many of the current health care workers serving in hospitals and emergency rooms are DACA recipients: beneficiaries of the program that allows young adults who were brought into the United States illegally as children to work or study in the U.S., exempted from deportation, if they meet certain criteria.

Immigrant advocates and faith leaders, including many from Catholic organizations, have asked the court to delay its DACA decision or side with the recipients who are essential in fighting the current health crisis.

The court is examining if President Donald Trump had the authority to rescind DACA by executive order. The program was implemented in 2012 by President Barack Obama with an executive order.

Other previously argued cases that Catholic leaders are awaiting decisions on include an abortion case and scholarship aid to religious schools. In early March the court examined a Louisiana law that requires abortion providers to have admitting privileges at a local hospital and in late January it looked at the constitutionality of excluding religious schools from a scholarship aid program in Montana.

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