

Editorial: Supreme Court gets it right in Little Sisters case

By THE EDITORIAL BOARD | July 08, 2020

The U.S. Supreme Court's [ruling](#) protecting expanded religious exemptions under the Affordable Care Act was the right call. The underlying case, led by Little Sisters of the Poor, has not explicitly been about birth control, despite arguments from special interest groups that have shaped it as such. The issue has been protecting religious freedom from undue interference from the federal government.

In Wednesday's 7-2 ruling, the justices sided with the Trump administration's 2018 [expansion](#) of contraception exemptions to the Affordable Care Act.

Trump's action released more employers from a mandate that their health insurance plans cover free birth control. The lawsuit tipped on whether Trump's health agency had the authority to widen the exemptions. The Supreme Court ruled it did.

But the broader debate, which has zigzagged through the courts for nearly 10 years, has centered on whether organizations that morally object to medical procedures that deliberately avoid reproduction or are believed to induce abortion — as the Little Sisters argued in its case — should be forced by the federal government to violate those beliefs.

The Religious Freedom Restoration Act “prohibits any agency, department or official of the United States or any state ... from substantially burdening a person's exercise of religion.” The Little Sisters have argued that rules under the ACA regarding contraceptive coverage substantially burdened their free-exercise rights.

In the [decision](#) released Wednesday, Justice Clarence Thomas authored the majority opinion, writing that Trump's health care agency was within bounds to expand employer



Anti-abortion demonstrators pray in front of the U.S. Supreme Court on July 8, 2020. The court handed down a decision Wednesday ruling that employers with religious objections can decline to provide contraception coverage under the ACA. (Chip Somodevilla / Getty Images)

exemptions allowing more employers options other than mandated, free birth control to employees.

“By its terms, the (Affordable Care Act) leaves the Guidelines’ content to the exclusive discretion of (the Health Resources and Services Administration). Under a plain reading of the statute, then, we conclude that the ACA gives HRSA broad discretion to define preventive care and screenings and to create the religious and moral exemptions,” Thomas wrote.

Congress, when it passed the ACA, did not lay out specific guidelines on what procedures should be covered or how. Lawmakers left that to federal agencies to figure out. So when the Trump administration expanded employer exemptions, it was within bounds to do so, the justices ruled.

It was an inconvenient decision for groups that support mandatory free birth control as basic, preventive health care. But under the rules Congress itself created when it passed the ACA, the justices’ ruling was the right call.

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