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2023 Supreme Court Rulings

The U.S. Supreme Court issued two rulings in favor of religious liberty.

MCC Virtual Annual Assembly

This fall, the MCC will once again host its Annual Assembly in a virtual format. We will release a collection of episodes of MCC from the Capitol all at once for you to enjoy at your leisure.

MCC Seeks Communications Director

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The Supreme Court of the United States this summer issued two rulings in favor of religious liberty.

303 Creative v. Elenis

In *303 Creative v. Elenis*, the U.S. Supreme Court ruled that the state of Colorado was prohibited from forcing a website designer to create messages with which she disagreed, because doing so would violate her First Amendment right to free speech. Writing for the majority, Justice Neil Gorsuch explained that the state cannot “force an individual to speak in ways that align with its views but defy her conscience about a matter of major significance.”

The case involved Lorie Smith, a devout Christian who owns a website/design business in Littleton, Colorado. Ms. Smith wanted to expand her business to include services for couples seeking wedding websites. However, she stated that she would not produce content that “contradicts biblical truth”-- specifically, that marriage is a union between one man

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and one woman. Smith was worried that Colorado would use its anti-discrimination law to compel her to create websites celebrating marriages that defy her religious beliefs. She sued, seeking an injunction to keep the state from enforcing the law against her.

In a 6-3 ruling, the Court ruled that the First Amendment generally protects an individual from being required by the government to voice a specific message. Gorsuch stated that the websites Ms. Smith creates involve speech, similar to the work of artists, speech writers, and movie directors. Under Colorado law, Gorsuch explained, Ms. Smith must choose between following her conscience and violating state law, or following the law and violating her religious beliefs if she wishes to “speak”. “[T]hat is...more than enough, to represent an impermissible abridgment of the First Amendment’s right to speak freely.”

Statement of Cardinal Timothy M. Dolan of New York, chairman of the U.S. Conference of Catholic Bishops’ (USCCB) Committee for Religious Liberty, on the Supreme Court’s ruling in *303 Creative v. Elenis*:

This case was never about discrimination. It was about moral disagreement. The government must allow room for people to disagree on hot-button issues. It’s even more important when the person disagreeing has an unpopular view.

Ms. Smith is perfectly willing to design other kinds of websites for same-sex-attracted customers. In the same way, the ministries of the Church provide goods and loving care to everyone in direct need of assistance, no questions asked. Problems only arise when the government tries to force us to support, by our words or actions, behavior that we believe is wrong.

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Groff v. DeJoy

In *Groff v. DeJoy*, the U.S. Supreme Court ruled that an employer must accommodate an employee's religious beliefs or practice unless doing so would "result in substantial increased costs" in the context of the employer's business. Federal law currently prohibits employers from discriminating against workers from practicing their religion unless the employer can show that the religious practice cannot be "reasonably" accommodated without "undue hardship".

Gerald Groff is an evangelical Christian who believes Sundays are reserved for rest and worship. Groff began working for the U.S. Postal Service in 2012 and was not originally required to work Sundays. When the USPS began Sunday service for Amazon deliveries, Mr. Groff transferred to a USPS office that did not make Sunday deliveries; however, that location started Sunday Amazon deliveries as well. Mr. Groff refused to come in on Sundays and was progressively disciplined until he resigned in 2019. Groff sued under Title VII of the Civil Rights Act of 1964, arguing that the USPS could have accommodated his Sunday practice without an undue hardship.

The Court sided with Mr. Groff in a unanimous ruling. In his opinion, Justice Samuel Alito rejected an interpretation of "undue hardship" that had resulted from a 1977 decision, *Trans World Airlines v. Hardison*. The decision in *Hardison* only required an undue

hardship to be a minor, or *de minimis*, burden. Alito stated that to show undue hardship, an employer must prove that the burden of granting a religious accommodation "would result in substantial increased costs in relation to the conduct of its particular business."

Justice Alito remanded, or sent, Groff's case back to the lower courts for reconsideration under the standard put forth in the majority opinion.

Statement of Cardinal Timothy M. Dolan of New York, chairman of the U.S. Conference of Catholic Bishops' (USCCB) Committee for Religious Liberty, on the Supreme Court's ruling in *Groff v. DeJoy*:

In so many ways today we see people of faith being told that they can only follow their religious beliefs in private or within the four walls of a church. But religious freedom means nothing if it does not extend to the public square. And the public square is better off when religion is welcome there. In the workplace we meet and collaborate with people from other walks of life. Working together requires navigating personal differences with compassion and respect – and that obligation applies to religious differences no less than others.

Questions? Contact us!

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MCC Annual Assembly Goes Virtual Again in 2023



This fall, the MCC will once again host its Annual Assembly in a virtual format. As we did the previous three years, we will release a collection of episodes of MCC from the Capitol all at once for you to enjoy at your leisure. We look forward to exploring a variety of topics important to Missouri Catholics and presenting them in an engaging, informative fashion. The episodes will be released this fall; be sure to subscribe via your favorite podcast listening app to be notified automatically upon their release.

MCC Seeks Communications Director

The Missouri Catholic Conference (MCC) is the public policy agency of the Catholic Church in Missouri. The MCC communications director assists with the conference's various methods of communications, including designing and laying out two printed publications (one quarterly, one bimonthly), and assisting with producing the podcast, MCC from the Capitol. He or she is also responsible for managing the MCC's social media accounts, website, and photography needs. This position is best suited for a creative thinker interested in promoting the mission of the MCC in an engaging, thoughtful manner. The ideal candidate is familiar with/or open to learning Facebook, Twitter, Adobe InDesign, Photoshop, Google Business Suite, and Audacity. Salary commensurate with experience. Please contact mocatholic@mocatholic.org or communications@mocatholic.org for more information or to apply.