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Legal Scholars File Brief in Case in Which the Department of Justice Rejects Religious Liberty Rights of Non-Profit That Provides Safe Space to Injection Drug Users

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Press Advisory

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Subject: Legal Scholars File Brief in Case In Which the Department of Justice Rejects Religious Liberty Rights of Non-Profit That Provides Safe Space to Injection Drug Users

Contact: Elizabeth Boylan | 212 854 0167 | elizabeth.boylan@law.columbia.edu

Yesterday, nationally recognized law professors with expertise in religious liberty law filed an *amicus* brief in a case in which the U.S. Justice Department is seeking to shut down safe-injection sites. The case focuses on the work of a Philadelphia-based nonprofit, Safehouse, a faith-based non-profit that provides people who inject drugs with sterile equipment to minimize the spread of blood-borne illnesses, and to support harm reduction for persons who use injectable drugs. Leaders with Safehouse assert that the creation of a safe injection site is a practice of their religious obligation to save lives by providing a range of harm-reduction and overdose prevention services to injectable drug users. Safehouse claims that the government's threat to prosecute them for violating federal anti-drug laws violates their religious liberty rights, and they have invoked the Religious Freedom Restoration Act (RFRA) in their defense.

[Columbia Law Professor Katherine Franke](#) is the author of the brief, and the Faculty Director of the Law, Rights, and Religion Project at Columbia Law School. "Our aim in submitting a brief in this case is to assure that courts protect religious liberty rights consistently across social contexts," said Professor Franke. "Since the Justice Department has demonstrated a strong bias in favor of the religious liberty rights of conservative Evangelical Christians, as experts in the law of religious liberty we want to provide courts with an unbiased, neutral framework with which to approach all claims in which a party is seeking a faith-based exemption from the law."

In writing the brief, the law professors voiced concern that the Justice Department's lawyers have taken a very narrow reading of religious liberty rights of entities clearly protected by the Religious Freedom Restoration Act. Professor Franke wrote: "The Court should not embrace the government's position that defendants must show that their actions were motivated by their faith and by nothing else in order to qualify for a faith-based exemption under RFRA. To impose this new element on the RFRA claimant's case would significantly narrow the scope of RFRA's protections for religious liberty."

The brief continues, "The government's position, narrowly reading the scope of RFRA's protections for religious liberty, runs contrary to the Attorney General's clear instructions to all U.S. government agencies: 'to the greatest extent practicable and permitted by law, religious observance and practice should be reasonably accommodated in all government activity . . . individuals and organizations do not give up their religious-liberty protections by ... interacting with federal, state, or local governments.'"

The law professors' amicus brief is available on the Law, Rights, and Religion Project's policy page at <https://bit.ly/32fVQJP>. Further details about the Justice Department's lawsuit against Safehouse may be found in this article at the Philadelphia Herald Tribune: <https://bit.ly/2G7FEkp>.

The [Law, Rights, and Religion Project](#) is a law and policy think tank based at Columbia Law School that promotes social justice, freedom of religion, and religious plurality. The Project develops strategic thought leadership on the complex ways in which religious liberty rights interact with other fundamental rights.