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The Department of Justice has moved to become a co-plaintiff in a lawsuit against New York state filed by the Dominican Sisters of Hawthorne, who operate a 42-bed palliative care program for the dying poor.

A 2024 New York law, known as the Long-Term Care Facility Residents' Bill of Rights for LGBTQ+ New Yorkers and People Living with HIV, requires long-term care facilities to use preferred pronouns and assign rooms based on gender identity.

The sisters' facility, Rosary Hill, serves cancer patients.

The lawsuit was filed April 6 in U.S. District Court for the Southern District of New York in White Plains by the Idaho-based law firm of First & Fourteenth. Named as defendants are New York Gov. Kathy Hochul and four administrators in the New York State Department of Health.

A hearing date has not been set, and the state is expected to ask the court to dismiss the suit.

In a June 18 statement, U.S. Assistant Attorney General Harmeet K. Dillon said, "States should take notice that they cannot require Americans to abandon their religious beliefs in the name of woke gender ideology."

The intervention is being handled by the Justice Department's Civil Rights Division, headed by Dillon.

The Justice Department focus "will be on New York's violation of the (14th Amendment's) Equal Protection Clause (of religious groups) by discriminating against religion and discriminating between religions," L. Martin Nussbaum, a senior partner in First & Fourteen, told OSV News. "By devoting its resources to help correct New York's burden on the sisters' religious exercise, the United States is saying that this case is one (included under federal law) of 'general public importance.' "

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The Dominican Sisters of Hawthorne operate "in accordance" with the U.S. Catholic bishops' "Ethical and Religious Directives for Catholic Health Care Services" and "the teachings of the Catholic Church," the lawsuit states. "They cannot comply with the mandate without violating these sincerely held religious beliefs."

The state law mandates that nursing homes use a resident's chosen name/pronouns and honor rooming requests based on gender identity. It took effect May 28, 2024.

"'Transgender medicine' can change surface appearance but never sex. And Scripture forbids lying to another about reality," the lawsuit says. "Requiring a person to identify another by a sex other than his or her God-gifted sex would therefore require such a person to act against central, unchangeable and architectural teachings of the Catholic faith. It would contradict the teachings of the Bible concerning God's creative sovereignty, contradict reason and truth, and betray our sacred obligation not to knowingly harm other persons, particularly the most vulnerable."

Additionally, it said, "the implications are so much greater than whether to utter the words 'he' or 'she.' Indeed, to demand that a Catholic deny another's sex is to require him or her to affirm another religious worldview."

Guidance from the state Department of Health just before the law took effect told nursing homes they were required to "ensure that at least once every two years, each facility staff member who works directly with residents receives training on cultural competency focusing on residents who identify as lesbian, gay, bisexual or transgender and/or residents living with HIV."

The lawsuit notes that the mandate "discriminates between religious groups by exempting the Church of Christ, Scientist and its affiliates while denying any exemption to Catholic organizations." It says that "If the Dominican Sisters of Hawthorne and Rosary Hill Home do not comply, they face fines, injunctions, potential loss of licensing, and imprisonment."

Doug Wilson, CEO of the Catholic Benefits Association, said, in a June 22 statement, "We're glad to have the DOJ support our arguments. If religious freedom does not protect the Dominican Sisters of Hawthorne, who does it protect?

"These are real people serving dying patients. They accept no government or insurance funds. Shouldn't they be allowed to conduct their ministry consistent with the Catholic values that inspired them to undertake this holy work in the first place?"

Mother Marie Edward Deutsch, the Hawthorne Dominicans' superior general, said in a statement the order was "grateful the Department of Justice sees the injustice in this matter. This gives us hope that the country's founding principles are still strong

after 250 years."

Rose Hawthorne Lathrop (1851-1926), a daughter of author Nathaniel Hawthorne, founded the Dominican Sisters of Hawthorne, Congregation of St. Rose of Lima, in 1900. She took the name Mother Mary Alphonsa. The order's apostolate is the Servants of Relief for Incurable Cancer.

Mother Mary Alphonsa is a candidate for sainthood, and on March 19, 2024, the Vatican issued a decree declaring her "Venerable."