

12 Victories for Religious Liberty in 2014

While the attacks against religious liberty in our country are at an all-time high, the good news is that concerned citizens like you are taking notice and fighting back!

You've stood with Liberty Institute throughout 2014 helping us stand up to Goliath opponents including the ACLU, Freedom From Religion Foundation, American Atheists, Military Religious Freedom Foundation and even government entities that are targeting people of faith—whether they be churches, business owners, ministries, employees, military members or students and teachers in our nation's schools.

Because of the partnership of friends like you, we've seen the freedoms of many Americans restored—and you've participated in this national movement to turn the tide, defend religious liberty, and celebrate the “free exercise” of religion our Founding Fathers guaranteed us in the First Amendment to the Constitution.

Liberty Institute has been engaged in more than 225 legal matters this year alone. Celebrate with Liberty as we prepare to end 2014 and tip our hats to the top 12 advancements in the fight for faith this past year:

1) Court victories against the ObamaCare Abortion Pill Mandate. In July 2014, the United States ruled 5-4 in favor of Hobby Lobby Stores Inc. and Conestoga Wood Specialties Corporation in their challenge to the U.S. Department of Health and Human Services' Abortion Pill Mandate. Liberty Institute filed a friend-of-the-court brief in the case on behalf of its numerous similarly situated clients.

After the ruling, Liberty Institute's General Counsel Jeff Mateer said: “This is a landmark win for the freedom of

conscience rights of every American, including business owners, recognizing that they are free to live and work according to their beliefs without the fear of government.”

The Hobby Lobby decision paved the way for the recent permanent injunction awarded to Liberty Institute’s client Doug Erickson, owner of Hastings Automotive Inc. and Hastings Chrysler Center in Hastings, Minnesota. We celebrate these victories.

2) A victory for Insight for Living Ministries (IFLM) against the ObamaCare Abortion Pill Mandate.

In November 2014, the United States District Court for the Eastern District of Texas granted a preliminary injunction to IFLM, the Bible-teaching ministry of Pastor Charles R. Swindoll—founder and senior pastor-teacher of Stonebriar Community Church in Frisco, Texas, and former president and current chancellor of Dallas Theological Seminary. The international ministry will not have to comply with the mandate nor pay a \$ per day per employee fine while the case makes its way through the court system.

“This is an important victory for faith-based ministries that seek to provide life-affirming health care insurance for all their employees,” said Liberty Institute’s Deputy General Counsel Matthew Kacsmatyk. IFLM joined many other Christian nonprofits, schools, and organizations that are challenging the Obama Administration’s Abortion Pill Mandate—which requires them to cooperate in the dispensation of abortion-inducing drugs and devices.

3) A victory protecting the rights of pregnancy resource centers (PRCs).

In June 2014, Liberty Institute gained a huge victory for pregnancy resource centers after the city of Austin, Texas, attacked their religious liberty. A U.S. District Judge issued a final judgment and permanent injunction ruling that the

Austin city ordinance targeting religious, life-affirming groups is unconstitutional. The ordinance unfairly targeted PRCs, enforcing them to post false and misleading signs at their front entrances stating what services they do not provide. Facilities that did provide abortions, however, were not required to post any signs or disclaimers referencing their service or procedures.

"We are very pleased," said Jeff Mateer, General Counsel for Liberty Institute. "Our clients' First Amendment rights to free speech and religious exercise and expression have been upheld according to well-established constitutional law and the great work of these pregnancy resource centers to help women make informed decisions will no longer be hindered."

4) Protection for churches from being banned from ministry areas or operating on their own property.

In November 2014, a United States District Court Judge issued a preliminary injunction in a lawsuit brought by Cornerstone Church by the Bay, its pastor Hamilton Musser, and Laguna Madre Christian Academy against the Town of Bayview, Texas. Earlier this year, after Cornerstone Church requested permission from the town to use property it had acquired in Bayview for its church and school, the Town unanimously voted to ban churches and schools from the area where Cornerstone Church's property sits—despite allowing nonreligious institutions in that exact same area. The Town then enacted and enforced an illegal zoning ordinance.

Now, with the preliminary injunction, the church is allowed to meet on its own property and plans to move the school to the property may continue. Liberty Institute won this battle because of a previous precedent-setting victory at the federal appeals court level for Opulent Life Church in Holly Springs, Mississippi. We are committed to defending all houses of worship, including our current battle on behalf of Congregation Toras Chaim, a small Jewish community in

Dallas, Texas, which is the victim of a lawsuit filed by members of a neighborhood homeowners association.

5) Progress in lawsuits attacking veterans memorials across America.

In September 2014, a federal court granted Liberty Institute's client, The American Legion, the right to intervene in a lawsuit to defend the Maryland World War I Veterans Memorial from legal attack by American Humanist Association. The veterans memorial has stood without objection for 89 years and was funded by a memorial committee which included ten mothers who lost sons in the war. Liberty Institute also won the right to intervene for our client, Mt. Soledad Memorial Association (MSMA), in a lawsuit filed by the ACLU which is trying to tear down the Mt. Soledad Veterans Memorial in San Diego, California.

We are appealing a federal district court decision ordering the destruction of the memorial's 29-foot cross—which is part of a memorial that also includes plaques with various and diverse religious and secular symbols honoring more than 3,500 veterans.

If anti-religious groups like American Humanist Association or the ACLU are successful in their attacks on the Maryland World War I Veterans Memorial and the Mt. Soledad Veterans Memorial, then all other memorials across our nation will be at risk.

6) Progress defending the phrase “under God” in the Pledge of Allegiance.

In September 2014, Liberty Institute won a very important part in a lawsuit challenging the constitutionality of the Pledge of Allegiance under the New Jersey Constitution. The Superior Court of New Jersey, Monmouth County, granted a motion allowing our client, The American Legion, to intervene in the matter to defend the traditional Pledge in a New Jersey School district. Whether uttered in a classroom, or before a school

event, the Pledge of Allegiance, with the phrase “under God,” is a lynchpin that helps hold together America’s social framework.

Liberty Institute is committed to defending this religious expression—what the Supreme Court has said is a “reference to our religious heritage”—for the thousands upon thousands of public school children and adults who recite it every year.

7) Protection for military members and their religious freedoms while serving our country. Liberty Institute clients Army Lieutenant Colonel Charles Pudil and Senior Master Sergeant Phillip Monk both risked their military careers and future by blowing the whistle on violations of religious liberty.

Liberty Institute helped protect them, and now we are using the leverage of those victories. When LTC Pudil was threatened with a career-ending reprimand and accused of military crimes for questioning an Army policy that violates his religious beliefs, Liberty Institute’s response caused LTC Pudil’s commander to overturn his reprimand. Liberty Institute also stepped in to defend Senior Master Sergeant Phillip Monk, a 19-year Air Force combat veteran, who was abruptly relieved of duty because of his religious views on marriage.

Instead of being court-martialed and dishonorably discharged, he was given a medal and retired with full honors. He defied religious discrimination and was protected—encouraging others in a nationally prominent case.

8) Protection of Ten Commandments monuments and displays on government and private property. In September 2014, an Oklahoma judge ruled that the Ten Commandments monument on the Oklahoma capitol grounds is legal under the Oklahoma Constitution. Liberty Institute, along with Oklahoma’s Attorney General, represents the State of Oklahoma in the case.

Hiram Sasser, Liberty Institute's Director of Litigation, said: "This is a great victory for the people of Oklahoma. Ten Commandments monuments are routinely upheld as constitutional across the country. This is just one more example of how the Ten Commandments monuments may be constitutionally displayed."

In August 2013, the ACLU filed a state court lawsuit seeking the removal of the Ten Commandments monument from the Oklahoma state capitol grounds. Liberty Institute was also honored to help protect another display of the Ten Commandments earlier this year on the private property of Jeanette Golden of Hemphill, Texas.

9) Victories for students and protection of their religious liberty rights in our nation's schools:

- In October 2014, Liberty Institute and our volunteer attorneys sent a demand letter to officials at Ward Melville High School in East Setauket, New York, for wrongfully denying high school student John Raney's request to continue his faith-based club. Within a day, school officials reversed course, followed the law, and allowed the club.

In neighboring Long Island, New York, another high school student, 15-year-old Liz Loverde, took note of how Liberty Institute helped John fight back against religious discrimination when she saw a report of the incident on her local television news. And when her proposal to start a faith-based club at Wantagh High School was denied by her principal because it was a Christian club, she contacted Liberty Institute. We sent a demand letter to the Wantagh Union Free School District. Within eight days, the school district agreed to our demand and authorized Liz's "Dare to Believe" Christian club.

When an adult in a lunchroom at Carillon Elementary school

near Orlando, Florida, “caught” the kindergarten-aged daughter of Marcos and Kathy Perez bowing her head in prayer for her food, the school official told this five-year-old girl to stop. We sent a letter to the school administrators demanding that they apologize for violating the civil rights of Miss Perez. The school reversed direction, apologized, and committed not to discriminate against other students.

Another child, Giovanni Rubeo, had his fifth-grade teacher tell him to stop reading his Bible during free reading time—even forcing him to report the situation to his father on the classroom phone while his classmates watched. After first denying and fighting Giovanni and Liberty Institute, the school eventually conceded and agreed with Liberty Institute’s analysis that Giovanni could read his Bible while at school.

Dr. Eric Walsh is a respected health official who was terminated for his religious beliefs expressed in his church. On behalf of Dr. Walsh, Liberty Institute filed a charge of discrimination with the EEOC against the Georgia Health Department.

Craig James is a sportscaster who was fired by FOX Sports Southwest for his religious beliefs regarding traditional marriage. In February 2014, Liberty Institute filed a formal complaint of religious discrimination on behalf of James with the Texas Workforce Commission, and in early March 2014, the Texas Workforce Commission issued a Charge of Discrimination against FOX Sports Southwest.

Walt Tutka is a substitute teacher who gave a Bible—upon request—to a student and was ultimately terminated. On Tutka’s behalf, Liberty Institute filed a charge of discrimination against the school district with the U.S. Equal Employment Opportunity Commission.

Bob Eschliman is a newspaper editor from Iowa who was fired for expressing his religious beliefs on his personal blog. In

July 2014, Liberty Institute filed an official charge of discrimination with the United States Equal Employment Opportunity Commission on Eschliman's behalf.

10) Protection for religious expression and defense of rights in the workplace. Liberty Institute led the fight to preserve religious liberty in the workplace and in the public arena in four cases in 2014.

11) Protection of churches, ministries and faith-based schools from coming attacks. In the summer of 2014, Liberty Institute began assisting more than 40 faith-based organizations—including churches, adoption agencies, educational institutions and ministries—by offering free-of-charge “Religious Liberty Audits.”

“All are vulnerable to attack by litigious individuals and organizations that are offended by traditional religious viewpoints and seeking to litigate employment or discrimination claims in furtherance of a larger political or cultural agenda,” explained Matthew Kacsmatyk, Liberty Institute Deputy General Counsel and Managing Director of Direct Litigation, Research, and Education. Liberty Institute attorneys are trained to identify risks and develop solutions unique to their practice, as they help faith-based organizations review their foundational documents, employment manuals, discipline policies and other corporate documents.

12) Publication of Liberty Institute's 2014 edition of ‘Undeniable: The Survey of Hostility to Religion in America,’ documenting anti-religious bigotry throughout America. Supervised by a Harvard-trained constitutional attorney—Liberty Institute's Senior Counsel and Director of Research and Education, Justin Butterfield—this third annual edition demonstrates an accelerated attack against religion and silences skeptics. ‘Undeniable’ is a one-of-a-kind resource that is waking up more Americans.

It has drawn the attention of the media, government, the legal profession and others across the nation to the crisis of persecution of religion. Unless more Americans awaken to this crisis, the legal action that could save religious freedom will not occur. Hostility to religion can be defeated, but only if challenged by an informed nation.