



# UPDATE

Winter 2018



In response to increasing intrusions by government in the realm of the church, the LCMS launched this "Free to be Faithful"™ campaign in September 2012 to educate and move people to take informed action to protect religious freedom and all the cultural issues that pertain to it: confessing the faith in the public square, marriage, defending the sanctity of human life and related issues affecting religious liberty.

In 2016, the Synod in convention adopted Resolution 14-01 to encourage education and leadership in matters of religious freedom.

For LCMS Free to be Faithful resources and news, visit [lcms.org/socialissues/freetobefaitful](http://lcms.org/socialissues/freetobefaitful).

## 'Love Saves Lives': Lutherans march for life in Chicago and D.C.



Amid frigid temperatures, LCMS members walk through Chicago carrying an *Eyes of Life* banner during this year's March for Life.

by Kevin Armbrust

"God loves life," observed Daniel Fickenscher, a second-year seminarian at Concordia Theological Seminary, Fort Wayne, Ind. "Therefore, it is the will of God that we defend life."

Throughout the country, Lutherans are joining in various marches and walks for life. The theme for this year's marches is "Love Saves Lives."

Members of Lutheran Church—Missouri Synod congregations took part in area and national marches to stand for life and to remind the government of its role to protect life.

"We are to be people who celebrate life on God's terms for all. Proclaiming the sanctity of life is part of our witness of the Gospel," said the Rev. Dr. Gregory Seltz, executive director of the Lutheran Center for Religious Liberty in Washington, D.C. "The Church must humbly, yet confidently

proclaim the truths, the wonders of the God of grace, truth and life for all. One way to do that is to march."

### Chicago march

The temperatures remained below freezing on Jan. 14 as over 6,000 people gathered for the 2018 March for Life Chicago, setting a record for the largest pro-life gathering in the Midwest, according to the event's website.

"Love Saves Lives" was a recurring theme in the pre-march speeches by U.S. congressmen, state legislators, clergy, an owner of the Chicago Bears and pro-life advocates, and on the signs carried by marchers.

"I was overwhelmed by the numbers, the youth and the diversity of the pro-life presence," said Abram Egger, a student at Concordia University Chicago in River Forest. "What we saw was an enormously diverse, strikingly youthful and incredibly large group of marchers chanting slogans as innocent as

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## SYNOD JOINS COURT BRIEF TO PROTECT PREGNANCY CENTERS FROM MANDATED ABORTION ADVERTISING

by Roger Drinnon

The LCMS has joined in an *amicus* brief in a case bound for the U.S. Supreme Court to halt a California law requiring pro-life pregnancy centers to provide free advertising for the abortion industry.

The Synod is among 22 states, 144 members of Congress and numerous other organizations that have filed *amicus* (friend-of-the-court) briefs with the U.S. Supreme Court in *National Institute of Family and Life Advocates (NIFLA) v. Becerra*, according to Alliance Defending Freedom (ADF). ADF attorneys are representing the pregnancy center network NIFLA and two of its centers.

"As the many briefs filed in this case affirm, no one should be forced to provide free advertising for the abortion industry—least of all pro-life pregnancy centers," said ADF President, CEO and General Counsel Michael Farris in an ADF press release [adflegal.org/detailpages/press-release-details/broad-support-against-forcing-pro-life-centers-to-advertise-for-abortion](http://adflegal.org/detailpages/press-release-details/broad-support-against-forcing-pro-life-centers-to-advertise-for-abortion). "Government-compelled expression strikes at the very heart of constitutionally protected liberties."

Farris will argue the case before the high court on behalf of NIFLA and the two centers.

At issue is whether the disclosures required by the California Reproductive FACT Act, AB 775, violate the protections set forth in the Free Speech Clause of the First Amendment, applicable to the States through the Fourteenth Amendment.

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## Love Saves Lives continued from pg. 1

“We love babies.”

A high school band played music. Middle-school students ran around chanting pro-life messages. Marchers — including a number of older adults — carried signs and tried to stay warm in the frigid temperatures.

The streets of downtown Chicago were filled with people of all ages and walks of life who found unity in a basic, shared joy of humanity: life.

### National March for Life

Thousands upon thousands gathered Jan. 19 on the National Mall in Washington, D.C., for the rally preceding the annual March for Life. They listened to a brief concert and heard from various speakers, including politicians, celebrities and people whose lives have been changed by decisions on life issues.

President Donald J. Trump, in a live video from the Rose Garden, described the hope of life as “the true gift of this incredible movement that brings us together today. ... And most importantly of all, it is the gift of life itself — that is why we march, that is why we pray, and that is why we declare that America’s future will be filled with goodness, peace, joy, dignity and life for every child of God.

“Thank you to the March for Life — special, special people. And we are with you all the way. May God bless you and may God bless America. Thank you. Thank you.”

Speaker of the House Paul Ryan appeared at the rally and enthusiastically expressed his delight at the numbers of youth in attendance.

“The young people here is what is so inspiring because it tells us that this is a

movement that is on the rise,” he said.

The pro-life movement is on the rise, Ryan added, “because truth is on our side. Life begins at conception,” and “science is on our side.

“Most importantly, the pro-life movement is on the rise because we have love on our side.”

And the LCMS was there in the midst of the crowd, among those gathered to rejoice and stand for life.

Clad in matching green hats, the people of the LCMS stood side by side with thousands of others, bearing witness to the God who created and sustains life.

### Walking together

Following the rally, the march began on Constitution Avenue, traveling from 12th Street to the United States Supreme Court.

The thousands at the rally were joined by thousands upon thousands more, mostly Roman Catholics, as the march swelled and filled the street for the largest annual pro-life event in America.

**The scores of Lutherans from across the country offered our distinctive voice to the life issues: human life has value because of God’s grace in creating, redeeming and calling each one from the invisible miracle of conception to the moment of natural death.**

“It was a privilege to join all those marching for life in our nation’s capital. You hear often that young people are increasingly pro-life, but seeing the turnout of students and young people from across the country to celebrate life was truly incredible,” said Jonathan Olson, one of the students from Concordia Theological Seminary who drove to the march.

“Marching to song and drum,” Olson added, “there is greater optimism than ever that the laws will once again protect innocent life in our land ... as we

march and sing the praises of our Lord Jesus Christ who was born of the Virgin Mary, a precious baby nurtured in her womb.”

Many in the Lutheran group of marchers carried “Eyes of Life”\* banners, but it was their singing that seemed to catch the attention of others. Lutherans sing. And so, hymns and parts of the liturgy were the noise that the LCMS made in the streets of Washington.

“Hundreds of thousands of attendees, most of them Christian and most of them young, gathered in a courageous, compassionate, joyful, hopeful atmosphere,” noted the Rev. Michael Salemin, executive director of Lutherans For Life in Nevada, Iowa. “As we marked the regrettable anniversary of *Roe v. Wade* 45 years ago, we proclaimed to our nation and culture the sanctity and significance of every human being, regardless of age, appearance, ability or history.

“We also encouraged each other in respecting and protecting our neighbors, especially the endangered ones,” he added. “The scores of Lutherans from across the country offered our distinctive voice to the life issues: human life has value because of God’s grace in creating, redeeming and calling each one from the invisible miracle of conception to the moment of natural death.”

Pastors and laypeople of the Synod walked and sang to bear witness to life as the gift of God to all through Christ Jesus. Many had gathered before the rally and march for a Divine Service at Immanuel Lutheran Church in Alexandria, Va.

“God gave life, and if it was important for Him to give life, then it is important for me to sanctify and keep my life and the life of all people,” commented Elaine Ott, a member of St. Paul Lutheran Church in California, Mo.

Ott has attended 12 life marches, and plans to continue.

“Coming to the March for Life is my energizer each year,” she said. “The life message, the love of Jesus, is what I get to share each and every day.”

Attending her first march was Moira Kilgas, a student at Concordia University Wisconsin (CUW), Mequon.

“It was really cool to hear all the speakers,” said Kilgas, who came with 30 other CUW students. “It was awesome to see everyone here from all over. It’s great to see that you are not alone in your beliefs.”

The LCMS was well-represented by college students from several Concordias and other universities, young adults, parents, youth, children, senior citizens and families.

The people of the Church from all walks of life, marched to support life for all.

As the march concluded, the group of LCMS marchers, led by Salemin, stood across the street from the Supreme Court, prayed the Lord’s Prayer and sang the Doxology in praise of the One who gives and sustains all life.

Love saves lives.

*Dr. Kevin Armbrust is manager of Editorial Services for LCMS Communications.*



Lutherans take part in the annual March for Life in Washington, D.C., Jan. 19.



Lifting their voices in song and prayer in the nation’s capital, Synod members show their support for all human life.



Zachary Treece proudly carries an LCMS sign during the Chicago March for Life on Jan. 14.

# Should Churches Be Denied Disaster Relief Funds Simply Because They Are Religious?

By Sarah Kramer, Alliance Defending Freedom



The very faith that motivated Texas churches to aid their communities in the aftermath of Hurricane Harvey is the same faith that was used to exclude them from receiving disaster relief funds.

Why? According to Federal Emergency Management Agency (FEMA) policy at the time, churches could not receive federal disaster relief funds because of their religious status.

But the Constitution and our Supreme Court victory in the Trinity Lutheran case last year say otherwise.

Fortunately, in January, FEMA officials announced policy changes that make it easier for churches to receive federal disaster relief

funds. This move came after President Trump tweeted his support for Texas churches seeking assistance from FEMA after suffering their own damages in the hurricane.

As the president pointed out, many churches in Texas assisted in relief efforts in Harvey's aftermath. And, as *USA Today* reported, a vast majority of the organizations behind disaster relief efforts are faith-based.

That aside, the fact remains that this issue has already been decided.

Last year, Alliance Defending Freedom had the privilege of representing Trinity Lutheran Church of Columbia, Missouri before the Supreme Court.

At issue in this case was a reimbursement grant that was open to all nonprofits in the state wishing to resurface their playgrounds. Trinity Lutheran applied for the grant to create a safer environment for the children that attend its preschool, as well as the children in the community who play on the playground during non-school hours.

The state acknowledged that Trinity Lutheran was highly qualified for the grant, ranking it fifth out of 44 applicants based on the criteria. The state awarded 14 grants that year, but Trinity Lutheran was not among them. The reason? The preschool is operated by a church.

The case made it all the way to the Supreme Court, and in June 2017, the Court ruled 7-2 that religious people and organizations cannot be excluded from generally available public benefits simply because of their beliefs.

The same principle applies to FEMA aid: The government cannot treat people of faith as second-class citizens. And by excluding Texas churches from receiving grant funds that are generally available to other nonprofits, that's exactly what FEMA was doing.

Thankfully, the government agency is taking steps to remedy this.

After all — as Trinity Lutheran confirmed — acting neutrally toward religion does not mean the government must treat people and organizations of faith worse than everyone else. It just means the government must treat them equally.

## Abortion advertising continued from pg. 1

According to ADF's case details [adflegal.org/detailspages/case-details/national-institute-of-family-and-life-advocates-v-harris](http://adflegal.org/detailspages/case-details/national-institute-of-family-and-life-advocates-v-harris), the California law compels pro-life pregnancy care centers to provide free advertising for the abortion industry by requiring licensed medical centers that offer free, pro-life care for pregnant women to post a disclosure saying that California provides free or low-cost abortion and contraception services. The mandated disclosure must also include a phone number for a county office that refers women to Planned Parenthood and other abortion providers.

The U.S. Court of Appeals for the 9th Circuit upheld a federal district judge's decision to allow the law to

“Issues like this – where repugnant ideologies are being forced upon people who respectfully disagree – these are precisely the reasons why the LCRL is in Washington D.C. advocating for our First Amendment rights to be God's people ...”

— Rev. Dr. Gregory Seltz, LCRL exc. director

in high-profile Supreme Court cases, since

remain in effect while the legal challenge proceeds. ADF attorneys are asking the Supreme Court to reverse that ruling, halt the law and affirm that compelling the centers to provide advertising contrary to their core mission is a violation of their constitutionally protected freedoms.

From Christian bakers to judges to florists who seek to live consistently with their faith in their vocations, religious liberty advocacy organizations like ADF are increasingly involved

Christians face continued encroachments from a heavily secularized American culture that some now refer to as “post-Christian America.” In addition to advocates like ADF, Lutherans can look for a voice in the public square as the nascent Lutheran Center for Religious Liberty (LCRL) establishes a foothold in the nation's capital.

“Issues like this — where repugnant ideologies are being forced upon people who respectfully disagree — these are precisely the reasons why the LCRL is in Washington D.C. advocating for our First Amendment rights to be God's people, reflecting His voice in the public square for all,” said the Rev. Dr. Gregory Seltz, LCRL executive director.

**The LCMS has participated in amicus briefs for other important cases like this that pertain to religious liberty. To read these briefs, visit [lcms.org/board/amicusbriefs](http://lcms.org/board/amicusbriefs).**

# UPDATE:

## Masterpiece Cakeshop v. Colorado Civil Rights Commission

# Supreme Court hears case of Colorado baker under fire for marriage view

by Roger Drinnon

### WHAT'S AT STAKE:

- + The freedom to operate a business according to your religious beliefs
- + The freedom to express yourself artistically without endorsing a view with which you disagree



Reprinted from ADF website

Jack Phillips, a Christian cake artist being sued for declining to design a custom cake for a same-sex wedding, decorates one of his creations. The U.S. Supreme Court heard oral arguments Dec. 5 in the case, *Masterpiece Cakeshop v. Colorado Civil Rights Commission*. (Alliance Defending Freedom)

Oral arguments were heard Dec. 5 in the case of Colorado cake artist Jack Phillips, sued by the Colorado Civil Rights Commission for sexual-orientation discrimination for refusing to make a custom cake for a same-sex wedding ceremony.

The contentious case of *Masterpiece Cakeshop v. Colorado Civil Rights Commission* likely will determine whether the government can compel Americans to use their abilities and vocations to perform services that violate their faith and conscience. Arguments were extended from the scheduled 60 minutes to 90 minutes to accommodate both sides of the case.

"I am here at the Supreme Court today because I respectfully declined to create a custom cake that would celebrate a view of marriage in direct conflict with my faith's core teachings on marriage," said Phillips at a rally following the oral arguments.

He spoke amid chants of "We got Jack's back!" from a crowd of supporters.

"For that decision, which was guided by an established set of religious beliefs, I've endured a five-year court battle. It's been very hard on me and my family," he said. "There have been tears and many difficult days for us."

Phillips said he and his family have faced death threats and harassment, and he has been forced to stop creating the wedding art that he loves while also losing much of his business, as the family struggles to pay bills and keep the shop afloat.

"It's hard to believe that the government is forcing me to choose between providing for my family and employees and violating my relationship with God. That is not freedom. That is not tolerance," Phillips added.

The LCMS joined an amicus brief for the U.S. Supreme Court in support of Phillips last year [lcms.org/about/leadership/board-of-directors/amicus-briefs](http://lcms.org/about/leadership/board-of-directors/amicus-briefs) along with seven other organizations advocating for religious freedom in the case. The LCMS brief was one of approximately 50 briefs that included scores of religious organizations filed in support of Phillips.

In July 2016, Alliance Defending Freedom (ADF) attorneys and allied attorneys petitioned the U.S. Supreme Court to take up the case. According to ADF case details, [adfflegal.org/detailspages/case-details/masterpiece-cakeshop-v.-craig](http://adfflegal.org/detailspages/case-details/masterpiece-cakeshop-v.-craig), an administrative-law judge ruled in December 2013 against the cake artist, saying that designing cakes for same-sex wedding ceremonies is not speech protected by the First Amendment.

The commission also ordered Phillips and his staff to design cakes for same-sex wedding celebrations; take "corrective action," including comprehensive staff training; implement new policies to ensure compliance with Colorado anti-discrimination laws; and file quarterly "compliance" reports for two years to show that Phillips has implemented the changes and to document any patrons denied service.

ADF attorneys indicated that when the U.S. Supreme Court rules in this case, it will have a major impact on religious freedom in America, collectively stating, "It could very well be the most important decision in our lifetime" in terms of religious liberty.

ADF also has appealed a related right-of-conscience case to the U.S. Supreme Court. In the case involving Arlene's Flowers, the Washington Supreme Court upheld a ruling against florist Barronelle Stutzman, who declined to create custom flowers for a longtime customer's same-sex wedding.

The U.S. Supreme Court could consider this case along with Masterpiece Cakeshop or hold it until its Masterpiece decision is made, and then send the case back to the lower court for reconsideration in light of the new opinion. Last year, the Synod also joined an amicus brief for Stutzman's case, *State of Washington v. Arlene's Flowers*.

Although neither Phillips nor Stutzman is an LCMS Lutheran, the outcome of each case may pose significant ramifications for the Synod, its agencies, affiliated institutions and members of LCMS congregations.

"Tolerance should be a two-way street. Phillips gladly serves anyone who walks into his store, but, as is customary practice for

many artists, he declines opportunities to design for a variety of events and messages that conflict with his deeply held beliefs. In this case, Jack told the couple suing him he'd sell them anything in the store but just couldn't design a custom cake celebrating their wedding because of his Christian faith," said ADF Senior Counsel Kristen Waggoner after filing an opening brief with the high court in August.

Waggoner represents both Phillips and Stutzman.

"The First Amendment protects Jack's right to create artistic expression that is consistent with his core convictions," she said. "Individuals can support both same-sex marriage and Jack, and people should have the right to disagree on critical matters of conscience. The same government that can force Jack to violate his faith and conscience can force any one of us to do the same."

The U.S. Supreme Court now must decide, in effect, whether Christians who do not support same-sex marriage have the same liberty as others to live consistently according to their religious beliefs and whether Christians can be compelled to express messages or promote events that violate their faith.

If the high court rules against Phillips (and Stutzman), the ADF says potential ramifications include lawsuits against other creative professionals and Christian business owners who express themselves through their business activities, a rule of law that would not support the First Amendment rights for all people.

"I'm profoundly thankful to the Supreme Court of the United States for taking my case. I hope and pray it will affirm the freedom of artists to peacefully express themselves in ways consistent with who they are," said Phillips.

Last year, the Synod in convention adopted Resolution 14-01 to encourage intentional leadership in matters of religious freedom.

Roger Drinnon ([roger.drinnon@lcms.org](mailto:roger.drinnon@lcms.org)) is director of Editorial and Media Relations for LCMS Communications.

## MILITARY UPDATE:

# Another Air Force colonel faces career-ending punishment for religious convictions

First Liberty Institute



First Liberty Institute

For over twenty years, Colonel Leland Bohannon has dedicated his life to service over self in the United States Air Force. With over 3,300 flight hours in various airframes, including B-2A and B-52H bombers and combat missions to Iraq and Afghanistan, Col. Bohannon is a decorated and experienced combat pilot. He has earned the Bronze Star (earned in Afghanistan), the Defense Meritorious Service Medal, and the Air Medal. He is eligible for a merit-based promotion to Brigadier General, a one-star general officer. He is also a husband, father of five, and a devout Christian.

In the Air Force, Col. Bohannon is known for more than accomplishments. He lives with integrity, serves others before himself, and strives for excellence in all things. Col. Bohannon's superiors, peers, and subordinates — including Brigadier General Kristin E. Goodwin, Commandant of Cadets, United States Air Force Academy — have praised his character and leadership abilities.

### What Happened

As a devout Christian, Col. Bohannon adheres to the basic Christian belief that marriage is between one man and one woman. When one of Col. Bohannon's subordinates, who happens to be homosexual, announced his retirement, the Air Force delivered to Col. Bohannon the standard awards, gifts, and honors that are often presented to retiring service members. Col. Bohannon readily signed each document for the retiring Airman. But when the Air Force presented a certificate of spouse appreciation — an optional, unofficial certificate, similar to a bouquet of flowers — to Col. Bohannon, his sincerely held religious beliefs prevented him from signing it because doing so would signify his personal endorsement of the same-sex marriage.

Attempting to balance his legal right to live according to his religious beliefs with a request to sign an optional, unofficial spouse appreciation certificate, Col. Bohannon sought guidance from his chaplain and his military "JAG" attorney. Because the Air Force offers no formal guidance to commanders who are faced with this dilemma, the chaplain recommended Col. Bohannon request a religious accommodation that would excuse him from having to personally sign a document in a manner that violated his religious beliefs.

While Col. Bohannon pursued the religious accommodation, a two-star general advised that he would sign the certificate in his place, a solution with which Col. Bohannon readily agreed. Thus, the Airman's spouse received a certificate with the far superior signature of a two-star general. But upon learning that Col. Bohannon did not personally sign the spouse certificate due to his sincerely held religious beliefs, the MSgt filed a formal Equal Opportunity complaint. In his complaint, the MSgt alleged that Col. Bohannon unlawfully discriminated against him on the basis of his sexual orientation.

The Air Force conducted an investigation into the allegations and found them to be substantiated, meaning the Air Force believes Col. Bohannon is guilty of unlawful discrimination because he did not personally sign an optional, unofficial certificate, even though he successfully obtained a far superior signature on the certificate. The Air Force investigation acknowledged that Col. Bohannon requested a religious accommodation, but stated that even if it had been granted, it would not change the outcome or Col. Bohannon's "guilt."

### First Liberty Legal Action

First Liberty is fighting for Col. Bohannon's religious freedom by appealing on his behalf to the Secretary of the Air Force. First Liberty is also requesting that the Air Force issue formal guidance to commanders that could prevent situations like this in the future.

**Prayer:** *Eternal Lord, ruler of all, graciously regard those who have been set in positions of authority among us that, guided by Your Spirit, they may be high in purpose, wise in counsel, firm in good resolution, and unwavering in duty, that under them we may be governed quietly and peaceably; through Jesus Christ, our Lord. Amen.*

## US Supreme Court allows Mississippi to protect its citizens against coercion

Alliance Defending Freedom

WASHINGTON — The U.S. Supreme Court declined on Jan. 8 to disturb a state law protecting Mississippians against government discrimination, leaving in place a U.S. Court of Appeals for the 5th Circuit ruling which concluded in June of last year that the law's opponents didn't demonstrate they have been or will be harmed by the law. The 5th Circuit therefore lifted an injunction that had been blocking the Protecting Freedom of Conscience from Government Discrimination Act (HB 1523) from going into effect.

Alliance Defending Freedom (ADF) attorneys are part of the legal team representing Gov. Phil Bryant in the lawsuits, *Barber v. Bryant and Campaign for Southern Equality v. Bryant*.

"Good laws like Mississippi's protect freedom and harm no one," said ADF Senior Counsel Kevin Theriot. "The 5th Circuit was right to find that those opposing this law haven't been harmed and, therefore, can't try to take it down. Because of that, we are pleased that the Supreme Court declined to take up these baseless challenges, which misrepresented the law's sole purpose of ensuring that Mississippians don't live in fear of losing their careers or their businesses simply for affirming marriage as a husband-wife union."

"Those who haven't been and won't be harmed by this law shouldn't be allowed to restrict freedom for others by ensuring dissenters are left open to the government discrimination that has already occurred in states without protective laws like this one," Theriot explained.

HB 1523 protects citizens, public servants, businesses, and religious institutions from government reprisal for operating publicly according to their belief that marriage is reserved for one man and one woman. Bryant signed the overwhelmingly popular bill into law in April 2016, but a federal district court stopped its enforcement shortly thereafter.

The 5th Circuit, however, concluded in its opinion that since "the plaintiffs do not have standing, we reverse the injunction and render a judgment of dismissal ... Because the challengers have failed to provide sufficient evidence of an injury-in-fact from HB 1523 ... they have not made a clear showing of standing."

Co-counsel Jonathan F. Mitchell of Stanford Law School argued before the 5th Circuit on behalf of Bryant and was counsel of record at the Supreme Court.

# US Supreme Court allows Mississippi to protect its citizens against coercion

*Alliance Defending Freedom*

**WASHINGTON** – Alliance Defending Freedom attorneys filed their opening brief Jan. 8 with the U.S. Supreme Court in a lawsuit challenging a California law that forces pro-life pregnancy care centers to provide free advertising for the abortion industry. ADF represents a pro-life pregnancy care center network, National Institute of Family and Life Advocates, and two independent centers in the case, which in November the high court agreed to take up.

The U.S. Court of Appeals for the 9th Circuit upheld a federal district judge's decision to allow the law to remain in effect while the lawsuit, *National Institute of Family and Life Advocates v. Becerra*, proceeds. The brief asks the Supreme Court to reverse the ruling, halt the law, and affirm that forcing the centers to provide the free advertising contrary to their core mission is a violation of their constitutionally protected freedoms.

"No one should be forced to provide free advertising for the abortion industry. This is particularly true when the ones who are being forced to provide it are pro-life pregnancy care centers," said ADF President, CEO, and General Counsel Michael Farris, who will argue the case before the high court. "Compelled speech strikes at the very heart of constitutionally protected liberties, which are most at risk when speakers are targeted by government officials who disagree with their thoughts and ideas. Targeting people who disagree with the government is exactly what the California law does."

California's Reproductive FACT Act, AB 775, requires licensed medical centers that offer free, pro-life help to pregnant women to post advertisements saying that California provides free or low-cost abortion and contraception services. The disclosure must also include a phone number for a county office that refers women to Planned Parenthood and others in the abortion industry. The law also forces unlicensed pregnancy centers to add large disclosures in multiple languages about their non-medical status in all advertisements, which obscure and crowd out their pro-life speech. Other courts have invalidated or mostly invalidated similar laws in Austin, Texas; Montgomery County, Maryland;

Baltimore; and New York City.

According to the opening brief filed with the Supreme Court, "This Court has long held that compelled speech is highly disfavored because it imperils freedom by giving government control of the voices of private actors — and that laws targeting particular speakers because of their views are especially dangerous. The government 'may not substitute its judgment as to how best to speak for that of speakers and listeners; free and robust debate cannot thrive if directed by the government ...' This Court should continue its steadfast defense of this fundamental freedom against governmental attempts to compel speech, and reverse the judgment of the Ninth Circuit."

"These non-profit pregnancy centers exist to encourage expectant mothers to give their children the opportunity for life," said ADF Senior Counsel and Senior Vice President of the U.S. Legal Division Kristen Waggoner. "The last thing the centers should be forced to do is point these women to the abortion industry."

"National Institute of Family and Life Advocates member centers exist to empower a mother's choice of life. They do this by providing assistance and resources free of charge — often in the form of pre-natal vitamins, baby clothes, and ultrasounds," added NIFLA President and Founder Thomas Glessner, J.D. "All of their speech is designed to further this goal. California's law purposely hampers this right from the beginning of a pregnancy center's interaction with expectant mothers."

"The legislative record demonstrates that the State chose to mandate these compelled messages precisely because of the pregnancy centers' pro-life views," the opening brief explains. "The legislative committee report described the centers' messages as 'unfortunate' because they 'aim to discourage and prevent women from seeking abortions ...'. The Legislature created exceptions within the Act, seeking to ensure it applies only to centers that express this disfavored view. Such government targeting of viewpoints runs afoul of this Court's cases 'establish[ing] that the State cannot advance some points of view by burdening the expression of others.'"

ADF-allied attorney John Eastman of the Center for Constitutional Jurisprudence at Chapman University's Fowler School of Law, Anne O'Connor of NIFLA, and Dean R. Broyles of The National Center for Law and Policy are co-counsel in the lawsuit on behalf of NIFLA and the two pregnancy centers.

# NEW HHS DIVISION WILL HELP PROTECT FREEDOM OF RELIGION, CONSCIENCE

Alliance Defending Freedom Senior Vice President of U.S. Legal Division Kristen Waggoner released the following statement regarding the recent announcement by the U.S. Department of Health and Human Services of the creation of a new division that will help protect freedom of religion and conscience:

"One of the freedoms Americans have cherished most is the freedom to live according to their faith and conscience, free from government coercion. That freedom is what separates America from so many other nations. For that reason, we commend HHS for creating its new Division on Conscience and Religious Freedom within its Office of Civil Rights. Over recent years, we have seen the government repeatedly violate constitutionally protected freedoms. Government should serve as freedom's greatest protector, not its greatest threat. This new office will help ensure that HHS acts in accordance with its duty to honor Americans' freedom of religion and conscience rather than coerce nuns, faith-based universities, Christian-run family businesses, and pro-life organizations to speak and live contrary to their own beliefs. That's a mission that all Americans concerned about government overreach can support."



## LUTHERAN CENTER FOR RELIGIOUS LIBERTY

**KEEP UP TO DATE** on what's happening with the Lutheran Center for Religious Liberty (LCRL).

The LCRL's mission is to ignite and fuel a uniquely Lutheran response to increasing intrusions, limitations and challenges by the government in the life of the Church, while educating, encouraging and equipping LCMS members and organizations to take informed action in support of marriage, life and religious freedom.

**FOR MORE INFORMATION** about the LCRL, including ways to support it, visit [lcms.org/lutheran-center-for-religious-liberty](http://lcms.org/lutheran-center-for-religious-liberty) or contact Martha Mitkos at [martha.mitkos@lcms.org](mailto:martha.mitkos@lcms.org) or 800-248-1930.

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Free to Be Faithful Update | [lcms.org/socialissues/freetobeforthful](http://lcms.org/socialissues/freetobeforthful)

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