

SECURING FREEDOM'S FUTURE

— AT THE U.S. SUPREME COURT —



TABLE OF CONTENTS

- 4** **Historic Victory for Free Speech**
303 Creative v. Elenis
- 8** **The End of Roe v. Wade**
Dobbs v. Jackson Women's Health Organization
- 12** **One Cake Artist's Triumph for Religious Freedom**
Masterpiece Cakeshop v. Colorado Civil Rights Commission
- 14** **Pro-Life Pregnancy Centers Stand for Free Speech**
NIFLA v. Becerra
- 16** **Religious Liberty Wins in Missouri**
Trinity Lutheran Church of Columbia v. Comer
- 18** **Pro-Life Organization Stands for Religious Freedom**
March for Life Education and Defense Fund v. California
- 18** **Donor Privacy Prevails in California**
Thomas More Law Center v. Bonta
- 18** **Public Prayer Protected**
Town of Greece v. Galloway
- 19** **A Level Playing Field for Political Donors**
Thompson v. Hebdon
- 19** **Accountability for Constitutional Violations on College Campuses**
Uzuegbunam v. Preczewski
- 20** **Christian Colleges Stand Up for Life**
Southern Nazarene University v. Burwell, Geneva College v. Burwell
- 20** **Supreme Court Halts Viewpoint Discrimination**
Reed v. Town of Gilbert
- 21** **Religious Nonprofits Remain Eligible for State Programs**
Arizona Christian School Tuition Organization v. Winn
- 21** **Employers Remain Free to Operate According to Their Faith**
Conestoga Wood Specialties v. Burwell
- 22** **15 Wins is just the Beginning**





OUR DEAREST MINISTRY FRIENDS,

Alliance Defending Freedom was born nearly 30 years ago when leaders in the Christian community saw the writing on the wall.

People of faith — people like you — were being targeted for simply living out their beliefs. And if no one stepped in to help, there was no telling where America might end up. But only in their wildest dreams did ADF's founders envision the success we are seeing today.

I am overjoyed to tell you that in *303 Creative v. Elenis*, the U.S. Supreme Court reaffirmed the freedom of all Americans to say what they believe without fear of government punishment when it ruled in favor of ADF client Lorie Smith. This landmark free-speech win marks the **15th Supreme Court victory for ADF in the last 12 years**. We praise God for this remarkable success.

Your partnership made each of these victories possible, and thanks to you, we are ready, willing, and able to continue the fight for freedom's future. That is why we are honored to share this publication with you. We hope that as you read and share it with others, you will always remember the important part you played.

On behalf of the entire ADF team and the brave clients we serve, thank you so much for standing boldly with us.



Warmly,

Kristen Waggoner
CEO, President & General Counsel



HISTORIC VICTORY FOR FREE SPEECH

303 CREATIVE V. ELENIS

On June 30, 2023, your partnership helped achieve a landmark ruling for free speech in *303 Creative v. Elenis*.

The U.S. Supreme Court reaffirmed the free speech rights of Lorie Smith, a graphic artist and website designer who owns a design studio called 303 Creative. The decision upholds the freedom of all Americans to say what they believe without fear of government punishment.

Lorie's courageous stand has the potential to help others like cake artist Jack Phillips, who is in court for a third time for politely declining to create a custom cake celebrating a gender transition in violation of his religious beliefs. After first being prosecuted 11 years ago, Jack is still defending his freedom to express what he believes through his one-of-a-kind custom cakes.

Lorie's case also supports the freedom of wedding photographers and bloggers like Emilee Carpenter and Chelsey Nelson, who face similar government coercion of their speech.

FREEDOM TO CREATE

Lorie Smith spent years in the corporate marketing and design industry, focusing on advertising, graphic design, and branding.

She then wanted the freedom to promote causes consistent with her beliefs and close to her heart, such as supporting children with disabilities, overseas missions, animal shelters, and veterans.

So Lorie struck out on her own and started 303 Creative, her website design business. She pours her heart, imagination, and talents into her creations and spends one-on-one time with her clients, getting to know them so she can create the absolute best designs for them.

Lorie works with people from all walks of life, including those who identify as LGBT. But there are some messages she cannot promote for anyone.

Lorie was excited to expand her portfolio to include creating websites that celebrate marriage between a

“Tolerance, not coercion, is our Nation’s answer.”

— U.S. Supreme Court majority opinion

HISTORIC VICTORY FOR FREE SPEECH | 303 CREATIVE V. ELENIS

man and a woman, but she discovered that a Colorado law would censor what she wants to say and would require her to create designs that violate her beliefs about marriage.

After watching Colorado use this same law to punish Masterpiece Cakeshop owner Jack Phillips, Lorie challenged it to protect her freedom to create designs consistent with her beliefs, taking a stand for the free speech of all Americans.

But she had to appeal her case all the way to the U.S. Supreme Court.

ACTIVATING THE ALLIANCE

In addition to the work of more than 20 staff attorneys, an Allied Attorney played a crucial role in organizing and filing a key friend-of-the-court brief on behalf of a group of artists.

It was the only brief from a top 100 “Big Law” firm that presented arguments helpful to Lorie’s case — a tremendous effort considering how “Big Law” culture is often hostile to the Christian worldview.

But that bold stand paid off, and the U.S. Supreme Court’s majority opinion granting Lorie the 6-3 victory cited the brief favorably in multiple places.

LORIE’S COURAGEOUS STAND

Lorie was not looking for a fight. Her dream was to use her God-given talents to serve Him.

But for seven years, Lorie bravely stood up for free speech — not only for herself but for all Americans.

Her joy in the midst of the storm has been an inspiration.

Lorie and her family have faced vicious harassment, including death threats. But she has never wavered in her conviction.

All Americans, whether they agree with Lorie’s position or not, should be appreciative of Lorie’s conviction, courage, grace, and her willingness to take a stand. Because of her, the right of all Americans to speak freely is protected.

We don’t defend free speech so that we can sit back and rock contentedly in our beliefs. We defend freedom so that we can exercise it — so that we can step out boldly to advance truth in a world that desperately needs it and to courageously live out our faith and love our neighbor.

Like Lorie, each one of us can make a lasting impact simply by choosing to stand. The Supreme Court’s landmark decision rejecting government-mandated speech demonstrates that.

*“This is a win for all Americans. ...
If we desire freedom for ourselves,
we must defend it for others.”*

— ADF CEO, President & General Counsel Kristen Waggoner,
who argued on Lorie’s behalf before the U.S. Supreme Court



“Roe was egregiously wrong from the start. ... And far from bringing about a national settlement of the abortion issue, Roe and Casey have enflamed debate and deepened division.”

— U.S. Supreme Court Justice Samuel Alito



THE END OF ROE V. WADE

— DOBBS V. JACKSON WOMEN'S HEALTH ORGANIZATION —

All human beings — in the womb or out— are created in the image of God and deserve dignity and respect.

But on January 22, 1973, the Supreme Court handed down a decision in *Roe v. Wade* that fabricated a so-called constitutional right to abortion.

According to the Court's reasoning, denying an abortion was denying an essential right. This radical decision normalized the grievous injustice of abortion.

ODDS STACKED AGAINST LIFE

But *Roe* did not stand unopposed. Immediately following the decision, people from many different beliefs and backgrounds united around the truth of the humanity of the unborn child.

Yet when the Court had the opportunity to revisit *Roe* years later in *Planned Parenthood v. Casey*, it doubled down on its stance.

The pro-life movement continued defending life, but commonsense laws protecting unborn children were repeatedly struck down because of *Roe* and *Casey*.

To many, the idea of overturning *Roe v. Wade* seemed like an impossible goal. But in 2017, things began to change.

DOMINOES FALL IN MISSISSIPPI

In the spring of 2017, ADF crafted a model bill for Mississippi protecting life at 15 weeks' gestation based on the latest research on fetal development. The bill was designed to directly challenge the Supreme Court's reasoning in *Roe* and *Casey*.

A variety of factors were considered, including the justices who were on the Court and lessons learned from legal challenges to pro-life bills across the country.

“But as a matter of constitutional interpretation, even most liberal jurists — if you administer truth serum — will tell you [Roe] is basically indefensible.”

— Edward Lazarus, former clerk for the U.S. Supreme Court



*“The decision overturns
nearly 50 years of
egregiously wrong legal
thought and puts an end
to the Supreme Court’s
immoral justifications
for the intentional killing
of tens of millions.”*

— ADF CEO, President & General Counsel
Kristen Waggoner

THE END OF ROE V. WADE | DOBBS V. JACKSON

In 2018, the Mississippi legislature passed the bill into law with significant bipartisan support. Shortly after, the state's only abortion clinic sued, and the legal battle began.

State officials in Mississippi had the courage to defend the law all the way to the Supreme Court, and your partnership allowed ADF to support Mississippi every step of the way. Our attorneys even served on the state's legal team as they prepared for the monumental Supreme Court oral arguments in December 2021.

On June 24, 2022, the Supreme Court handed down a decision in *Dobbs v. Jackson Women's Health Organization* that overturned *Roe* and *Casey* and declared that there is no constitutional right to abortion.

After nearly 50 years of tireless work and prayers, the Court's decision represents a tremendous victory for the pro-life movement. *Dobbs* ushered in a new era of legal protections for women and children, as well as new opportunities within states to build a culture of life.

THE WORK IS JUST BEGINNING


While we are honored to share this tremendous victory with you, the fight to protect the unborn and their mothers must continue now that each state can determine its own abortion legislation.

Your generosity will continue saving lives by allowing ADF to represent states and act as co-counsel with state and attorney general offices to defend pro-life laws that exist in many states, while standing against laws that threaten life in others.

"For you created my inmost being; you knit me together in my mother's womb. I praise you because I am fearfully and wonderfully made."

— Psalm 139:13-14



A photograph of two people standing in front of a large, classical building with many white columns, likely the U.S. Supreme Court. On the left is a woman with blonde hair, wearing a dark blue blazer and a pearl necklace. On the right is a man with a beard and mustache, wearing a dark suit jacket, a light blue shirt, and a blue tie. They are both smiling at the camera. The background shows the building's facade and a blue sky with some clouds.

“Government hostility toward people of faith has no place in our society. ... Tolerance and respect for good-faith differences of opinion are essential in a society like ours.”

— ADF CEO, President & General Counsel Kristen Waggoner, who argued on Jack’s behalf before the U.S. Supreme Court

ONE CAKE ARTIST'S TRIUMPH FOR RELIGIOUS FREEDOM

— MASTERPIECE CAKESHOP V. COLORADO CIVIL RIGHTS COMMISSION —

Jack Phillips, owner of Masterpiece Cakeshop in Colorado, is not only a cake artist but also a devout man of faith who uses his God-given talents to celebrate life's most cherished moments.

For decades, Jack has poured his passion into designing expressive cakes that bring joy to his clients' lives.

However, in 2012, his own life changed forever.

TARGETING JACK FOR HIS FAITH

Two men asked Jack to create a custom cake celebrating their same-sex wedding. Like many artists, Jack serves all people, but he cannot express messages or celebrate events that violate his core beliefs.

So, Jack politely declined the request, saying that while he could not design cakes celebrating same-sex weddings for anyone, he would design the men another custom cake or sell them other items in his shop.

Soon after, Jack was targeted and punished by the

Colorado Civil Rights Commission for declining to express a message he doesn't believe.

Members of the commission publicly compared Jack and his beliefs to those of slaveholders and Nazis and denied Jack the same expressive freedom the commission extends to secular cake artists.

A SUPREME COURT VICTORY — AND ITS LASTING IMPACT

Colorado courts ruled against Jack at every step, so ADF took his case to the Supreme Court.

In a 7-2 ruling in Jack's favor, the Court found that Colorado wrongly punished Jack for peacefully living out his beliefs in the marketplace and condemned the state for its overt hostility toward his religious beliefs.

Though the Supreme Court didn't address Jack's right to speak freely, his case was cited throughout *303 Creative* and his victory protects religious freedom in cases nationwide.



PRO-LIFE

PREGNANCY CENTERS

STAND FOR FREE SPEECH

NIFLA V. BECERRA

About a year before Lorie Smith filed her lawsuit against Colorado to defend her freedom of speech, the National Institute of Family Life Advocates (NIFLA) made a stand in California by challenging a law that coerced its speech.

NIFLA is a nonprofit network of pregnancy centers that believes in the value of every human life. But when California's Reproductive FACT Act legislation was passed, it was aimed squarely at pro-life pregnancy centers. The law's intent? To provide free advertising for the abortion industry.

COMPELLED SPEECH

The law *required* pro-life pregnancy care centers to inform pregnant women that California offered

free or low-cost abortion services and to provide a phone number for a county office, which would then refer women to Planned Parenthood or other abortion providers.

Thankfully, partnerships like yours would defend against compelled speech.

VICTORY FOR SPEECH AND LIFE

Shortly after the law's passage, ADF attorneys filed a lawsuit on behalf of NIFLA and two individual pregnancy centers in California.

The case made its way to the Supreme Court, where a favorable 5-4 decision struck down California's law.

"The people lose when the government is deciding which ideas should prevail."

— Justice Thomas, U.S. Supreme Court majority opinion



RELIGIOUS LIBERTY

WINS IN MISSOURI

TRINITY LUTHERAN CHURCH OF COLUMBIA V. COMER

Trinity Lutheran Church in Columbia, Missouri, operates a nonprofit preschool and daycare, with a playground that is used not only by schoolchildren during normal operating hours but also by kids from the surrounding neighborhoods after school and on weekends.

RECYCLED SCRAP TIRES AT THE U.S. SUPREME COURT

Trinity Lutheran wanted to replace its playground's gravel surface with rubber to make it safer for the children. So the church applied to a state grant program that gives nonprofit organizations funds to use recycled rubber from scrap tires for playground surfaces.

Even though Trinity Lutheran ranked fifth out of 44 applicants, high enough to qualify for the grant, Missouri denied funding simply because the

preschool was run by a church.

ADF took Trinity Lutheran's case to the U.S. Supreme Court, which ruled 7-2 in the church's favor. The Court said that the state of Missouri could not exclude religious organizations and individuals from benefits available to the public simply because of their beliefs.

RELIGIOUS FREEDOM IS FOR EVERYONE

In essence, the government cannot treat people and organizations of faith worse than everyone else. The massive *Trinity Lutheran* victory has become a foundation of the modern religious liberty movement and directly influenced multiple Supreme Court and countless lower court victories for religious freedom.

"The [decision] affirms the commonsense principle that government isn't being neutral when it treats religious organizations worse than everyone else."

— ADF Senior Counsel, Vice President of U.S. Litigation David Cortman



Pro-Life Organization Stands for Religious Freedom

MARCH FOR LIFE EDUCATION AND DEFENSE FUND V. CALIFORNIA

In 2017, the Trump administration reversed a rule mandating that employers provide abortion-inducing drugs in their health plans.

But that same day, California officials filed a lawsuit against the administration, seeking to reinstate the mandatory coverage. Alongside an Allied Attorney, ADF stepped in to defend March for Life, which objected to providing drugs that can destroy life.

The U.S. Supreme Court ruled in favor of March for Life, protecting the rights of employers to operate according to their beliefs. The case is now on hold at the district court while the Biden administration considers whether it will change the rule again.

Donor Privacy Prevails in California

THOMAS MORE LAW CENTER V. BONTA

In 2012, California officials demanded that a nonprofit legal organization hand over its top donors' private information to the state attorney general's office.

Not only was California's demand uncalled for, but it was a violation of the First Amendment's freedom of association.

Thankfully, the Supreme Court ruled in Thomas More Law Center's favor, sending a clear message: forcing nonprofits to reveal their donors' private information is unconstitutional.

Public Prayer Protected

TOWN OF GREECE V. GALLOWAY

America has a rich history of public prayer. But when two residents of Greece, New York, sued to eliminate Christian prayers from public meetings, ADF argued the case before the Supreme Court.

Thankfully, in 2014, the Supreme Court issued a major correction to the misconceptions of lower courts and affirmed that people are free to deliver uncensored prayers at public meetings, including prayers in the name of Jesus.



A Level Playing Field for Political Donors

THOMPSON V. HEBDON

Campaign finance laws should ensure fair play for all. But in 2015, Alaska's laws were so strict that they put some political candidates at a severe disadvantage and actually limited the First Amendment rights of citizens.

In fact, the contribution limit on voters of just \$500 per year to any political candidate or any group other than a political party were some of the most restrictive in the country.

ADF attorneys worked with allies to bring the case to the U.S. Supreme Court, which reversed the lower court decision. On remand, the lower court overturned the draconian campaign contribution laws. Alaskan citizens are now free to provide meaningful support to the candidate of their choosing.



Accountability for Constitutional Violations on College Campuses

UZUEGBUNAM V. PRECZEWSKI

To college student Chike Uzuegbunam, the most loving thing that you can do for someone else is to share the Gospel.

Officials at Georgia Gwinnet College didn't like his message, however, and violated his First Amendment rights by silencing him twice.

But ADF attorneys defended Chike at the U.S. Supreme Court. In 2021, the Court ruled 8-1 in favor of Chike — making clear that when government officials violate our rights, there should be consequences.



Christian Colleges Stand Up for Life

SOUTHERN NAZARENE UNIVERSITY
V. BURWELL, GENEVA COLLEGE
V. BURWELL

Christian colleges would not stand by while the federal government forced abortion into health plans.

The U.S. Department of Health and Human Services issued a mandate requiring abortion-inducing drugs and devices be included in employee and student health plans or else face severe penalties.

ADF defended both Southern Nazarene University and Geneva College, and in 2016, the Supreme Court consolidated these two cases with five others and issued a unanimous opinion directing lower courts to allow for an approach that accommodates religious exercise.



Supreme Court Halts Viewpoint Discrimination

REED V. TOWN OF GILBERT

In Gilbert, Arizona, local officials decided that political signs on public property were more acceptable than religious signs.

This was a nightmare for 82-year-old Pastor Clyde Reed, who relied on signs to direct and invite people to the temporary locations his church used for worship. Even though political signs could be up all year, the church signs could be up only for a few hours. Pastor Reed was forced to put up his signs after sunset on Saturdays and then rush to take them down after Sunday services for fear of facing fines or jail time.

In a major win for free speech, the Supreme Court handed down a unanimous decision in favor of Pastor Reed in 2015, sending a clear message that laws cannot favor certain types of speech.



Religious Nonprofits Remain Eligible for State Programs

ARIZONA CHRISTIAN SCHOOL TUITION ORGANIZATION V. WINN

The Arizona Christian School Tuition Organization (ACSTO) has provided scholarships for religious school tuition for decades.

ACSTO does this through a scholarship program that allows donors of school tuition organizations to claim a tax credit. But the ACLU sued, claiming parents can't use the tax-credit scholarships to send their children to a religious school.

In a decision that laid the foundation for cases like *Trinity Lutheran* later, the Supreme Court dismissed the lawsuit in 2011 and allowed ACSTO to continue receiving donations.



Employers Remain Free to Operate According to Their Faith

CONESTOGA WOOD SPECIALTIES V. BURWELL

The U.S. Department of Health and Human Services tried to make private businesses check their faith at the door by forcing employers — regardless of their religious or moral convictions — to provide insurance coverage for abortion-inducing drugs.

But a family-run business would not allow their constitutional rights to be trampled underfoot.

Your support allowed ADF, along with Allied Attorneys, to defend Conestoga Wood. The family-owned custom wood products manufacturer, along with Hobby Lobby, won a 5-4 decision at the Supreme Court in June 2014.

15 WINS

IS JUST THE BEGINNING

Since 1994, we've been blessed by God and the generosity of Ministry Friends like you with these 15 U.S. Supreme Court wins as lead or co-counsel.

In addition, we have been honored to play a role in 59 other U.S. Supreme Court victories — resulting in 74 total — for religious student groups on campus, pro-life sidewalk counselors, Christian foster and adoption agencies, and many more.

From funding cases, to helping prepare allies arguing

before the Court, to coordinating amicus briefs that help the justices consider all angles of an important issue, your support is leaving a legacy of freedom that will stand for generations to come.

Because of your partnership, our First Amendment freedoms and God-given rights are more protected today than they were 30 years ago.

Here's to more victories that advance the freedom of all to live and speak the Truth.

“I am the vine; you are the branches. If you remain in me and I in you, you will bear much fruit; apart from me you can do nothing.”

— John 15:5





Alliance Defending Freedom is the world's largest legal ministry committed to protecting religious liberty, the sanctity of human life, freedom of speech, marriage and family, and parental rights.

It is your partnership that enables us to stand for Truth, not only in courtrooms but also in state legislatures, the U.S. Congress, and the public square, while equipping like-minded allies to do the same.

X | @ADFLegal

Instagram | AllianceDefendingFreedom

Facebook | AllianceDefendingFreedom

Globe | ADFlegal.org