Protecting Fundamental Freedoms In State Legislatures
PAGE 5

I Lost My Coaching Job For Stating A Scientific Fact
PAGE 17

What's Happening Now In Post-Roe America?
PAGE 19

A Couple More
Oregon Officials Don't Want This Christian Family Adopting Foster Children
Contents

COVER STORY

9 A Couple More
Oregon Officials Don’t Want This Christian Family Adopting Foster Children

COLUMNS

2 Minutes With Kristen
Keeping Christmas

3 News & Quick Takes
Case Updates From Around The World

5 Special Feature
Protecting Fundamental Freedoms In State Legislatures

7 Alliance Profile
Melony Goodhand

17 My View
I Lost My Coaching Job For Stating A Scientific Fact

19 Q&A
Denise Harle: What’s Happening Now In Post-Roe America?

21 Opinion
A Free Speech Victory Years In The Making

DONATE:
ADFlegal.org/fj–donate

November 2023
Vol. XVI, Issue 4

Editor
Karen Kurtz

Senior Writer
Chris Potts

Art Director
Jonathan Marshall

Photography
Bruce Ellefson

Contributors
Grant Atkinson
Dustin Hobbs
Angeline Riesterer
Nick Schober
Jonathan Scruggs
Kristen Waggoner

Questions or comments on this issue? Email Editor@ADFlegal.org.

15100 N. 90th Street, Scottsdale, AZ 85260
ADFlegal.org | 800-835-5233

Referral to websites not produced by Alliance Defending Freedom is for informational purposes only and does not constitute an endorsement.
Ten years ago, ADF made some headlines with our work in defense of Christmas. All across the country, we defended nativity scenes in public places, Christmas carols at school functions, and students handing out invitations to Christmas events at their church. We helped make “It’s okay to say ‘Merry Christmas’” something of a national catchphrase. You could see it on bumper stickers coast to coast — and even hear it quoted on the evening news.

It sounds almost quaint now, given the high-stakes battles we are engaged in today. It’s not an unusual day when ADF attorneys stand before the highest courts in the land, defending our fundamental rights of speech, religion, and conscience. Today, we represent female athletes who are losing their privacy and opportunities to men. Teachers and professors who face penalties because they won’t speak lies about gender. Parents who simply want to raise their children according to their faith. And around the world, Christians who face the loss of everything for following Christ.

It’s a far cry from defending town square manger scenes.

Those of us who have college-age or adult children look forward to Christmas as a time of sweet reunion. We eagerly anticipate those long kitchen-table conversations and the fun of games, treats, and worship services as a family.

We look into those faces that just a short time ago were beaming with joy at the thought of toys beneath the tree, enlivened by the music and sweet aromas of the season. We laugh and listen as they talk of their adventures on campus and in the workplace. And we quietly notice that these children we raised have also become our dear friends.

Christmas is a sacred season, a time when we marvel at the love of the Word who became flesh. It’s also a rare time that our culture seems to take a break from division and upheaval. It’s become a refuge, even for many who don’t yet know our Savior. You don’t hear much about the “War on Christmas” anymore.

It makes me wonder if those early efforts we invested to defend Christmas were in fact more important than we could have imagined.

Our Savior was born into a world of tyranny and bigotry, of too-high taxes and cruel oppression. He came to declare good news to the poor, comfort to the brokenhearted, and liberty to the captives. The love and hope He brought into that culture is the same love and hope He brings into ours … the possibility of rescue, of being restored to our Maker, of a new way of living marked by freedom and abiding peace.

It’s still okay to say “Merry Christmas” — and the way things are, it might even be a necessity. Because the hope behind that simple message just might save somebody’s life. The Prince of Peace has come. He is our refuge and strength, a very present help in time of need.

The Prince of Peace has come.
He is our refuge and strength, a very present help in time of need.

“
**Tennessee**

Months after Bank of America canceled the accounts of Indigenous Advance Ministries with scant explanation, the Christian nonprofit has filed a consumer complaint with the help of ADF. The complaint asks Tennessee Attorney General Jonathan Skrmetti to investigate whether the bank illegally discriminated against the charity because of its religious views.

In operation since 2015, the Tennessee-based charity partners with Ugandan ministries to provide basic necessities for orphaned and vulnerable children, raise Christian families, and provide vocational skills training to young adults. Indigenous Advance held accounts with Bank of America from its founding through April 2023, when it received a series of letters informing it that the bank was closing its accounts within 30 days.

The initial letters gave no specific reason for the closures, only stating that "upon review of your account(s), we have determined you're operating in a business type we have chosen not to service at Bank of America." A later letter said Indigenous Advance "no longer aligns with the bank's risk tolerance." The nonprofit does not advocate for any political causes.

**Michigan**

A federal court ruled in favor of Country Mill Farms owner Steve Tennes six years after he was banned from a farmers market in East Lansing because of his religious beliefs and practices related to marriage.

Tennes and Country Mill "were forced to choose between following their religious beliefs and a government benefit for which they were otherwise qualified," the court stated in its ruling.

In 2016, Tennes posted on Facebook that he follows the Catholic Church's teachings about marriage and that he honors his religious beliefs when hosting and participating in weddings at his farm. Days later, East Lansing officials began to pressure Tennes to leave the market, ultimately creating a new policy designed to ban him from future markets. ADF attorneys filed a lawsuit on behalf of Tennes and Country Mill Farms in 2017.

A preliminary injunction granted in late 2017 allowed Tennes to return to the farmers market as the case proceeded. The case then went to trial in federal court in July 2021. After two years, the federal court issued its ruling post-trial, allowing Tennes to continue his longtime partnership with East Lansing and its residents.

**Illinois**

In a settlement, Southern Illinois University Edwardsville agreed to pay $80,000 to a Christian student for issuing "no contact" orders simply because she shared her religious and political views. As part of the settlement, SIUE also agreed to revise its policies and student handbook. In addition, three professors in the art therapy program will take part in a First Amendment training session conducted by ADF attorneys.

Maggie DeJong was an art therapy graduate student when she, like many students, expressed her views on social media and in class discussions. SIUE issued orders that prevented her from having any interaction with three students who reported her expressions and claimed her viewpoints constituted "harassment" and "discrimination."

Represented by ADF, DeJong filed a lawsuit against the university for violating her civil and constitutional rights. The university rescinded the no-contact orders after receiving a letter from ADF informing it that stifling DeJong's speech is unconstitutional.
Germany

Peaceful prayer gatherings near abortion facilities cannot be prohibited, Germany’s highest administrative court has ruled.

In 2019, authorities in the city of Pforzheim banned a local prayer group from holding silent prayer vigils near the city’s Pro Familia abortion advisory center. Prior to the ban, the “40 Days for Life” prayer group had gathered twice a year near the advisory center to pray for the women considering abortion and for the lives of their unborn children. Pavica Vojnović, the group’s leader, challenged the prohibition, arguing that it violated their right to freedom of assembly.

“I’m truly relieved,” Vojnović said after the court’s decision was handed down. “Our prayers really help, as affected women have told us over and over. I am grateful that we can continue our prayer vigils.”

Vojnović’s legal defense was supported by ADF International.

Vermont

ADF attorneys filed a lawsuit on behalf of two pregnancy care centers and the National Institute of Family and Life Advocates (NIFLA). The lawsuit challenges a Vermont law that unconstitutionally impedes the centers’ ability to provide help to women and families.

In May, Gov. Phil Scott signed SB 37 into law, banning pro-life pregnancy centers from advertising their services and offering even non-medical services such as counseling and information about abortion alternatives and post-abortion support.

The lawsuit explains that the Vermont law specifically targets pro-life pregnancy centers as “limited services” providers — simply because they do not refer for or perform abortions. Under the law, the state has the authority to fine pregnancy centers up to $10,000 if the attorney general believes its life-affirming messages are misleading.

The law applies only to pro-life pregnancy centers. An abortion facility that provides identical information would not be subject to the law.

Mexico

The leader of a pro-family advocacy group in Mexico has been convicted of “political violence” over a series of social media posts on transgender ideology.

A Mexican court ruled against Rodrigo Iván Cortés, head of the National Front for the Family (FNF), for posts that referred to congressional representative Salma Luévano, who identifies as transgender, as a “man who self-ascribes as a woman.”

In September 2022, FNF expressed concern on Twitter and Facebook after Luévano presented a bill in the Mexican Congress to penalize Christian teaching on sexuality as a form of “hate speech.” In response to the social media posts, Luévano alleged a violation of “identity rights.”

Cortés plans to take his case to the Inter-American Commission on Human Rights. ADF International is supporting his legal defense.

The real purpose of this process is to silence me from saying what every concerned citizen needs to hear — that these proposed laws are driving forward a radical agenda.

Rodrigo Iván Cortés
In March 2018, Mississippi Gov. Phil Bryant signed into law a bill that limited abortion after 15 weeks of pregnancy, making Mississippi one of the country’s leading states in protecting unborn life.

“We’ll probably be sued here in about half an hour, and that’ll be fine with me,” the governor joked during the signing. “It is worth fighting over.”

Alliance Defending Freedom was already in the fight. The Mississippi law was born out of model language drafted by ADF attorneys the year before, with three clear goals: to protect unborn life, advance women’s health, and safeguard the integrity of the medical profession.

The attorneys had hoped that state legislatures would use the model language as a framework to protect life, and Mississippi did just that. State Rep. Becky Currie soon introduced ADF’s language as the Gestational Age Act in the Mississippi House of Representatives. The bill soared through both chambers of the state legislature with bipartisan support before Gov. Bryant signed it into law.

The governor’s prediction of an immediate lawsuit turned out to be only a slight exaggeration. Just hours after the bill was signed into law, Jackson Women’s Health Organization — the state’s only abortion facility — filed suit.

The Dobbs v. Jackson Women’s Health Organization case quickly made its way to the U.S. Supreme Court, with ADF’s appellate team providing support for Mississippi’s legal team. The court ruled in favor of Mississippi’s law on June 24, 2022, overturning Roe v. Wade in a landmark decision.

Victories like this are why ADF formed its Center for Legislative Advocacy, according to its director, ADF Senior Counsel Matt Sharp. Created to complement ADF’s efforts in the courtroom, the Center provides legal analysis, resources,
and expert testimony on legislation that protects life as well as First Amendment, parental, and conscience rights in state legislatures across the country.

“What our team does is take ADF’s legal expertise and translate it to the legislative realm: to state houses, to Congress,” Sharp says. “We help them craft bills that move the ball forward in protecting these rights.”

ADF first started noticing an opportunity to expand its legislative work seven or eight years ago, Sharp says, as the issue of boys seeking to enter girls’ restrooms and other private spaces became more widespread. ADF attorneys began helping school boards and other entities with policy language that would provide legal protection.

“From that, we had legislators reach out and say, ‘We’re interested in doing this at a statewide level to make sure this isn’t happening in our state,’” Sharp says. ADF leadership then made the decision to consciously develop a team with legislative expertise to complement the litigation.

“It started off as, honestly, a handful of us,” Sharp says. “We weren’t even an official team. It was a working group drawn from different teams to answer the question, ‘What can we do to better serve the legislative process?’”

Officially formed a year later, the Center for Legislative Advocacy now consists of attorneys working alongside ADF’s government relations specialists and other professionals who are uniquely suited to assist in state legislatures and serve allied state policy organizations.

“More and more, we’re seeing state legislators realize that so much of what’s happening in our country is happening at the state level,” Sharp says. For example, he says, the Supreme Court’s decision in Dobbs returned power to regulate abortion to individual states. This provides a unique opportunity for ADF to work alongside states to protect unborn and maternal life.

Another major victory for ADF came in June, when the Supreme Court ruled in favor of graphic artist Lorie Smith, owner of 303 Creative. Smith sought protection from a Colorado law that would have forced her to create websites celebrating same-sex weddings in violation of her beliefs.

The Center for Legislative Advocacy has been working to ensure that sexual orientation and gender identity (SOGI) laws that undermine free speech and religious liberty do not spread across the country, and clients like Smith demonstrate why those laws must be stopped.

Testifying against proposed SOGI laws was one of the Center’s earliest efforts, Sharp says, and his team did so by sharing stories from affected clients like Washington floral artist Barronelle Stutzman, who faced a lawsuit after she declined to create floral arrangements celebrating a same-sex wedding.

“I still remember one of the first trips I took, traveling with Barronelle to Indiana as she testified before the legislature [about a proposed SOGI law],” Sharp says, admitting he was not optimistic about the result. “We were worried that the proposed law could pass. But her standing there and sharing her story … it changed hearts and minds.” To his delight, the bill died in the committee.

Successes like this one have accelerated the progress of ADF’s legislative advocacy, and Sharp’s team has identified three major issue areas it will focus on during the next state legislative session: parental rights, medical rights of conscience, and women’s privacy and safety.

“These are issues that are very important to the American people whose freedom we are looking to protect,” Sharp says. “Defending these rights is key to preserving the liberty our country has enjoyed since its founding.”

More and more, we’re seeing state legislators realize that so much of what’s happening in our country is happening at the state level.

“— Matt Sharp

After Barronelle Stutzman expressed her concerns about a proposed SOGI law before the Indiana legislature, the bill died in the committee.
Melony Goodhand felt a nagging uncertainty as she leaned over the operating table, surgical tools in hand. The patient beneath her had been pronounced “brain-dead.” But Goodhand, relatively new in her job as a surgical first assistant, couldn’t help wondering as she helped stop the heart and remove organs that would soon be used for transplant: how could they be so sure?

That concern stayed with her as she advanced through her career, which eventually led her into hospital administration. Even after retiring in 2015, she found that the question of brain death and denial of care still troubled her.

“I can identify 15 patients by name who were pronounced brain-dead who woke up and lived a productive life,” she says.

She shared her concern with a few people she met several years ago at an Alliance Defending Freedom seminar on the sanctity of life. “Some told me I have something I can bring to the table that most people don’t have.”

That “something” was the unusual combination of her experience as an RN, a hospital executive, and an attorney. (She earned a law degree during her years as an administrator.)

She brought that combination to ADF in 2009, when she began volunteering as an Allied Attorney, helping anguished family members grappling with the question of a loved one’s brain death. Working from her home near Knoxville, Tennessee, she now serves as a patient advocate for families across the nation.

It’s vital work, Goodhand says, because “often the law and practice do not coincide.” Some states have criteria to define brain death, she explains, but hospitals don’t always comply.

“That’s why the patient needs an advocate,” she says.

She helped one couple whose 3-year-old son was born with a genetic defect and then discharged with an endotracheal tube. He was progressing at home until an inadequately trained nurse came to the house and knocked out his ET tube, causing him to suffocate. He was pronounced brain-dead at the hospital, but his parents weren’t convinced.

Goodhand worked with doctors to conduct more testing and thoroughly explain the results to the parents, helping them become comfortable with the medical team’s conclusion. She also talked hospital staff into allowing the parents to spend their last moments with their little boy in the chapel. “They had a little service,” she says. “The mama held him in a rocking chair, and they disconnected the ventilator with all the family there. It was a very touching thing.”

In the difficult situations Goodhand deals with, cases rarely conclude with the longed-for outcome of a patient’s return home. In fact, the initial brain-dead pronouncement is usually confirmed. But she has come to accept a different measure of achievement.

“I feel like it’s successful if we’ve gotten the proper testing,” she says, “and the family understands and feels at peace with what happened.”

She often hears from grateful families afterward. “I cannot thank you enough for being in our corner whether in a clinical, spiritual, or legal capacity,” one surviving family member wrote in a text message. “We are so grateful to you, and glad ADF has you.”

“I can identify 15 patients by name who were pronounced brain-dead who woke up and lived a productive life.

Melony Goodhand
Protecting religious freedom, free speech, marriage and family, parental rights, and the sanctity of life is a big calling. So, when 35 Christian leaders formed Alliance Defending Freedom to keep the doors open for the Gospel, they knew it would take an alliance.

That alliance includes our *Faith & Justice* readers. There are many ways for you to join ADF in standing up for our nation’s foundational freedoms — from something as simple as sharing a video on social media, to praying for specific clients and cases, to volunteering your time and talents.

### Protect Your Church

Make sure your church is part of the ADF Church Alliance, which provides practical resources and legal assistance to churches to protect their right to operate, teach, and minister according to biblical principles.

### Volunteer

Become an Ambassador and help defend faith and freedom by connecting people within your sphere of influence — friends, family, church members, and others — to the mission of Alliance Defending Freedom.

### Submit A Legal Request

ADF is ready to help you, a friend, or your church or ministry. In addition to staff attorneys, our nationwide network includes over 4,700 legal professionals who give their time and talents to help protect and preserve your freedoms.

### Stay Informed

Sign up to receive text or email updates on news that impacts your fundamental freedoms.

### Give

Whether it be planned giving, non-cash items, stocks and bonds, or even corporate matches, there are a variety of ways you can invest financially and help defend religious freedom.

LEARN MORE: Visit [ADFlegal.org/Get-Involved](http://ADFlegal.org/Get-Involved)
I like to keep things simple and easy, but sometimes He calls us out of that to do something else.

Jessica Bates
Covid was dragging on and on, and for Jessica Bates’ five children — like so many others — the relative isolation of homeschooling was wearing a little thin. Time for a break. So, one sunny afternoon, Jessica and the children borrowed a truck and headed down to a park near their rural Oregon home for a little kayaking excursion.

The park bordered a reservoir. As they carried the kayaks down to the water, a man approached Jessica and her daughter, Dani. He appeared to have been camping at the reservoir for some time, and Jessica could smell alcohol on his breath. "Come see my puppies!" he said. A little uncomfortable, Jessica directed Dani to steer around the insistent fellow and make for the water. "Come see my puppies!" he called again. "We don’t need any puppies right now," Jessica replied. "Thanks, though!" The family walked quickly toward the water.

The reservoir was pleasant, and the rowing was fun. But when the family returned to their borrowed truck, they found it sagging over a flat tire. With a sigh, they began digging about the vehicle for equipment to fix it. Suddenly, a now-familiar voice startled them from behind. Puppy Man wanted to help change the tire. He pointed out how uneven the ground was and said he had a much safer jack for the job. He was a retired mechanic, he told them, and quickly proved it — accomplishing in just a few minutes what would’ve taken them quite a while. Talking with him, they decided he really was a nice, if slightly pickled, fellow. He finished with the spare, handed back the tools, and grinned. "Now," he said, "you have to come take a puppy."

He certainly had plenty to choose from: two whole litters, wiggling and wobbly and ready for a home. Miraculously, the children managed to agree on a puppy. It soon joined another dog, two horses, and three cats that together made up the burgeoning Bates menagerie.

Within a year, the new dog, Faith, had two more canines for company. The Bateses, it turns out, have a knack for bringing home creatures who need their loving care.

Unfortunately for thousands of foster children, the state of Oregon doesn’t seem nearly as determined as that fellow in the park, when it comes to finding a good home for those in need of some love and protection.
Good families, more often than not, seem to spring from, well ... good families, and Jessica believes she grew up in a great one. Her father was an elementary school teacher and coach, an “always rational” man who taught his children to think about how their words and actions might affect other people. “He modeled for me what it means to be ‘a decent, hard-working person,’” Jessica says. “He was also excellent with budgeting — teachers don’t make a fortune.”

Her mother was a part-time cardiology nurse who became a Christian a few years before Jessica was born. “My mom had a really strong faith,” Jessica remembers, “and she encouraged our faith, too. She’s why I’m a Christian.” Jessica was still a young girl when her mother led her to walk with the Lord. “It’s been a steady journey since then,” she says.

Jessica grew up in Boise, along with her sister and two brothers, tight-knit and outside whenever they could be. The family enjoyed rollerblading, biking, and basketball. They cheered for each other and the Boise State Broncos — the team with the bright-blue gridiron. As the children reached college age, their dad offered to pay for their first two years’ tuition … provided they attend Boise State.

Jessica took him up on the offer, studying radiologic science. Her faith made the transition to young adulthood with her, becoming stronger and more personal with the passing years.

“Early on, I probably mostly wanted to please my parents,” she remembers. “But my faith really sprouted in middle school,” where the questions posed by a thoughtful youth leader “made me more curious.”

By the time Jessica graduated from the university, her faith was a major factor even in her love life ... to the point where she wouldn’t consider seriously dating anyone who didn’t share her deepening convictions. That seemed to pose a challenge when she was finishing her last student ultrasound technologist rotation at a hospital in nearby Ontario, Oregon ... and a handsome young radiologic technologist, David Bates, asked her to dinner.

Jessica accepted the invite, guessing he wasn’t a believer, but made up her mind to lay her cards on the table as soon as possible. As it turned out, the romantic deck was already stacked; before she could say anything, David explained that he himself was a Christian, and wasn’t interested in seriously dating anyone who didn’t share his faith.

They were married nine months later.

David had grown up in tiny Vale, Oregon, about an hour west of Boise, and he wanted to raise his family in that same small-town setting. He managed the radiology department at the Ontario hospital, a half-hour away, where Jessica worked doing ultrasounds. He was beloved by his coworkers, as well as Jessica, for his strong work ethic, kindness, and great sense of humor. Like Jessica, he’d grown up in a large family, and the two made a fast start on building one of their own.

Soon enough, there were five young ones running about their five-acre property: Dominic, a hard worker like his dad; Emmett, the most independent and extroverted; Dani, kind of heart and able to keep up with the boys; Jordan, active and self-motivated; and Darian, the family comedian.

“David was a very involved dad,” Jessica says. The hours at the hospital were long, but “he would come home and play with the kids, spending time with them.” There was a lot of laughter in the house, and mischief, and love.

“I used to catch David saying nice things about me behind my back,” Jessica says, smiling. “We had a wonderful marriage ... peaceful, joyful, tranquil. I remember thinking, ‘Is it always going to be this easy?’”

God doesn’t change. He’s reliable, and He’s faithful. He knows what we need, and when we need it.

Jessica Bates
So she wasn’t surprised, one early Monday morning seven years ago, when David told her he was driving her in to work. Massive snows had swept through the area over the weekend, and he wanted to be sure she got to the hospital safely. The family had celebrated Darian’s fourth birthday the night before. Five minutes from the hospital, a Dodge pickup coming the other way suddenly swung into their lane.

The man driving the truck was fleeing police. He had kidnapped his ex-wife earlier that morning and murdered her moments before at an Ontario service station. He was going 80-90 mph when he swerved to hit the Bateses. The high snowbanks on either side of the road left David with nowhere to go.

Jessica suffered three broken ribs, a fractured hand, a partially collapsed lung, and a concussion. David was pronounced dead at the scene.

“The first year, everything felt so unbelievable,” Jessica says. “Like a bad dream I kept waiting to wake up from. It was really overwhelming. Just ... shock.”

Her family and David’s stayed close, helping with the children. Friends checked in, brought food, prayed. Jessica discovered anew the blessings of living in a small town. “People in the community were very supportive,” she says — a kind word, a timely gesture. When one of her boys needed help building a derby car for a school project, some men from church came through.

“After the first year, the haze of grief started to dissipate,” she says. “I could look back and reflect, and actually be thankful. That was a definite turning point for me.

“God doesn’t change,” she learned. “He’s reliable, and He’s faithful. He knows what we need, and when we need it.”

Her oldest was just 11 when his father died. So, Jessica faced the mysteries of raising teenagers alone. She tried to imagine how David would respond to some of the challenges, and tried to keep his memory strong and clear and sweet for his children.

“This is never a situation I pictured myself in,” she says. “Never in a million years. I’m still learning. You wonder, ‘Are [the children] telling me everything? Are they telling me the things I need to know?’ They don’t have their dad here to walk them through things. But I’ll tell them, ‘This is enough. Your dad wouldn’t be OK with that. I won’t be, either.’”

She remembers the effort David made to spend time with each of the children, and she tries to do that, too — connecting with them as individuals, one on one. She tries to pass on to them one great lesson she’s learned
from her loss: “to value the time you have with the people you love ... to be fully present.”

Mostly, though, “I try to remind them of their dad’s love. He loved them so much.” And so, too, she reminds them, does their heavenly Father. “God says He is the Father to the fatherless. We’re just relying on that.”

One morning, driving to work, Jessica happened to catch a Focus on the Family interview with a single, middle-aged man who had decided to adopt a child out of foster care.

“That’s really cool,” Jessica thought, and really thought nothing more until, a moment later, she seemed to hear — clearly, almost audibly — a statement: “Those are My children.”

“It was the voice of a dad,” Jessica remembers, still marveling a little at the clarity of it. “I felt like it was God speaking to me as a protective father, speaking His love for foster children and orphans. He cares about them.”

She began to feel an urge to do ... something. Maybe even adopt a child or two, herself. Siblings, perhaps.

She prayed about that for a few days. The conviction didn’t go away. She broached it to her children, who did something of a collective double-take. “Really, Mom? Really?”

But, one by one — some sooner, some later — the idea caught on with them, too.

Eventually, “they all really rallied around it,” Jessica says — the idea of being big brothers and big sister to a child or two in need of siblings, role models ... love.

“They felt compassion. They know what it’s like not to have one parent.”

“This is something God is calling us to do,” decided Emmett, the last to come around to the idea. Still, there was one ironclad condition, at least on Dani’s part. “One of them,” she insisted, “will be a girl.”

It was God speaking to me as a protective father, speaking His love for foster children and orphans. He cares about them.

Jessica Bates

Last year, more than 8,000 children were in some way touched by the Oregon foster care system. The system is so hard-up for foster parents — and for space in the program’s residential treatment centers — that the state’s Department of Human Services is placing hundreds of children in temporary, “emergency” facilities — despite a promise to end that practice five years ago. In just the first six months of this year, the state placed dozens of children in hotels; 20 spent more than 60 days in those lodgings. Others spent their nights on a cot or on the floor in a social worker’s office.
Some of these children are as young as 4. And reports of abuse are not uncommon.

The caregivers keep changing, but the message being communicated to the boys and girls never does: nobody wants them, nobody loves them, nobody has a place for them. State officials keep debating the best way to fix the problems in their system, but the only thing everyone seems to agree on is that Oregon needs a lot more healthy, loving families willing to step forward and care for these vulnerable children.

While Jessica's first thought had been to take in children from another country, she soon realized the need was just as great closer to home — and that going through the state program would be much more affordable. She applied to become an adoptive parent in Oregon — filling out the paperwork, getting fingerprinted, starting in on the training. What she learned quickly affirmed the divine nudge she’d been feeling ever since that radio broadcast.

“They emphasize that these kids are not well-adjusted,” she says. “They’re going to have problems, baggage, trauma, loss.” The usual approaches to parenting, officials told her, often don’t work in these cases.

“But our family, at least, can relate to that on some level,” Jessica says. “[My children] know what it is to lose someone — and hurt. They know about trauma and grief ... but they also know how to move through that. They know what it is to come together and support each other.” Jessica herself realized she could relate to hurting foster children. “Losing a husband is different from losing a father. But, on the other hand — losing is losing.”

Foster program administrators distribute applications to each would-be parent, listing all kinds of potential misbehavior and emotional problems. Which behaviors, the form asks, will the parent “accept” or “not accept”?

That turned out to be a question better asked of the government officials themselves.

Even before starting the application process, Jessica spoke by phone with a state official who asked if she would be willing to take in a child who identified as other than heterosexual.

“Not everyone is OK with that,” she remembers the official saying. “For some people, that makes them uncomfortable or it’s just not something they are willing to do.” Jessica assured her that she would be fine with taking in such a child, which seemed to satisfy the official’s curiosity and open the door to the next steps in the process.

The subject reemerged during a session of Oregon’s Resource and Adoptive Family Training program. The lesson centered on sexual orientation and gender identity. An instructor casually explained that every foster or adoptive parent was expected to encourage the sexual and gender identities of the children entrusted to them. That would also mean supporting the behavior that might come with the child’s choices: using opposite-sex pronouns, taking them to LGBTQ events like Pride parades, and putting up pink triangles and rainbow flags in the home.

“I didn’t raise any questions during the class,” Jessica says. “But my stomach started churning. I thought, ‘We might have a problem here.’”

She emailed the official responsible for certifying her application, laying out her personal beliefs and religious convictions, and explaining that, as a parent, she would not say or do anything that went against her faith.
Well, then, no, Jessica told her. She wouldn’t comply — not with regard to the state's demands to violate her beliefs.

Then her application would probably be denied, the certifier said. "But if you change your mind at any time, let us know. We can move forward if you change your mind."

"That’s not right," says Jessica, who remembers being angry when she hung up the phone. "They’re saying you have to support something you completely disagree with. That anyone applying to adopt a child — and who objects to this — is excluded from the process. You either have to lie or abandon your beliefs."

“This is not OK,” she says — and has to believe other Christians would feel the same way. “If you have children, you have to see that if we allow the state to get away with this kind of behavior … if they can treat the law-abiding citizens like this … if they can force their conditions and beliefs on us … do you realize how big a deal that is? Do you want to live under that kind of system? Do you want your kids living in that kind of world?

“Besides,” Jessica says, “these are God's kids. I don’t think He's happy with the law, either.”

Soon, she found herself telling all that to an Alliance Defending Freedom attorney, Johannes Widmalm-Delphonse, who saw at once what she was up against.

“People like Jessica are being screened out,” he says, “based on an ideological litmus test. They’re grilled to see if they agree with the state's views on these issues, and when they can’t agree to speak the state's message, they’re penalized because of their conscience-based objection. These officials are excluding people because they won’t pledge their allegiance to the state's ideology.”

It’s a policy that violates the First Amendment of the Constitution at two crucial points, Widmalm-Delphonse says. “One, freedom of speech. They’re asking applicants to speak the state’s message as a condition of being certified — you have to actually mouth the words that the state wants in order to pass through the door. That’s compelled speech.”

“About a month and a half after Jessica had sent the email, her certifier called with questions. What would Jessica do, she asked, if a child placed in her care chose to identify as transgender and wanted to take cross-sex hormone shots? Would she facilitate those actions? Would she drive the child to these appointments?

“No,” Jessica told her. “I wouldn’t do that for my biological children, either.” She and her family would lovingly take in, accept, and care for any child the state placed with them, Jessica told the woman. But when it came to supporting what she considered self-destructive behavior — “that’s where I draw the line. It’s loving somebody versus supporting behavior that goes against my conscience.”

As far as Jessica was concerned, submitting a young child to the kinds of treatments the certifier was suggesting would mean condoning child abuse. She was also perplexed. Could it be that, in the entire state of Oregon, there wasn’t one sibling pair under the age of 9 available for adoption that didn’t have gender dysphoria issues?

“That’s not the point,” the woman insisted. “Years later, the child may decide they want to transition — and you won’t be supportive.”

“If you believe in biblical sexuality, you understand that we’re made in God’s image,” Jessica says. “He gave us what we have, and our identity is in Him.”
He points out that the Supreme Court has repeatedly struck down that kind of government action, most recently in *303 Creative v. Elenis*. In that case — successfully argued by ADF attorneys last year — the High Court held that the state of Colorado could not compel a website designer to create websites that would convey a message she didn't believe in.

Secondly, Widmalm-Delphonse says, the state’s actions undercut the free exercise of religion.

“They’re excluding Christians, as well as Jews and many other people of faith with commonly held beliefs that the Supreme Court has said are based on decent and honorable premises. But the state deems them harmful — so harmful that they have to categorically exclude them from child welfare services. Which is quintessentially religious hostility.”

It’s a prejudice with implications for a lot more people than Jessica, he says.

“If they can exclude Jessica from adoption and foster services, just because they don’t like her views, the state can arbitrarily exclude other people who want to live consistently with their faith. And it’s an idea that cuts both ways. A different state might exclude people based on their pro-LGBTQ views, or because they are atheists, or because they married someone of the ‘wrong’ race.

“The government doesn’t get to play favorites that way.”

ADF has asked a U.S. district court judge for a preliminary injunction — one that would allow Jessica’s certification application to continue while her case challenging the state’s policy goes forward.

“Oregon needs resource homes,” Widmalm-Delphonse says. “Jessica feels that she has the resources to care for these children, and I don’t think anyone would doubt that they’ll be better off with her than in the state’s custody.”

Jessica has been through a lot, raising five kids on her own,” Widmalm-Delphonse says, “and yet, filing this lawsuit didn’t seem to intimidate her. It’s no small thing to put both yourself and your family out there. But the face she puts forward is of a woman who’s composed, calm, and faithful. It’s impressive.”

“I didn’t have a lot of hesitation,” Jessica says. “It was just so wrong. So much in our country and our culture is so wrong, and some of it can only be fixed by suing someone. It’s either that or ignore your conscience — and live a lie.”

Her lawsuit has brought a lot of unexpecteds — including a whirlwind of appearances on national media — but she’s convinced she’s doing what the Lord Himself prompted her to do.

“I like to keep things simple and easy,” she says, “but sometimes He calls us out of that to do something else. You’ve heard that old saying, ‘If you want to make God laugh, tell Him your plans’? I don’t know if I would have pursued adoption on my own. But He’s an incredible God.

“This is on His shoulders,” she says. “He turned my heart this way.”

Thankfully, He turned her children’s hearts with her. “This has been good for their faith, too,” Jessica says. “They’re learning that this is what happens when you do what God tells you. He does things you don’t anticipate — so hang on.

“We’re going to keep our eyes on Him and see where this goes. But …” She smiles. “I don’t think our family’s quite complete yet. There’s still supposed to be a couple more.”

People like Jessica are being screened out, based on an ideological litmus test.

“People like Jessica are being screened out, based on an ideological litmus test.

Johannes Widmalm-Delphonse
Snowboarders can't be afraid of heights. Besides the elevation you're bound to gain in a half-pipe or Big Air competition, the most dizzying altitude comes before even hitting the summit.

Of course, I'm talking about riding the lift. You find yourself suspended from what amounts to a hanger on a clothesline, sometimes more than 100 feet off the ground. No doors, no windows — just a thin metal bar between you and pure mountain air and a precipitous drop.

But if you want to compete, you have to get on. The thrill of the sport is worth it.

As a snowboarding coach, I'm no stranger to the lift. One of my favorite moments as a coach came while dangling high above the snow. I shared a lift ride with one of my students, a rough-and-tumble Vermont kid with a habit of belittling others.

"What's the story?" I asked, not really expecting a response. But he immediately opened up. In the few minutes from lodge to landing, he shared all about his turbulent home life and how it drove him to act out. I told him I was there for him, and that's all it took. He burst into tears and hugged me.

I founded the snowboarding team at Woodstock Union High School in Vermont in 2011. I'm amazed at our athletes' achievements, including several top-three placements in state championships, in the years since. But it's moments like the one on that lift — the ones that have nothing to do with snowboarding — that might be the most rewarding.

It's hard to face the reality that those days just might be over. If the school has its way, I won't have the chance to coach or influence kids like these in the future. Early this year, I was fired from my coaching position for stating a scientific fact.

Is this really where we are? Can someone be fired simply for stating that a boy is a boy, and a girl is a girl?

David Bloch

To Tell The Truth

I Lost My Coaching Job For Stating A Scientific Fact

By David Bloch

David Bloch

My View

Is this really where we are?
Can someone be fired simply
for stating that a boy is a boy,
and a girl is a girl?

David Bloch
The whole thing started on a February afternoon, when my team and I were waiting in the lodge for a competition to start. I overheard a conversation between two of my student-athletes — a boy and a girl — about a male athlete on the opposing team who identifies as female. The boy from my team felt strongly that males have distinct advantages over females in sports. The girl disagreed and labeled him a “transphobe.”

I chimed in to add that as a matter of biology, males and females are different. Our DNA demands it. After all, if archaeologists dig up a skeleton from some time long past, one of the few facts they can know for certain is whether those bones belonged to a male or a female.

The entire conversation lasted about as long as it takes to pull on your boots and step into your bindings. We all parted amicably, and the girl from my team thanked me for a good conversation. We even rode the lift together afterward.

That was February 8. February 9 was a very different story.

That afternoon, the school district’s superintendent slid a notice of “immediate termination” across the desk toward me. The notice accused me of violating the school’s hazing, harassment, and bullying policy, even though I’d only respectfully offered my opinion.

The superintendent made no effort to get my side of the story. She told me an investigation was underway, but when I asked to see the report, she said it was not complete. She admitted she did not even have all the details yet. I was assured I would receive a copy of the report the next day, but it never came. It still hasn’t come. And I have asked for it repeatedly.

Before my termination, I was never informed of the allegations against me. And after I was terminated, no official told me of my right to appeal the decision. The notice I received even bars me from any future coaching positions within the district.

I was shocked. In my 10-plus years as a coach and a mentor, I’d never received a complaint. I had a spotless record. But I was fired for expressing an opinion — one backed by science at that.

Is this really where we are? Can someone be fired simply for stating that a boy is a boy, and a girl is a girl? If the number 4 finds itself on the wrong side of the culture wars, will we really change the answer to 2+2 and punish anyone who dares argue?

To say that males are different from females and get fired for that — it’s unfair. It’s unreasonable. It’s unconstitutional. The First Amendment protects my right to express my views on matters of public concern without government punishment.

Our society still values truth. From what I’ve experienced, those pushing against truth have a megaphone but are in the minority.

David Bloch
Q & A

Denise Harle

What’s Happening Now In Post-Roe America?

By Dustin Hobbs

Denise Harle serves as senior counsel on the Center for Life at Alliance Defending Freedom. In her role, she works with pro-life allies, speaks publicly on behalf of ADF, and works to defend the First Amendment freedoms of pro-life medical professionals and pregnancy resource centers. After joining ADF in 2017, Harle took the primary role in drafting briefs to the U.S. Supreme Court in NIFLA v. Becerra, resulting in a free-speech victory for pro-life pregnancy centers. She was one of the ADF attorneys who assisted Mississippi’s legal team in Dobbs v. Jackson Women’s Health Organization, the Supreme Court victory that reversed Roe v. Wade.

Before joining ADF, Harle served as deputy solicitor general in the Office of the Florida Attorney General, where she drafted appellate briefs and presented oral arguments in a wide variety of constitutional cases. In 2017, she was selected as a U.S. Supreme Court Fellow, sponsored by the National Association of Attorneys General.

F&J: How is the pro-life movement faring, nearly a year and a half since Roe was overturned?

DH: What we’re seeing is that navigating “post-Roe America” is going to involve a lot of sorting things out. For so long, the people of America didn’t really have a say when it came to abortion policy. Now we do, and some Americans haven’t thought through where the lines on policy should be drawn. Now the states have the ability to craft their own policies. I’m encouraged that in so many states, unborn children are now being protected and moms are supported. Just a year and a half ago, that wasn’t the case in any state.

F&J: Are state efforts and activities growing now that the issue is a state-by-state legal matter?

DH: It’s interesting; many pro-life states were actually ready for Dobbs. Some had pro-life laws in place, designed to become effective if Roe were overturned. Others had pre-Roe laws that had been blocked but were still on the books and ready to go back into effect. So, yes, there has been a flurry of activity, a lot of it centered on getting these laws into effect. Citizens in these states and their elected representatives had passed these laws, and the courts had wrongly blocked them under Roe. Some states are now adding more funding for pro-life pregnancy centers, streamlining support for adoption, and taking other pro-family measures. That’s great news.

F&J: How has ADF been involved in those efforts?

DH: We’ve had the opportunity to serve as counsel to many states to help defend pro-life laws that have been blocked for so long, along with the newer ones. The abortion industry has sued to stop them, and the states now look to ADF as subject matter experts because of our work on Dobbs. Prior to Dobbs, the abortion industry’s “safe
Prior to *Dobbs*, the abortion industry’s ‘safe zone’ was the federal courts. Now they are targeting state court systems, seeking to have each state create its own version of *Roe*.

_F&J_: Has media coverage changed, post *Dobbs*?

_DH_: I think it has changed, because pro-abortion activists and journalists are much angrier now that some states don’t allow abortion. Some are even bemoaning the fact that so many more babies are now being born. The media seems to be acting on behalf of the abortion industry. Specifically, the scaremongering around ectopic pregnancies and miscarriages is designed to confuse people about the clear difference between the tragic natural death of a child and the intentional destruction of an unborn human.

It can be difficult for pro-life messages to get out there, even stories about moms who went through their pregnancy because of a new pro-life law in their state and now have a beautiful baby they love and can’t imagine living without. Those are the stories we should be hearing — if the media were doing its job.

_F&J_: What significant victories have we seen since the *Dobbs* decision, and how are those victories building on the impact of *Dobbs*?

_DH_: One major victory was in the Iowa Supreme Court, where we successfully persuaded the court to overturn a bad decision from a few years ago that had recognized a state constitutional “right” to an abortion. We were able to use some of the same arguments we used in defeating *Roe*. There’s still work to be done in that state, but that decision removed a huge obstacle that had been stopping the Iowa legislature from passing new life-protecting laws — which is what the people of Iowa want. In North Carolina, we saw abortion activists drop challenges to five pro-life laws, thanks to *Dobbs*.

_F&J_: What is the next great legal challenge for the life movement?

_DH_: Our ongoing case against the Food and Drug Administration comes to mind. The FDA blatantly violated federal law and regulations by allowing chemical abortion drugs on the market and then removing crucial safeguards for women and girls who take these drugs. Chemical abortions make up the majority of abortions, and having these drugs off the market or scaled back would be a crucial victory not only for life but also women’s health and safety. We’ve now seen multiple courts at different levels noting how wrong the FDA actions were and highlighting the strength of our legal claims.

_F&J_: There is talk in political circles that the *Dobbs* decision has cost conservatives some crucial elections and may impact upcoming elections — including the 2024 presidential contest. Should the potential political fallout factor into pro-life legal strategies?

_DH_: There are those who think that the issue of life is a political “loser,” but that’s simply not true. When you look at public polling, regardless of what has happened in some states or with activist judges, people still do not agree with what was happening under *Roe*. A supermajority of Americans are not comfortable with abortion past the first trimester and certainly reject late-term abortion. The majority want protections in place against chemical abortion drugs, oppose mail-order abortion drugs, and reject the notion that a teen girl could get an abortion without ever having seen a doctor. One of the challenges is that people knew how to talk about abortion under *Roe*. Now that the playing field has changed, folks need courage, and to be reminded how important the struggle for life is.
Opinion

A Free Speech Victory Years In The Making
How Two Decades Of Courage And Perseverance Led To The 303 Creative Win

By Jonathan Scruggs

In a resounding victory, the U.S. Supreme Court upheld free speech for all Americans when it ruled in favor of Colorado graphic designer Lorie Smith and her studio, 303 Creative, in June.

But the road to this landmark decision was paved with loss and sacrifice.

Long before Lorie, there was photographer Elaine Huguenin. Elaine was sued and fined $7,000 by the New Mexico Human Rights Commission for declining to celebrate a same-sex "commitment ceremony." In 2007, she became one of our first clients punished by the government because of her beliefs about God’s design for marriage.

But courts ruled against Elaine at every turn, including a devastating loss at the New Mexico Supreme Court. In that decision, one of the justices wrote that she must compromise her religious beliefs as “the price of citizenship.” The U.S. Supreme Court declined to hear her case, and she went out of business.

Then there was Colorado cake artist Jack Phillips, who couldn’t create a custom wedding cake celebrating a same-sex marriage. The Colorado Civil Rights Commission sued him in 2012, eventually fining him and issuing a reeducation mandate for him and his employees.

And who could forget Washington florist Barronelle Stutzman? Because she could only create floral arrangements celebrating God’s design for marriage, the Washington attorney general sued her in 2013, threatening potentially ruinous attorneys’ fees.

We know that even in our losses, God paves the way for good.

Jonathan Scruggs

Across the country, people — especially those in the wedding field — read about Elaine, Jack, and Barronelle, and wondered if they themselves might suffer the same fate. ADF’s phone began ringing off the hook. What are my rights as an artist? Do I have to shut down my business if I want to stay true to my faith?

Recognizing the growing government threats, we decided to go on offense.

In 2014, ADF formed the Center for Conscience Initiatives to protect the First Amendment rights of all Americans to speak and live consistent with their beliefs. The same year, we launched our Create Freely campaign that focused on artists who were facing government threats.

A key part of our strategy involved pre-enforcement challenges — helping folks before the government came after them. In 2014, we began to execute those plans and filed our first pre-enforcement case.

Left to right: artist clients Blaine Adamson, Jack Phillips, Barronelle Stutzman, Joanna De La Cruz, and Lorie Smith.
to protect two Idaho ministers who faced fines if they
did not perform same-sex ceremonies in their wedding
chapel. Soon after, we began representing photographers,
bloggers, and filmmakers who faced similar threats.

Then, in 2016, we filed our lawsuit on behalf of Lorie,
who wanted to create custom wedding websites celebrating
God’s design for marriage.
A Colorado law, however,
required her to create websites
celebrating a different view.

Early on, the lower courts
frequently ruled against our
clients’ First Amendment rights.
Those were difficult valleys.
But we remained confident
in our arguments. Our clients
serve everyone, including those
who identify as LGBT. Their
decisions to create are always
based on the message, never
the person requesting.

The tide began to turn in
2018, when the Supreme
Court ruled 7-2 for Jack, holding
that the government cannot violate the Free Exercise Clause
by acting with hostility toward people of faith. And though
the Supreme Court did not address the free-speech issue
in Jack’s case, the following year we successfully
defended Arizona artists, Minnesota filmmakers, and a
Kentucky printer.

But in 2021, we experienced two devastating losses: the
U.S. Supreme Court declined to hear Barronelle’s case, which
forced her to retire and give up her beloved flower shop.
And the U.S. Court of Appeals for the 10th Circuit
issued an egregious decision against Lorie.

In God’s providence, however, He used these
losses to position 303 Creative as the vehicle the
Supreme Court ultimately used to hold that “all
persons are free to think and speak as they wish, not as
the government demands.”
Hebrews 11 says some who were “commended for
their faith” never received the promises themselves but
“saw them and welcomed them from a distance.” I think
of Elaine, Barronelle, and countless others who stood
up for their freedom and yours.
Courage begets courage, and their
perseverance gave many who
came after them the inspiration
they needed to take their own
legal stands.
We cannot guarantee success;
we trust God for that. But at ADF,
we walk boldly into challenges,
knowing He provides ultimate
victory. We know that even in our
losses, God paves the way for good.
We are profoundly grateful to
those whose personal sacrifices
have brought enduring glory to
God and greater freedom to so
many of their fellow Americans.
And we look forward to how God
will use ADF and our courageous
clients to bring freedom to many more Americans
through this Supreme Court victory and future cases.

Jonathan Scruggs is vice president of litigation strategy
and the Center for Conscience Initiatives at Alliance
Defending Freedom.

A crowd gathers at the Supreme Court
in support of Lorie Smith on the day of
oral arguments for her case.
TODAY’S PLAN is TOMORROW’S PROMISE

There is nothing more important than the freedom to worship the God who created and redeemed us. Alliance Defending Freedom has fought to protect this right, and for this reason I support ADF with a gift in my will.

— Edward P.

Pass on a legacy of freedom.

Please contact ADF Foundation at 800-835-5233 or GiftPlanning@ADFlegal.org to discuss your legacy giving. Visit ADFFoundation.org for more information.