

A PUBLICATION OF LIBERTY COUNSEL



GIVE TODAY

WHERE THE SPIRIT OF THE LORD IS,
THERE IS LIBERTY.

— 2 CORINTHIANS 3:17

Major 2023 Legal Wins Push Back Freedom-Crushing Agenda

From its inception in 1989, Liberty Counsel has been committed to taking on cases that advance religious freedom, protect the sanctity of human life, and uphold the family. In 2022, we won 9-0 at the U.S. Supreme Court in *Shurtleff v. City of Boston*, which was a precedent-setting case that will protect religious freedom and freedom of speech in the public forum for generations to come. The case was instrumental in toppling the so-called "Lemon Test" which was misused to censor religious symbols and expression for over 51 years.

In 2023, Liberty Counsel continued its frontline legal battles — and victories. From opposing COVID vax mandates to overturning counseling bans and defending the right of after-school Bible clubs to meet, our legal wins are pushing back an anti-religion, anti-freedom, anti-life agenda to uphold the free expression of religion and speech and the right to life in America as guaranteed constitutional rights.

Here's the 2023 recap:

COVID VAX MANDATE CASE WINS

The year started off with a bang. We won a historic, first-of-its-kind class action settlement against NorthShore University HealthSystem, a

private employer that unlawfully denied approximately 500 health care employees their religious exemption requests to COVID-19 shots. As a result, NorthShore paid more than \$10.3 million to compensate these health care employees who were fired. Many have been rehired at their previous seniority level.

In May, the First Circuit Court of Appeals ruled unanimously in favor of our Maine health care workers who, after being denied religious accommodations, were wrongfully fired over not complying with Governor Janet Mills' COVID shot mandate on health care workers. The court wrote that the district court erred in dismissing the First Amendment and Equal Protection claims. We will continue to litigate this case in the lower court.

Later, in October, after two years of litigation and 8,200 hours of legal time, the Pentagon paid out [\\$1.8 million](#) for attorney's fees and costs for our work in defending military service members against Joe Biden's unlawful shot mandate. While representing brave service members for being denied religious accommodations, we secured a classwide injunction for the Marines and multiple restraining orders and injunctions for individual service members in multiple branches of the military.

Also in October, we helped exonerate a Michigan State University professor after he received allegations that he had used "unethical practices" during a published COVID-19 shot study. As a result of our assistance, Michigan State University's Institutional Review Board cleared him of any wrongdoing stating they did not find any "noncompliance" to their protocols within the study.

FREE SPEECH WINS

Free speech is the cornerstone of our constitutional freedoms, and 2023 was a year to ensure that it stays that way.

In May, we received a check from the City of Tampa in Florida for \$950,000 for attorney's fees and costs after the Eleventh Circuit Court of Appeals ruled that a counseling ban that prevented licensed counselors from providing voluntary talk therapy to minors seeking help for unwanted same-sex attractions, behaviors, or identity was unconstitutional.

We filed an amicus brief at the U.S. Supreme Court in *303 Creative v. Elenis*, where Denver-based website designer

continued>>



Supreme Court, Washington, D.C.

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Lorie Smith was forced to create expressive designs against her religious beliefs and instead comply with state-accepted beliefs. On June 30, 2023, the Supreme Court ruled in favor of Smith, stating that the First Amendment bars Colorado's Anti-Discrimination Act from forcing her to communicate messages with which she personally disagrees.

RELIGIOUS FREEDOM WINS

This year was monumental for religious freedom with several key victories at the United States Supreme Court and lower courts that further enshrined religious liberty protections for federal employees, public school students, and more.

We started out the year by filing an amicus brief in [February](#) in favor of former postal carrier Gerald Groff, a Christian, who was forced to quit his job at the U.S. Postal

school Bible clubs, and the school district is prohibited from discriminating against CEF. Liberty Counsel has represented CEF in hundreds of cases nationally and has never lost a case involving Good News Clubs.

As a result of our [demand letter](#) sent in July to committee members at Greenfield Public Schools in Massachusetts, they finally voted to approve the Providence Moldovan Baptist Church and its school, Providence Christian Academy. The Christian elementary school that was once discriminated against for its Christian curriculum is now holding classes.

As a result of our demand letter sent on [August 17](#) to public school administrators at Vigo County School Corporation in Indiana, a male, middle school P.E. teacher is no longer required to supervise a gender-confused girl in the boys' locker room.

We continued our momentum with a [September](#) court case, celebrating another

unconstitutional ban on Christmas holiday symbols, decorations, and expressions within public buildings and for its employees. Shortly thereafter, the city administrator quickly backpedaled the directive and allowed city employees to decorate for Christmas without anti-Christian restrictions.

PRO-LIFE WINS

Since the fall of *Roe v. Wade* in 2022, the fight for life returned to the states, and we pursued legal action and filed various amicus briefs nationwide to protect preborn babies and their mothers. While some cases where we filed are still pending, such as in Arizona and Florida, here is a look into a few of the ways we helped protect LIFE in 2023:

In [February](#), the Kentucky Supreme Court kept pro-life policies in place to restrict abortion after we filed an amicus brief defending the state's pro-life laws and constitution. Though legal challenges continue for this case, life was protected!

In [March](#), the Oklahoma Supreme Court upheld the state's near-total abortion ban after we filed an amicus brief emphasizing the racist and eugenic history of abortion and the pro-abortion industry's targeting of minority communities.

In [June](#), the Indiana Supreme Court ruled that the state's near-total abortion ban does not violate the state Constitution. We previously filed an amicus brief for this case and argued there is no right to abortion in the Indiana Constitution and that the state's pro-life law limits the killing of innocent children in the womb.

And in [August](#), the South Carolina Supreme Court upheld the state's new "Fetal Heartbeat and Protection from Abortion Act" to protect unborn babies with a heartbeat after we filed an amicus brief on behalf of minority communities to stop "race suicide" against Black and Hispanic unborn babies targeted by Planned Parenthood.

Liberty Counsel will continue to take on frontline legal battles to preserve our precious freedoms guaranteed by the Constitution. Looking ahead, we see increased clashes between anti-Christian, freedom-crushing forces and those who will take a stand to see that our hard-won liberties are preserved. And while the darkness seems like it's casting a long shadow over the culture, the indomitable rays of truth will prevail as we advance into 2024 and beyond.

Freedom is worth fighting for and we will never stop fighting. **LC**



Service for not working on Sundays since he reserved Sundays as a day of worship and rest, according to his faith. In June, the Supreme Court ruled unanimously in favor of Groff and further enshrined religious liberty accommodations for employees under the federal employment law known as Title VII of the 1964 Civil Rights Act.

In [July](#), we won our lawsuit for Child Evangelism Fellowship (CEF) Rhode Island and its Good News Clubs against the Providence Public School District. The Good News Clubs are now free to hold after-

victory for Kim Davis, the former Rowan County, Kentucky, clerk who was sued by two homosexual couples for not signing "same-sex marriage" licenses. We won in the *Yates v. Davis* trial with the jury awarding the plaintiffs zero damages. We continue to litigate in the *Ermold* case with the goal of taking this case to the U.S. Supreme Court to overturn the *Obergefell* opinion.

To begin the holiday season and continue our efforts to keep Christ in Christmas, we sent a demand letter on [November 13](#) to the City of Wauwatosa, Wisconsin, regarding its