



GIVE TODAY

Preserving Religious Freedom in an Increasingly Anti-Christian Culture: A Conversation with Mat Staver

We sat down with Liberty Counsel Founder and Chairman Mat Staver to discuss the wins and challenges for preserving religious freedom in America in 2023. This is Part One in our 2023 Religious Freedom Series for *The Liberator*.

LC: Before we discuss the constitutional challenges facing America today, let's take a quick look back at the precedent-setting court wins for religious freedom in 2022. From our own Boston flag case to the Coach Kennedy case, do you think the rulings will abate the number of religious viewpoint cases being filed?

MAT: I think the wins of 2022 will go a long way to resolving other cases regarding religious viewpoint discrimination, religious freedom and the Establishment Clause. With that said, many cases will continue in the courts despite these clear wins. For example, we had a very clear win in 2001 regarding religious viewpoint discrimination against Good News Clubs which meet after school. Because of their Christian viewpoint, they were told they could not meet after school when other similar groups were allowed to meet on campus. While we won that case, ongoing battles that took years to litigate continued over different aspects of restricting the Good News Clubs, such as not allowing them to meet at the same time as others or prohibiting them

from distributing announcements to parents like all the other clubs. All these efforts have failed and there's much less litigation now, but it took years to continue to crystallize that precedent, and to re-establish it over and over again until people finally got the point.

LC: One could argue that wins for religious freedom, like our Christian flag case, literally stir up demons. For example, within days of the Supreme Court announcing its unanimous decision in our favor, the Satanic Temple asked to raise its flag over Boston. What do you make of that type of challenge?

MAT: No, I don't think that is going to work. I don't think the so-called satanist clubs are of any long-lasting value. They are more media hype than reality. They have no staying power, so I'm not concerned about them, but there is an anti-Christian secularism that is not going away, and consequently, the efforts to restrict religious viewpoints and for exercise of religion will continue. Not only do we need to gain ground, which we've done, but we need to maintain that ground and reestablish it over and over again.

LC: It's as if "culture creep" continues to erode religious freedom protections that were intentionally written into the Constitution of the United States. The 2022 Supreme

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Liberty Counsel Participates in Historic Pro-Life Weekend in Washington, D.C.

There is no question that less than a year after the overturn of *Roe v. Wade*, the national pro-life base remains strong and more committed than ever to eradicating abortion state by state. The huge crowds that descended on Washington, D.C., during the January 20-22, 2023, pro-life weekend represented millions of Americans behind them who remain devoted to purging the nation of the abominable practice of legally destroying life in the womb.

This is the first year in 50 that these well-attended events did not take place under the shadow of *Roe v. Wade*, the January 22, 1973, Supreme Court ruling that granted the federal right to abortion.

To kick off the weekend on Friday, January 20, the annual March for Life rally began at noon on Capitol Hill, signifying that the focus of the fight now shifts to the legislative branches of government in each of the 50 states. A team of Liberty Counsel representatives joined the huge turnout, estimated at 140,000, in this year's march, carrying a 10-foot-wide banner that read "Defending Life — Because Every Life Matters."

"This year's March — the first without *Roe v. Wade* — had a buzz and a spirit that was unique to the many previous ones I've attended," said Jonathan Alexandre, senior counsel for governmental affairs. "Every March has been hopeful and optimistic, but this March was a victory lap accompanied by a motivation to go back home and do the work necessary to end abortion in individual states. The incredible part is that no one there needed to be taught that. Everyone knew what was at stake and was motivated to finish the job."

Following the March for Life, Liberty Counsel's ministry on Capitol Hill hosted a Life Reception that packed out the Ministry Center with over 125 people. The reception included a time of prayer as well as a time of testimony from abortion survivors who told their stories of redemption.

On National Sanctity of Human Life Day, Sunday, January 22, which would have also been the 50th anniversary of *Roe*, the ministry hosted "Prayers &

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>>continued from the "... A conversation with Mat Staver."

Court rulings were rays of hope against a darkening landscape...

MAT: The anti-Christian sentiment in culture was already there. There are going to be many different areas of the law and culture that will come into play as a result of 2022, such as the implications of the overturning of the Lemon test. Since 1971, the Lemon test was used against public displays of religious symbols and slogans, such as the Ten Commandments, In God We Trust, One Nation Under God, crosses in city seals, etc. The *Lemon v. Kurtzman* ruling was leveraged for over 50 years to restrict religious speech and the free exercise of religion. With *Lemon* gone, there's a huge opportunity now to revisit all the religious symbols, signs, words and displays that have been challenged over the past five decades.

LC: Let's shift gears and talk about the Diversity, Equity and Inclusion (DEI) agenda sweeping the nation. From education, health care, business, the military and even our churches, no part of our society seems untouched by it. How do you think DEI is going to interact with the First Amendment?

MAT: DEI is going to interact in the same way that LGBTQ interacts, and an example would be, again, the Good News Clubs or any other after-school Christian club where schools have tried to assert that you need to follow their LGBTQ policy, or in this case, their DEI policy. Nondiscrimination policy must be followed, in terms of, not only your membership but also your leaders, and if you don't, you can't meet on campus. Everyone must follow these policies, and if you're a Christian organization and you won't allow someone who is transgender to be the president of the club or a leader of the club, then you can't meet on campus.

LC: Aren't these policies on a head-on collision course with the Free Exercise Clause?

MAT: Those are the kind of clashes that have happened and *will continue to happen* — probably will even escalate. In reality though, no school evenhandedly enforces a so-called nondiscrimination policy, and that would include LGBTQ [clubs]. And if they did, it would mean that ethnic clubs (Asian American clubs, African American clubs, Hispanic clubs) and Girls or Boys Clubs of America would all be prohibited because they focus on race or gender. To force people who are of a different race to be part of a club that is based on race or ethnicity or gender undermines the reason for that club to exist, so they never enforce it on those clubs. The only place that you'll see this attempted to be enforced is on Christian clubs or religious clubs.

LC: What a double standard!

MAT: But that's also the good news regarding the 2022 court victories we saw over religious



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Remembrance: Victims of Roe" on the west side of the Supreme Court. Three thousand flowers were placed on the sidewalk in front of the High Court during this event to represent the American babies that are killed every day by abortion and the women who have been harmed from an abortion since 1973. Speakers offered reflection, prayers and/or Bible verses to honor the sanctity of human life.

In 1984, President Ronald Reagan issued a proclamation designating January 22 as the first National Sanctity of Human Life Day. Part of the proclamation states: "I call upon the citizens of this blessed land to gather on that day in homes and places of worship to give thanks for the gift of life, and to reaffirm our commitment to the dignity of every human being and the sanctity of each human life."

For the Americans who showed up in the nation's capital on the third Friday in January, the streets of Washington, D.C., became one great outdoor church where tens of thousands of worshippers thanked God for the gift of life, committed to preserving the dignity of every human being, especially the unborn. **LC**

viewpoint discrimination. I think 2022 is going to make it much more difficult for those kinds of underhanded attempts to restrict free exercise of religion and free speech to prevail.

LC: On the other hand, isn't there more pressure than ever before for corporations with faith-based roots, such as Chick-fil-A and Hobby Lobby, to conform to top-down DEI or LGBTQ policies or face being canceled?

MAT: Yes, for example, in the case of *Christian Legal Society v. Martinez*, the Supreme Court ruled that the Christian Legal Society [CLS] that was at Hastings Law School in San Francisco, California, would be required to comply with Hastings' nondiscrimination policy for "recognized student organizations." Hastings' policy forced student groups to allow outsiders who disagree with their beliefs to become leaders and voting members. In this case, CLS would have to allow somebody who's LGBTQ to be able to become an officer of their club, and when they refused, they were evicted. They lost that case at the United States Supreme Court. I think that case is one that needs to be relitigated, and I think it would ultimately have a different result in light of 2022.

LC: The clash between inclusion and the First Amendment has been an issue in the past. Do you see this clash intensifying in the future?

MAT: Oh, yes, I think it will.

LC: Can a Christian stay true to biblical faith and be "inclusive"? Or will that position result in compromise of an individual's or organization's sincerely held beliefs?

MAT: The tension between inclusivity and remaining true to one's beliefs is co-existing. From a Christian standpoint, while Christians are generally going to allow people of different views in their meetings, they don't want to hand over the reins of the organization to someone who's contrary to their Christian doctrine.

LC: So true and reasonable ...

MAT: It is an uncompromised position that's going to have a clash, and one that I think will intensify. What organizations need to do to win that clash is make sure that all policies and positions are grounded in their religious beliefs. For example, part of your policy, doctrine or practice is that God created each person in his image, male and female, and that marriage is the union of a man and a woman. The sanctity of human life, which should also be another one, is that God created life and is the author and originator of life and knit us in the womb from the moment of conception. **LC**

Stay tuned for Part Two! And more from our in-depth interview with Mat Staver about preserving religious freedom in an increasingly anti-Christian culture.