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QUARTERLY

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## TOP NEWS:

- Victory for Sandra Merritt
- Idaho National Guard Officer Under Fire
- Defending Maine Church Against Discrimination
- Life Week in DC

## Sandra Merritt Prevails in Decade-Long Legal Battle Exposing Planned Parenthood's Sale of Aborted Baby Parts *By Harry Mihet*

Sandra Merritt's decade-long criminal [lawsuit](#) is finally over — no fines and no 10-year prison sentence for this courageous pro-life grandmother. In January, we successfully pressed the State of California to end the criminal case against Sandra, an undercover journalist who dared to expose Planned Parenthood and its sickening organ-harvesting scheme.

I met Sandra 10 years ago in Houston on the night before she had to turn herself in on felony charges for secretly filming, and then revealing, Planned Parenthood's grotesque profiteering from butchered baby body parts.

I instantly realized that this was no ordinary grandmother, but the most courageous grandmother in the United States.

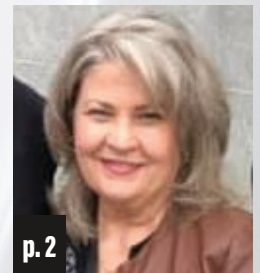
We quickly obtained dismissal of the charges in Houston. But, instead of allowing her to enjoy her retirement and grandchildren, Kamala Harris, then the California attorney general, and the State of California wanted to have their turn at going after Sandra.

### 'Justice' Weaponized

Planned Parenthood filed a civil lawsuit against Sandra, and, at its behest, California charged Sandra with 16 felonies, all aimed at persecuting, bankrupting, and ultimately, putting Sandra in prison. While turning a blind eye to the abortion giant's atrocities, California wanted to make an example of Sandra, running roughshod over the rule of law for political purposes.

This began our eight-year legal battle in San Francisco to derail California's political prosecution

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## Putting Idaho on Guard: 'No Christians as Commanders' Policy Is Unconstitutional *By Daniel Schmid*

The unconstitutional removal of a Christian officer in the Idaho Army National Guard is just the latest in a long train of abuses and usurpations against religious service members, and the time has long passed for it to end.

We [sued](#) the Idaho National Guard and the Idaho governor in January to fight back against a Christian

commander being unjustly removed from command for publicly expressing his Christian beliefs.

Initially, we sent a [demand letter](#) to Idaho Governor Brad Little to restore Major David Worley to his rightful position and clear his record. But when the governor and Idaho Army National Guard refused to do what the law required of

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and keep Sandra out of jail. We were able to get eight of the felony charges dismissed a few years ago, but the remaining eight were set to be tried before a San Francisco jury.

Sandra's crime? Along with her co-defendant, David Daleiden, the founder of The Center for Medical Progress, she produced a series of undercover videos that explicitly showed the abortion industry's illegal and despicable [sale](#) of human body parts.

Then-California Attorney General Kamala Harris [met](#) with top Planned Parenthood officials in 2016 and ordered criminal investigations into Merritt and Daleiden while the next state attorney general, Xavier Becerra, eventually charged them with violating California's recording law.

Instead of prosecuting the abortion giant for profiting from the criminal trafficking of aborted baby body parts, California weaponized its justice system to go after Merritt and Daleiden for allegedly violating a recording law in their surreptitious video recordings.

If Lady Justice is blind, why did the state turn its back on blatant criminal misconduct while punishing law-abiding journalists for exercising their constitutional freedom?

Before this case, the State of California had never criminally prosecuted journalists for undercover recordings made in the public interest. Yet, Sandra Merritt was charged and faced more than 10 years in prison for exposing the abortion



Harry Mihet, Sandra Merritt, and Nic Cocis, local counsel

industry's profiteering from illegal fetal organ harvesting.

From pro-life activists being imprisoned for allegedly violating the FACE Act (Freedom of Access to Clinic Entrances) to pro-life journalists like Merritt and Daleiden being prosecuted, the sad reality is that a two-tiered justice system goes after those exposing abortion rather than the abortionists who are committing the atrocities.

After nearly a decade of defending Sandra against California, this legal fight that sought to imprison and bankrupt this pro-life grandmother has finally come to an end.

### Justice for Sandra

On Monday, January 27, through God's amazing grace and provision, we were finally able to end the prosecution for good when the court dismissed seven of the remaining eight felony charges.

On the last felony charge, Sandra pleaded "no contest," and the State of California agreed for the charge to be reduced to a misdemeanor and then be forever removed from Sandra's record.

This plea agreement ends an unjust criminal case by dropping these baseless criminal charges without any prison time, fines or other penalties. Sandra Merritt did the right thing by exposing the depravity of the abortion industry.

As a result, Sandra will have no prison time, no fines, and no punishment, whatsoever, while California walked away empty handed.

In the process of this decade-long and unprecedented legal fight, freedom of speech and press for investigative journalists was bolstered and Planned Parenthood's crimes were exposed. Sandra's courage paved the way for generations of journalists to expose wrongs and exercise First Amendment freedoms without fear of political prosecution.

And though Merritt and Daleiden are now free, the atrocities of Planned Parenthood they worked so hard to uncover are still being subsidized by the federal government. Liberty Counsel remains committed to protecting the unborn and dismantling every evil scheme against them. **LC**

*Harry Mihet is Vice President of Legal Affairs and Chief Litigation Counsel with Liberty Counsel.*

## Liberty Counsel at Work

Liberty Counsel's Harry Mihet, Daniel Schmid, and Jill Schmid joined Calvary Chapel Belfast church members after arguing before the U.S. District Court in Maine in January on behalf of Calvary Chapel Belfast against the University of Maine System (UMS). After the church secured the winning bid to buy a building, UMS rescinded the offer due to the church's Christian beliefs and convictions regarding sexuality. Liberty Counsel asked the court for a temporary restraining order, which was denied, but will continue to fight against this unlawful religious discrimination. At the next hearing, Liberty Counsel will present evidence to obtain a preliminary injunction to stop the sale of the building to another party instead of Calvary Chapel.



them, we proceeded with a federal lawsuit and will keep working to ensure the First Amendment protects those who fight to defend it.

Soldiers don't shed their constitutional rights at the recruiter's office upon enlistment. In fact, the Constitution provides the same fundamental protections for those who swore an oath to defend it as it does to those of us who sleep under the shelter of protection those soldiers provide.

Hostility toward Christians who live by their convictions has been amplified in recent years. The Biden administration sought to purge religious adherents and conservatives from the military, and the changing of the guard that occurred on January 20 could not have come soon enough.

### **DOD Religious Discrimination**

Religious intolerance in the military is, unfortunately, nothing new, but it is becoming more overt, as evidenced by the Idaho National Guard removing a Christian infantry officer from his command and illegally pressuring him to resign for what was deemed "discrimination."

His crime? Posting personal social media content on his political campaign account that was deemed "discriminatory" for upholding a traditional sexual ethic and condemning the predation and grooming of children, opposing men in women's sports, protesting a "drag queen story hour," and describing "radical gender theory" as "destructive."

In return, he was unceremoniously and unconstitutionally removed from his command following the complaint from a senior enlisted man who identifies as LGBTQ. In removing this infantry officer from his command for simply posting content consistent with his values and religious beliefs, the Idaho National Guard violated the First and Fourteenth Amendments to the United States Constitution, the Idaho Constitution, and the Idaho Free Exercise of Religion Protection Act.

### **Speech for Me, Not for Thee?**

The subordinate non-commissioned officer (NCO) filed the complaint against Major Worley that led to his dismissal and

falsely claimed his posts show "just how much [the officer] truly hates the LGBTQ community" and said he felt "threatened." These claims couldn't be further from the truth.

As Liberty Counsel pointed out to the governor, Major Worley "believes all people are made in God's image" and is "committed to serving those under his command, regardless of political or religious disagreements." Indeed, Major Worley "cares deeply for his fellow Soldiers and citizens and would give his life in defense of his Nation and State, if necessary."

Major Worley proved that by his sacrificial tours of duty in Iraq and 22-year career in the military, as well as by rescuing a woman who was being assaulted in his hometown. Major Worley lives out his convictions in everyday life, and he has demonstrated himself a hero time and again. The Idaho governor, and all of us, ought to return the favor.

Soldiers of all stripes are required to tolerate Christians in the workplace and cannot file charges simply "because the officer had the temerity to speak his religious and political beliefs in public outside of the military context."

As we further wrote in our demand letter, the "dichotomy between 'speech for me, but not for thee' could not be more evident."

### **'No Christians as Commanders'**

Soon after taking office, the Biden administration announced they were revising Department of Defense (DOD) Instruction [1325.06](#) (Handling Protest, Extremists, and Criminal Gang Activities Among Members of the Armed Forces), and there is no question the revised instruction was aimed at purging Christians from the military. *It said so, unequivocally.*

The definition of "extremist activities" included "advocating widespread unlawful discrimination based on ... gender identity or sexual orientation." So, if you believe in traditional marriage or think that a man should be prohibited from showering in the women's locker room, you are a dangerous "extremist" who needs to be purged from the military.

"Extremist activities" can include any point of connection to a so-called "extremist organization." This includes distributing literature, donating, attending a rally, communicating information, or even visiting the organization's website while on government property.

According to the DOD instruction, commanders can also "pursue adverse administrative action" such as involuntary separation, reassignment, and other administrative or disciplinary actions for those who participate in "extremist" activities. The prior administration even left itself a safety valve that permitted the military command to take "extremist activities" into account when considering promotions, evaluations, relocations, security clearances, etc.

And, finally, should the commander consider you an "extremist" for thinking that a biological male cannot magically become a biological female by simple declaration, commanders have the right to order "command-directed mental health evaluations" and invite the service member "extremist" to self-criticize before the progressive politburo.

While the military might not always kick Christians to the curb for exercising constitutional rights, they will make it so that your sacrificial service to the country doesn't sacrifice their own sanctimonious woke nonsense. This insanity is on full display in the Idaho National Guard who, in its attempts to grease the "squeaky wheel" claiming LGBTQ discrimination, is essentially enshrining a "No Christians as Commanders" policy.

It is time for the military to protect the rights of Christians who seek to live out their convictions, just as they would protect the rights of any religious or nonreligious adherent. This discrimination against a Christian officer based on a frivolous complaint must be addressed, his record cleared, and his career restored.

Anything less would desecrate the graves of those who fought and died for the freedoms enshrined in the First Amendment. **IC**

**Daniel Schmid** is a constitutional attorney and the Associate Vice President of Legal Affairs with Liberty Counsel.

