

# FAITH & JUSTICE

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4 Ways ADF Is  
Effectively Defending  
Campus Freedom  
PAGE 5

How 'Curing'  
Down Syndrome  
Impoverishes Us All  
PAGE 17

A Funeral Director's  
Journey To The  
Supreme Court  
PAGE 19

## Love Amid The Chaos

How some angry censorship saved  
free speech on one California campus

# CONTENTS



## COVER STORY

### 9 Love Amid The Chaos

How some angry censorship saved free speech on one California campus

## COLUMNS

### 2 Minutes With Michael

Turning Back The Clock On Girls' Sports

### 3 News & Quick Takes

Case Updates From Around The World

### 5 Special Feature

4 Ways ADF Is Effectively Defending Campus Freedom

### 8 Alliance Profile

Michael Tierney

### 17 Opinion

How 'Curing' Down Syndrome Impoverishes Us All

### 19 My View

A Funeral Director's Journey To The Supreme Court

### 21 Q&A

Responding to India's Growing Persecution

August 2019  
Vol. XII, Issue 3

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Michael Farris with his granddaughter, Jenna, after her high school team won the softball state semi-finals in 2016. She now plays college softball on a full-ride scholarship.

Minutes With Michael

## Turning Back The Clock On Girls' Sports

By Michael Farris

**G**rowing up, my older sister was a natural athlete. You know the type. She was fast. She was strong. She was coordinated.

If my sister had had the opportunity, she probably would have played organized sports with other girls from our town. But that's the key word. "If."

At the time, girls had very limited opportunities to play organized sports. And there were very few athletic programs for girls when my sister got to high school. Nothing compared to what the boys enjoyed. Basketball. Baseball. Football. Americans loved sports then (as they do now), but girls had few opportunities.

Fast forward. For years, I coached my daughters' softball teams. At one point or another, I coached each of my six girls. It was a special time of bonding with them that I wouldn't trade for anything. We had a lot of fun. And we won — a lot! That was fun, too.

My daughters had opportunities that my sister never did.

Now, one of my granddaughters is on a full-ride scholarship playing college softball. Times have changed.

**A**s you read Selina Soule's story in this issue of *Faith & Justice* (See "Selina," p. 6), you'll see that some want to turn back the clock to the time when men and boys dominated all sports.

Selina, a 16-year-old runner, was forced to compete against boys at Connecticut's girls indoor track and field championship. She missed her chance to run the 55-meter dash in the New England regionals after two boys who identify as girls took first and second place, their times significantly better than any of the female athletes.

Some think it's fair and pro-equal treatment for boys who believe themselves to be girls to be allowed to compete in girls' sports. It isn't. It's anti-woman. Activists who support this view want to erase what it means to be male and female, created by God. And they are willing to harm women in the process.

These activists aren't just sacrificing fairness on the altar of political correctness. They are throwing away the teamwork, self-esteem, and future opportunities girls earn when they play sports on a level playing field.

I've long thought that my sister grew up in the wrong era. But if gender activists have their way, we'll turn back the clock — and this generation of girls will be left on the outside, looking in. 🏈

# News & Quick Takes

## Case Updates From Around The World

### Washington

ADF attorneys representing floral artist Barronelle Stutzman are again asking the U.S. Supreme Court to consider her case, after the Washington Supreme Court ruled against her a second time.

The Washington court issued its June decision after the U.S. Supreme Court ordered it to reconsider its earlier judgment against Stutzman. Specifically, **the U.S. Supreme Court ordered the Washington court to reconsider Stutzman's case in light of the *Masterpiece Cakeshop* decision**, which found it unconstitutional for the government to act with hostility toward creative professionals because of their religious beliefs about marriage.

Despite that directive, the Washington court's second ruling repeated verbatim much of what the court said in its original decision. That ruling has the effect of requiring Stutzman to pay substantial penalties and staggering attorney fees.

### Colorado

The University of Colorado, Colorado Springs (UCCS) agreed to make policy changes to settle a lawsuit that ADF attorneys filed on behalf of Ratio Christi, a Christian student organization.

ADF filed the lawsuit after UCCS officials refused to grant the student group registered status because it requires that those who lead the Christian organization share its religious beliefs. As a result, the university limited the group's access to funding, meeting and event space, and administrative support.

As part of the settlement, **the university agreed to grant Ratio Christi registered status, pay over \$20,500 in damages and attorneys' fees, and update its policies** to ensure that a student club may require its leadership to promote the purposes of the club and hold beliefs consistent with the group's mission.

### Washington, D.C.



In May, ADF praised the U.S. Department of Health and Human Services (HHS) for issuing a rule that ensures health care entities receiving federal funds comply with longstanding federal conscience laws and do not force health care providers to violate their pro-life convictions.

Unfortunately, **ADF clients and other nurses, doctors, and health care providers have faced discrimination and have even lost their jobs because of their commitment to saving life.**

"I'll never forget the day my supervisor ignored the law and forced me to participate in an abortion," says Cathy DeCarlo, a nurse and ADF client who successfully filed complaints against her supervisors for forcing her to violate her faith. "I'm hopeful that HHS' new rule will help make sure that no other nurses or health care professionals will be forced to go through what I did and that their rights will be protected."

### Ohio

Faced with a lawsuit filed by ADF, **the city of South Euclid, Ohio, clarified that a SOGI ordinance will not be applied to a Catholic classical school.**

The ordinance could have forced The Lyceum, a college preparatory school, to violate its beliefs about marriage and human sexuality or risk fines and jail time. Exactly how the ordinance would apply to the school, or whether it would apply, was not clear when the law was passed in 2018. Although the school made multiple attempts to obtain clarification, the city refused to respond.

In May, when the city finally agreed that the school is not subject to the law, ADF attorneys voluntarily dismissed the lawsuit.

### Michigan

In April, ADF attorneys asked a state court to stop Michigan officials from illegally targeting a child welfare provider because of its religious beliefs.

Catholic Charities West Michigan, **one of the region's largest social services providers, faces closure of its adoption and foster care ministry if its policy prioritizing the placement of children in homes with a mother and father isn't changed.**

Even though state law explicitly protects Catholic Charities' freedom to act according to its faith, Michigan's newly elected attorney general, Dana Nessel, has harshly criticized that law. Now, the state's Department of Health and Human Services is threatening to terminate Catholic Charities' contract, and forbid it from serving foster children, unless staffers agree to violate their beliefs by placing children with same-sex couples.

I'll never forget the day my supervisor ignored the law and forced me to participate in an abortion.

“

Cathy DeCarlo, Nurse and ADF client

## Bangkok, Thailand



ADF International launched Areté Academy - Asia this summer, providing legal training for college students and young professionals who are interested in careers in law, government, and public policy.

Held in Bangkok, Thailand, in mid-August, **the week-long training combined biblical worldview training with specialized professional development.** The Academy was designed to equip 40 attendees (called Delegates) with foundational principles they can apply to pressing cultural issues, including religious freedom, marriage and family, and the sanctity of life.

Areté Academy is also offered in Europe and the United States, with each track tailored to its region. Delegates have gone on to pursue careers not only in law, but also in business, medicine, government, foreign affairs, academia, politics, economics, national security, and intelligence.

## Florida

A federal lawsuit that ADF attorneys filed on behalf of a church and religious school in Sarasota County, Florida, has prompted the county to reverse course and approve the use of the church's property for the school.

In 2013, Crosspoint Church started Englewood Christian School to serve at-risk students by offering an individualized, faith-based education. **More than three years after the school opened, the county demanded that the church obtain a "special exception" – a time-consuming process costing over \$10,000 – in order to continue operating the school in the church's building.**

After the church submitted its application, the Sarasota County Board of Commissioners refused to grant the exception and then imposed daily fines of \$250 on the church.

"The government can't discriminate against churches or schools simply because they are religious," says ADF Legal Counsel Christiana Holcomb. "The county did the right thing in ... offering Crosspoint Church an equal playing field."

## Pakistan



A Pakistani Christian woman who spent eight years on death row after being convicted of blasphemy was released in May. Asia Bibi and her family have been granted asylum in Canada.

Bibi was convicted of blasphemy in 2010 for allegedly making derogatory remarks about Islam. **Her conviction was overturned in a decision by the Supreme Court of Pakistan in October 2018, but she was kept in custody** and not allowed to leave the country.

The Supreme Court ruling sparked violent demonstrations calling for her execution, prompting more than 230 international parliamentarians to sign an open letter urging the Pakistani government to secure her safe passage from the country.

"All people have the right to freely choose, and live out, their faith," says Paul Coleman, executive director of ADF International. "We, therefore, urge all governments to uphold this right by ceasing enforcement and initiating repeal of their blasphemy laws."

## New Delhi, India



A pastor of a small Indian village in Madhya Pradesh was acquitted in May of charges held against him under restrictive anti-conversion laws. The landmark ruling marks an important victory, as **these laws are increasingly being used to persecute Christians and those of other minority religions who share their faith.**

Three years ago, a group of nationalists stormed Pastor Balu Saste's church during a service and violently attacked worshipers. The police came and arrested the pastor, his wife, and his 6-year-old son, stripped them of their clothes, beat them, and kept them detained without bail for three days. They were convicted of forced conversions to Christianity. (See "Responding To India's Growing Persecution," p. 21.)

"Unfortunately, this is not the only case in India where Christians have been falsely accused under anti-conversion laws," says Tehmina Arora, director of ADF India. "These laws make religious minorities subject to arbitrary imprisonments and criminal charges, mob violence, and violations of their fundamental rights."

Special Feature

## 4 Ways ADF Is Effectively Defending Campus Freedom

By Karen Kurtz

At schools, colleges, and universities across America, the testing has begun.

Students, teachers, and professors are facing increasing attacks on free speech, religious freedom, and equal opportunities.

- A 16-year-old female runner loses the chance to compete in front of college scouts after two boys who identify as girls take top prizes at a track championship.
- An esteemed professor is demoted, then harassed, and then fired, after sharing his professional views on transgenderism during an off-campus panel discussion.
- A high school student is suspended after showing her support for the nation's president during a patriotic-themed school event.
- A student is told he can only talk about his faith within tiny speech zones on his college campus — then is forbidden to share his beliefs at all.

The good news? Alliance Defending Freedom is fighting for campus freedom — and winning.

At public universities, the ADF Center for Academic Freedom (CAF) has earned an almost 90% success rate in challenging violations of students' First Amendment rights at public universities. (See *"Love Amid The Chaos,"* p. 9.) And CAF has seen a nearly 100% success rate against anti-free speech zones on university campuses.

Meanwhile, in K-12 schools, the ADF Center for Christian Ministries and Center for Religious Schools are tackling a wide range of issues involving religious expression, faith-based clubs, zoning laws, and more.

### KNOW YOUR RIGHTS

as a K-12 student, parent, or teacher. Visit [ADFLegal.org/k-12](http://ADFLegal.org/k-12).

*The stories below provide a glimpse of how ADF is coming alongside students, teachers, and professors throughout the country in the fight for campus freedom.*

## Selina

“Try harder.”

That’s the advice 16-year-old runner Selina Soule received when she began protesting new rules in high school track and field that were making it impossible for her and her teammates to win.

Selina, a senior, trained hard for this year’s Connecticut girls indoor track championships. But it was two boys who identify as girls who took first and second place in the 55-meter dash. Selina placed eighth — just two spots outside of being able to compete at the New England regionals in front of college scouts.

Track is Selina’s passion. She has been competing since elementary school and dreams of running track in college. But when she lines up against boys, she knows the outcome before the race starts.

In Connecticut, one boy now holds more than 10 state track records that once belonged to 10 different girls. These unfair victories have consequences beyond the events themselves, influencing scholarship opportunities and college careers.

Most female athletes have remained silent since the Connecticut Interscholastic Athletic Conference (CIAC) made the decision to allow boys to compete as girls. But Selina is willing to be vocal about a policy that is clearly unfair.

“I decided to speak up for every girl in Connecticut who lives every day in hurt and disappointment, and who is afraid to speak up because of retaliation from the media, school officials, and coaches,” she says.

**W**omen and girls have fought hard to earn equal opportunities in sports. In 1972, Title IX was enacted to eliminate discrimination against women in education and athletics. Allowing boys to compete as girls reverses nearly 50 years of advances for women under Title IX.

ADF is working to ensure those hard-earned advances are not reversed. On Selina’s behalf, ADF attorneys have filed a complaint with the Department of Education’s Office for Civil Rights to ensure that she and other girls have a level playing field in sports.



## Dr. Josephson

Express your views at your own risk.

That was, essentially, the message delivered by the University of Louisville when it demoted, harassed, and then effectively fired a professor after 15 years of exemplary leadership.

Dr. Allan Josephson was hired in 2003 to be the chief of the then-struggling Division of Child and Adolescent Psychiatry and Psychology. He turned the division around, building a program that now has a national reputation. And from 2014 to 2016, he earned perfect marks on his annual reviews.

But things changed soon afterward, as Josephson became alarmed by the rapid growth of transgenderism. He was particularly worried about the negative and life-changing effects of giving children hormones and surgeries to treat gender dysphoria.

**I**n fall 2017, he took part in a panel discussion at The Heritage Foundation, discussing treatment approaches for youth experiencing gender dysphoria. His remarks angered a few of his colleagues, who demanded that the university take disciplinary action. School officials responded by demoting him weeks later to the role of a junior faculty member.

For the next year, Josephson endured assignments typically given to much younger, less experienced faculty members. Then, in February 2019, the university announced that it would not renew his contract.

In its values statement, the university claims to “celebrate diversity of thought.” But the school has made it clear that only one viewpoint is welcome.

In March, ADF attorneys filed a federal lawsuit against University of Louisville officials, challenging their actions as violations of Josephson’s freedom of speech and other constitutionally protected liberties.

**I decided to speak up for every girl in Connecticut who lives every day in hurt and disappointment, and who is afraid to speak up because of retaliation.**

“

Selina Soule



## Logan

It was spirit week at Perry High School in Gilbert, Arizona, and freshman Logan Jones was dressed in a Make America Great Again (MAGA) sweatshirt for “Party in the USA Day.” After school, she and a friend were taking pictures in their spirit

wear and displaying a pro-Trump banner in an outdoor common area when a school resource officer approached them and ordered them to leave.

The girls did as they were told. But as they started to leave campus, the officer followed and began taking pictures of them. Then he asked for Logan’s name. When she didn’t answer immediately, the officer directed the pair to the assistant principal’s office.

Logan’s mother arrived, and she and Logan were talking with the assistant principal when Principal Dan Serrano entered. “I am tired of hearing this,” he said. “Logan Jones, you are suspended for 10 days. Get off of school property.”

**T**he school claimed that Logan was suspended because she didn’t immediately give her name to a school official. But evidence shows the punishment was based on administrators’ disagreement with Logan’s message. In fact, multiple videos indicate hostility that school officials have displayed toward messages expressing support for President Trump and his MAGA slogan. And at least one other student has also been punished for expressing similar messages.



Use an interactive map to locate Center for Academic Freedom cases in your area. Visit [CenterForAcademicFreedom.org/cases](https://CenterForAcademicFreedom.org/cases).

The ADF Center for Academic Freedom sent a letter to Logan’s school defending her First Amendment freedoms and demanding that administrators rescind her punishment. The school lifted her suspension after three days.

## Chike

When Chike Uzuegbunam became a Christian, he could hardly contain his joy.

So when he became a student at Georgia Gwinnett College (GGC), he began sharing his newfound faith on campus. But school officials soon blocked his efforts.



It started in July 2016, when Chike was handing out Christian literature in a campus plaza and talking about the Gospel with interested students. Soon after he started, campus police approached him. They told him he was not allowed to distribute materials or talk to other students about his beliefs unless he had reserved time in a campus speech zone.

At the time, the zones were limited to two tiny spaces that were open to students just 10% of the week — a total of 18 hours — and closed on weekends. Respectfully, Chike followed orders and reserved a time.

But when he began sharing his faith in a speech zone during the time he had reserved, campus police officers again told him to stop. They had received complaints, they said, and now they were calling his speech “disorderly conduct” — which GGC defined to include anything that “disturbs the peace and/or comfort of person(s).”

**T**he First Amendment guarantees a right to free speech, regardless of whether listeners find the content offensive or uncomfortable. So ADF attorneys filed suit against GGC officials on Chike’s behalf.

GGC doubled down. In its first motion to dismiss the case, it called Chike’s speech “fighting words,” a category of speech that is meant to incite violence and is not protected by the First Amendment.

The school later backed off its “fighting words” argument and amended its policy to allow students to speak in any outdoor area of campus. But school officials still insist they did nothing wrong when they silenced Chike. ADF is appealing the case so that he may receive the justice he deserves. 🇺🇸

**GIVE:**  
Donate today to help defend campus freedom.

## Alliance Profile

# Michael Tierney

By Chris Potts

**M**ichael Tierney is one of those lawyers who didn't start out to be a lawyer. He'd been teaching high school civics classes for several years in Vermont when the conviction took hold that he might be called to do more than just grade papers about religious liberty and sanctity of life.

Maybe he needed to impact those issues more directly.

So he completed a law degree at Notre Dame, came back to his wife's home state of New Hampshire, joined a good-sized law firm ... and soon found himself specializing in one of the quieter corners of litigation, defending churches under the Religious Land Use and Institutionalized Persons Act (RLUIPA). Defending, in other words, the right of churches to be churches.

Congress passed RLUIPA nearly 20 years ago to protect, among other things, congregations from the tendency of many municipalities to torpedo church applications to buy land, put up buildings, or add new structures to their property. Many city officials are inclined to think there's more money to be made in giving the legal edge to commercial ventures, which can provide more tax revenue.

**B**ut opposition is rarely just about the money, Tierney has found. Working across New England in "some of the least-churched states in the Union," he's learned that "a large number of people do not understand the importance of having that kind of relationship with our Lord. They don't get the



**Hope comes from seeing the huge results of small successes**

“

Michael Tierney

necessity of communal worship. They just don't get it.

"They don't understand that preventing the use of property for religious worship, or blocking Bible studies in a facility built with a federal loan, is religious discrimination."

**T**ierney's first RLUIPA case, for instance, involved a church that was being denied building permits because the planning board chairman said — candidly, publicly — that the church was anti-choice and homophobic, and if it expanded, it would just mean more of *those* kinds coming to his town. The years-long case ended in a million-dollar-plus judgment on behalf of the church.

"That was a pretty big win," Tierney says — in fact, the biggest of its kind in New Hampshire history. He's litigated some 30 similar cases since, and won most of them. And while not many feature such headline-making settlements, "sometimes we're able to get things done quickly and inexpensively," he says, "so that more people can hear the Gospel."

"Hope comes from seeing the huge results of small successes," says Tierney, who — drawing in part on training and resources provided by ADF — has also argued on behalf of private Christian schools, church tax exemptions, and more than 25 pro-life ministries. But "I really get my greatest pleasure," he says, "when I'm able to assist someone else to get the Gospel out there." 



Cover Story

# Love Amid The Chaos

How some angry censorship saved  
free speech on one California campus

By Chris Potts

**B**ernadette Tasy wasn't having a very good year.

It was a tough thing for her to admit, because Bernadette is a naturally cheerful, upbeat person. But nearing the close of her senior year at Fresno State University, she was forced to concede that two semesters' worth of her best, most energetic efforts seemed to be coming to nothing.

She and a friend had launched a new club on campus, Fresno State Students for Life. (University administrators — worried someone might assume *everyone* at the school opposed killing babies in the womb — would eventually make them change that to “Students for Life at Fresno State.”)

Together, the club's two members sponsored events. Not many came. They posted hundreds of flyers around campus, only to have most of them torn down or defaced. They tried distributing the flyers by hand ... but still managed to enlist only three noncommittal others to their cause.

It was a lot of work for a worthy ideal, but Bernadette was beginning to think of better uses for her time. Discouragement nagged at her, and she was wondering how to hand the reins of leadership over to someone else.

At least the school year was almost over. Surely nothing worse could happen.

A few days later, something worse happened. Something terrible. Something better than anything she could possibly have imagined.

At that point, I didn't have a take on abortion at all — for or against it.

“

Jessica Riojas

Jessica Riojas was having a pretty *good* year. A recent transfer to Fresno State from a local community college, she was a junior majoring in speech language pathology, getting good grades, and dating a handsome young man she'd met serving ice cream at Baskin Robbins. She was getting a happy feel for her new campus, and one early spring day, happened on a mall display sponsored by Students for Life.

The table featured information on, and illustrations of, fetal development. On it, Bernadette and her friends had spread models of babies at various ages in the womb: three weeks, six weeks, 12 weeks. Instruments used in abortions. Photographs. Statistics. Brochures and flyers and postcards.

"I just thought it was all so interesting," she says. "At that point, I didn't have a take on abortion at all — for or against it." Jessica spied a tiny baby doll in a hand-knit sling on the display table. "I thought it was cute." On a whim, she took it with her, and hung it on her car's rear-view mirror.

Three weeks later, she learned she was pregnant. She and her boyfriend, Cameron, were both shocked, scared to tell their parents ... terrified at the possibilities. Or, rather, *possibility*. The Planned Parenthood clinic Jessica visited had offered her only one option — abortion.

"I was so blindsided," she says. "It was an embarrassing point in our lives, and we were so lost and not informed at all." Jessica knew there must be other options, but couldn't imagine what they might be. Cameron thought maybe she wanted the abortion. She thought that's what he wanted. They took a week or two to think about it, talk about it.

Meanwhile, getting in and out of the car, driving to and from home and her classes, she kept finding herself looking at the tiny doll, dangling from the rear-view mirror.





Bernadette Tasy offers pro-life postcards outside the Fresno State Student Union.

Students for Life at Fresno State had one more major activity planned before the end of that spring semester. Bernadette secured permission from university administrators for the club to make chalk drawings and write pro-life messages along the main mall of the campus.

It was a lot of work, and it meant getting up at the crack of dawn and doing a ton of sketching and scribbling before a few thousand students began pouring over the sidewalks. But, by the time the morning's first classes were beginning, the job was finished.

Bernadette was packing up her chalk when a professor walked up. His name was Greg Thatcher, she learned later, and he taught public health. He made it clear he didn't like what she was doing, and said he'd be returning shortly to erase her club's messages. More than a little uneasy, she tried to explain that they had permission to do this, but he turned abruptly and walked off. Bernadette hoped that was the end of it. She headed for her car to put her materials away.

When she came back, Thatcher was talking to a circle of students. A moment later, they scattered across the mall, scratching out her club's messages with their feet.

Stunned — and without really thinking about it — Bernadette pulled out her phone and began videotaping. Something inside, she says, nudged her to do so. She hurried over to some of the students, who brushed off her questions, saying they were only doing what their professor had directed them to do. A moment later, Thatcher himself walked up to help destroy the messages.

"We have permission for all of this," Bernadette told him.

"No, you don't," he said. She cited all the officials who had authorized the activity. He changed his tune but heightened his condescending tone.

"The whole idea of free speech is that we have a free speech area here on campus," he said. (In fact, administrators had eliminated such areas two years earlier.) "Free speech is free speech *in* the free speech area. It's a pretty simple concept, okay?"

"But we have permission ... please tell your students to stop until you verify that."

"What are my students doing that is not part of free speech?"

"They're wiping out what we have permission for."

"Did you see them wiping it out?"

"Yes, I did. I actually have video of it."

"Okay, here, let me show you." Thatcher began smudging the messages with his foot. "You had permission to put it down — I have permission to get rid of it. This is our part of free speech. Do you disagree with our part of free speech?"

"Absolutely," Bernadette said, as he continued smudging. "And you disagree with mine, too."

"No, I don't. I'm perfectly fine with you having your free speech in the free speech area."

"But," Bernadette pointed out, "you're exercising *your* free speech in a non-free speech area."

He didn't like that. "College campuses are not free speech areas. Do you understand? Obviously, you *don't* understand." And with that, he continued erasing her messages.

### WATCH:

See a video of Bernadette's confrontation with Professor Thatcher at [ADFLegal.org/fj-Bernadette](https://ADFLegal.org/fj-Bernadette)



Students for Life members (from left) Julia Cuellar, Noeli Aguirre, Bernadette Tasy, and Emily Sauls share club information during freshman orientation in June.

**B**ernadette walked away. “I was scared out of my mind,” she remembers. “I was by myself, surrounded by this professor and his students. I was very nervous.” Not too nervous, though, to know what to do next. She contacted the regional coordinator for Students for Life of America, who put her in touch with Alliance Defending Freedom. The next day, she was talking with attorneys from the ADF Center for Academic Freedom.

They discussed litigation, and Bernadette realized her life was quickly veering in unexpected directions. Her new attorneys explained her rights, confirmed her documented permission to create the chalk messages, and applauded her recording of the showdown. They told her what a lawsuit would involve, and asked if she wanted them to file one on her behalf.

“Normally I would take the time to think about something like that, but I didn’t,” Bernadette says. “I just trusted God, and said, ‘Yes.’ It was a complete leap of faith. I did not know what was going to happen — that there would be a big media blowout. I was just kind of following their lead and trusting this organization that I didn’t know.” ADF filed suit on her behalf.

Things happened fast once ADF posted Bernadette’s video on YouTube. The video went viral, drawing more than 32,000 views the first month. Suddenly, local newspapers, radio and TV stations were calling. She was enlisted for a national podcast; a cable news outlet picked up her story. She was overwhelmed, but up for the challenge.

“Bernadette is one of the boldest and most poised clients we’ve ever had,” says Travis Barham, senior counsel with the ADF Center for Academic Freedom. “As shown in her video, she is calm under fire, and she is always ready to defend free speech and the sanctity of life, whether she’s talking to a student on campus or to thousands on a national media interview. Most impressively, she is willing to defend values, like the sanctity of life, that are under assault on university campuses — especially in California.”

**What this professor meant for harm, God used for good.**

“

Bernadette Tasy

ADF had sued the professor — not the university, whose policies were not the problem. Six months later, in a settlement conference, Thatcher sat glowering across the table at Bernadette as his attorney worked out a deal that included a court order requiring him to stay out of Students for Life’s activities, pay damages and attorney fees ... and undergo First Amendment training with Barham.

That last element especially irritated Thatcher, who wouldn’t cooperate with his part of the training. He entered the room reserved for his mandatory two-hour session announcing that he’d be leaving in 15 minutes — and leave he did. That freed ADF to resume Bernadette’s lawsuit ... litigation that would have cost Thatcher tens of thousands of dollars, had his attorney not finally convinced him to comply.

“He wasn’t very nice,” Bernadette says. “That’s a good way to put it. You could tell that there was absolutely no remorse for what he did.”

**V**ictory in her conflict with the professor brought four bright serendipities into Bernadette’s life.

One, it sparked interest in Students for Life at Fresno State, and gradually, steadily, the club’s membership began to grow, as did its profile on campus. Table displays and chalked messages resumed their appearance. A club-sponsored pregnancy care van began making regular campus visits, offering counseling and ultrasounds. The club began hosting guest speakers, taking part in national and regional events like the annual March for Life in Washington, D.C., and becoming more actively involved in shaping pro-life public policy in its own state.

In particular, Bernadette and her fellow students found themselves leading a statewide Students for Life

lobbying effort to oppose a bill requiring all 34 California university campuses to offer abortion pills through their student health centers. The bill was defeated, and the Fresno club’s leadership — along with the high-profile showdown with Thatcher and the resulting surge in membership and activity — led to it being named College Group of the Year in 2018 by Students for Life of America.



President Trump displays a signed executive order protecting free speech on university campuses, as Bernadette Tasy (far left) looks on.

That was the second serendipity. The third came as a phone call from the White House, inviting Bernadette to join three other ADF clients in standing by President Donald Trump, as he signed an executive order requiring public universities to respect students’ constitutionally protected free speech rights ... if the schools wished to continue receiving federal research funds.

“It was just such an honor to be up there,” Bernadette says. “I had my little free speech problems in Fresno, and the president of the United States recognized that, and he did something about it.”

And then, amid all of that, came a fourth — and maybe the best — serendipity ... Jessica Riojas.

**I just trusted God, and said, ‘Yes.’ It was a complete leap of faith.**

“

Bernadette Tasy

Jessica Riojas with her daughter, Eden.



The first time Jessica showed up at a Students for Life table, she walked away with a tiny baby doll. The second time, she brought a real-life baby of her own.

She'd never been able to get that little doll — and what it represented — out of her head. “I started humanizing the baby,” she says. She kept remembering all those pictures and statistics from the Students for Life table display. “The baby has a heartbeat. The baby has nails ... a brain ... a working system.” *The baby*, Jessica thought, *is human. And one day will be like me.*

Then her boyfriend, Cameron, asked an unexpected question. “Are you sure you — we — should have an abortion?” He'd been trying to support what he thought she wanted, but in his heart ...

“It made me feel ... relieved,” Jessica says. “I was not in this alone.”

Her little girl, Eden, was born that fall, on her grandmother's birthday. Classes at Fresno State were already underway, and Jessica wondered about her rights as a student parent, and what resources might be available. She couldn't remember the name of the club that had given her so much information before, but she typed “Fresno State life” into Facebook, and soon found

herself standing at a Students for Life table just like the one that had saved her daughter's life.

She told Bernadette and the others her story — and later told it again and again to new members who, like her, had joined the growing club. She gave Students for Life something they really hadn't had before ... a young student mother's own perspective.

And a father's. Though not a student at Fresno State, Cameron was soon as active in Students for Life events as Jessica, joining her for meetings, marches, protests. When he starts classes at a nearby college this fall, he plans to launch a pro-life club on that campus.

Jessica became vice president of Students for Life at Fresno State. Now a graduate student, she delights in making other young women aware of all the different possibilities no one shared with her in her first weeks of pregnancy. So many of her peers, she says, are overwhelmed at the prospect of being both a student and a parent — of finding their lives turned upside down.

“They just want some kind of relief,” Jessica says. “They just want a face to say, ‘You know what? There's another option. And this is how you manage that. You just take it one day at a time, and you do it with love, and you find time for your child. You find love in the chaos.’”

**You find time for your child.  
You find love in the chaos.**

“

Jessica Riojas

“This is one of my favorite cases of all time,” says Barham. “Rarely do you have such a flagrant violation of the First Amendment caught on video. Rarely do you have university officials who come straight out and say something as erroneous as, ‘College campuses are not areas for free speech.’”

But Thatcher’s attitude, he says, “is what students experience on campuses every day,” and his comments reveal “the attitude toward student free speech exhibited by administrators on university campuses from coast to coast — in its very distilled, purified, condensed form.”

“All I can say is, what this professor meant for harm, God used for good,” says Bernadette. “God had other plans. And I’m so happy He did.

“Because something bad happened, and we took the good out of it, and we trusted in God, we were able to take our club further than ever before — to the White House, to saving a student and her baby from abortion, to being a group that other people can look to as a success story — all so that we can intensify the passion that other students have for the pro-life movement.”

“A lot of times when students contact us, they’re scared,” Barham says. “They think, *If I file suit, I’m going to ruin my witness. I’m going to kill my effectiveness on campus. Nobody will want to be part of us. We’ll lose members.* And this case is an example of how actually, it could be the exact opposite. You could stand up and take action to defend your rights, and end up stepping onto a much larger platform, where more people can hear what you’re trying to say, where more people are drawn to what you’re doing — and want to join up with you.”

Actually, Bernadette — who just completed her masters in speech language pathology — says something very like that has happened to her.

“I went from thinking that this pro-life activism experience was just something I would do on the side — if I had time — to feeling that this is my calling, and that I will likely go into full-time pro-life or conservative activism work. And that big change, that big 180, is a product of my experience with Alliance Defending Freedom, and Students for Life of America, and all of the other groups that I’ve been able to meet.”

And, of course, one angry professor ... who may never know how much his snide censorship has done for free speech on America’s campuses. 



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ALLIANCE DEFENDING  
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CELEBRATING 25 YEARS

Opinion

# How ‘Curing’ Down Syndrome Impoverishes Us All

By Jay Hobbs

Just 5 years old, Julie Tennant was at the grocery store with her mother when a homeless man walked in. Though Julie’s mother, Barb, stood grappling with an understandable swirl of emotions — pity, protectiveness, and even physical revulsion — Julie’s reaction was much more to the point.

Breaking free from her mother, Julie bolted straight to the stranger, throwing her arms around him in a beautifully unforeseen embrace.

Caught off guard by the whole scene, Barb moved to pry her daughter off the haggard man. Half apologizing for Julie’s impulsiveness, Barb was already visualizing the bath her child would need the instant they got home. That’s when the man’s words stopped Barb in her tracks.

“Lady,” he said. “I can’t tell you the last time somebody wanted to hold me.”

Though Julie has since grown into adulthood, moments like this are every bit as common in her world today as when she was a child. For Julie, the world is not made up of outsiders and insiders, just a mix of friends she’s met and friends she hasn’t had a chance to embrace quite yet.

Born with Down syndrome, Julie lives a far more uninhibited life than those around her — so much so that her grandfather once dubbed the biological reality underlying her condition as “the Love Chromosome.” The label stuck, and as anyone who’s had the chance to meet Julie will tell you, it’s a fitting term of endearment.

Today in the U.S., over 400,000 children and adults live with Down syndrome. Strikingly, 99% of these men, women, boys, and girls say they are happy with their lives. As a rule, when you meet someone with Down syndrome, you’ll find a person who exudes joy, kindness, and a sense of wisdom that transcends circumstances and natural limitations.

Sadly, there are some whose vision of a perfect world includes the complete annihilation of people with Down syndrome. In 2017, several news outlets profiled Iceland for “curing” Down syndrome in its country, an “achievement” that was noticed throughout Europe and North America.

Only slightly outpaced by Iceland, the same news reports noted that Denmark boasts a 98% “success” rate of combating Down syndrome, while France and the U.S. have reduced Down syndrome in their countries by 77% and 67%, respectively.

Of course, there is no cure or treatment for Down syndrome, so when you hear about Down syndrome cases trending downward, you have to supply the word “abortion” to understand what is really going on. The truth is that the



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Jay Hobbs



**Today in the U.S., over 400,000 children and adults live with Down syndrome. Strikingly, 99% of these men, women, boys, and girls say they are happy with their lives.**

“

Jay Hobbs

majority of children like Julie are diagnosed within the womb and summarily aborted for no other reason than their Down syndrome.

**T**his irreversible, lethal form of discrimination doesn't make the world richer, but it does match the motives of groups like Planned Parenthood — whose founder famously championed birth control as “the process of weeding out the unfit, of preventing the birth of defectives, or of those who will become defectives.”

Planned Parenthood's modern-day torchbearers have stayed true to the mission. Acting on the misguided belief that any human being — as unfit as we all are in one way or another — has the right to declare another person “defective” and authorize that person's death, today's abortion lobby steadfastly and openly resists even the most minimal protections for unborn children with Down syndrome.

In one case considered by the Supreme Court this spring, Planned Parenthood sued to try and strike down an Indiana law that, in part, would “prohibit abortions motivated solely by the race, sex, or disability of the fetus.”

That case, *Box v. Planned Parenthood of Indiana and Kentucky*, was emblematic of a full-fledged campaign to normalize the elimination of Down syndrome babies via abortion. Though the court decided to wait to address the constitutionality of the Indiana law that protects unborn children from lethal discrimination, Justice Clarence Thomas wrote that sooner or later the justices would have to look at the issue of eugenics and abortion.

It shouldn't take a heartwarming anecdote to drive home the point that people with Down syndrome belong in our society. But five minutes with Julie reminds us that every innocent life should be protected and celebrated.

Planned Parenthood and other supporters of abortion should take a lesson from the homeless man in 5-year-old Julie's embrace — the world is a far richer place with folks like Julie in it. 🐾

*Jay Hobbs is deputy director of media communications for Alliance Defending Freedom, which filed a friend-of-the-court brief with the U.S. Supreme Court in support of Indiana's law prohibiting abortions motivated solely by the race, sex, or disability of the unborn child.*

*This was adapted from a column that originally appeared in The Daily Caller on April 16, 2019.*

My View

# A Funeral Director's Journey To The Supreme Court

By Tom Rost

**F**or my family, R.G. & G.R. Harris Funeral Homes is not just our place of business. It's a place of service. For five generations — across more than a century — we have dedicated ourselves to ministering to people in the darkest and most vulnerable moments of their lives.

We don't use that word "ministering" lightly. We look on what we do for grieving families as a service to God, as well as them ... indeed, we strive to serve Him *by* serving them.

Our customers are entrusting us with their loved ones. They're pouring out a lifetime of love and memories and cherished moments, and asking us to help them honor all of that. They want us to bring dignity and respect to these hours of grief, and to the warm celebration of a life that has meant so very much to them.

They ask us to handle a thousand details as smoothly, quickly, and simply as possible. They need us to be professional and self-effacing. We're here to ease this difficult time, not complicate it as they process their pain.

My employees understand that. Our company sets a high professional standard, with clearly delineated behavior, dress, and guidelines for walking people through the necessary processes. Those mandates are explained prior to hiring, and no one joins our team without agreeing to them.

**W**hich is why — as president and owner of our business — I was surprised when one of our employees, Anthony Stephens, whom we had hired several years earlier as a biological male, expressed an

intent to begin dressing and presenting as a woman during interactions with grieving families.

I had to think about that. I was concerned about Stephens' welfare. I was also concerned for my female employees who would be sharing the restroom with Stephens. Finally, I was concerned about the people we serve — the family and friends of the deceased loved one. Our first duty is to ensure that they are not focused on the funeral home or its employees but on processing their grief. That is the reason we exist.

As a result of my decision not to go along with Stephens' proposal, he filed a complaint with the federal Equal Employment Opportunity Commission (EEOC), which enforces Title VII of the Civil Rights Act of 1964, a law that outlaws employment discrimination based on race, color, religion, national origin, or sex. Stephens claimed we had violated that last provision.

But we didn't violate any law. For one thing, "sex" in federal employment law refers to whether someone is biologically male or female. For another, we made our decision based on our dress code, not based on

Stephens' chosen gender. Even the EEOC itself issues a manual that affirms the right of small businesses like ours to adopt and enforce a sex-specific dress code.

But the EEOC filed a federal lawsuit against us, anyway. That agency had decided to interpret "sex" in Title VII to mean "gender identity." Whatever the directives of its own manual, if Stephens elected to identify as a woman, and dress like a woman in the



R.G. & G.R. Harris Funeral Homes, circa 1945

This is so much more than a business to me. I feel called by God to serve grieving people.

“

Tom Rost



workplace, the EEOC demanded that Stephens be allowed to do so. The impact that decision might have on the grieving families we serve was ... well, beside the point.

The EEOC is not a lawmaking body. Its members are not elected. Legally, it has no authority to write — or rewrite — a law. That power belongs to Congress alone, but Congress has repeatedly declined to rewrite Title VII to add gender identity. So the EEOC took it upon itself to force the issue.

Thankfully, the EEOC has since seen the error of its ways and changed its position against me. But the ACLU now represents Stephens and is continuing the quest to punish me and my family. Harris Funeral Homes seems to be a pawn in a misguided strategy to change the law and tell my family how to serve hurting people.

With all due respect: we don't need that guidance. After more than 100 years of experience, we know how to minister to people in grief. We do not begrudge Stephens' choice on how to identify. But we can't let that dictate our service to those who look to us for help. Our focus must be on them.

A lower federal court ruled against us. With the help of Alliance Defending Freedom attorneys, we have appealed that decision to the U.S. Supreme Court, which has agreed to hear our case in early October.

Harris Funeral Homes has won awards, both locally and internationally, for the quality of its service. But this is so much more than a business to me. I feel called by God to serve grieving people. Across more than 50 years now, I have stood face to face with thousands of mourning families and arranged thousands of funeral services.

My faith guides the work that I do. Like my profession, that faith was handed down to me by a loving family whose legacy I carry on and am passing along to my own children. All of that feels threatened by this lawsuit.

But it's not just a threat to my family and our funeral business. A ruling against us will have widespread consequences for everyone. It will give

sports scholarships and athletic opportunities reserved for girls to boys who believe they are female. (*See "Selina," p. 6.*) It will open shower facilities, restrooms, and locker rooms to people of the opposite sex. And it will undermine religious freedom.

So as my family and I take this stand at the Supreme Court, we're standing for the common good ... as well as the very human needs of the families we've committed to serve. 

**WATCH:**

Hear Tom Rost share his story at:  
[ADFlegal.org/fj-Harris](https://ADFlegal.org/fj-Harris)

Q & A

## Tehmina Arora

### Responding to India's Growing Persecution

By Karen Kurtz

*Working in her native India, Tehmina Arora serves as director of ADF India, specializing in constitutional law and human rights. Since 2012, she has focused on working with allied lawyers, providing legal support, training, and advocacy to help Christians and churches targeted for their faith across South Asia.*

*Arora has led her team to more than 100 victories before the Supreme Court of India and various high courts across India. In 2018, she was awarded the Champion of Human Rights Award by the Delhi Minority Commission for her services to the community.*

*She has written frequently on religious freedom in Asia, and her articles have been featured in national dailies in India and in various journals in Europe and the United States. In February, she was interviewed by BBC World News after India was named one of the top 10 countries in the 2019 World Watch List's annual report on the global persecution of Christians.*

**F&J: What motivated you to pursue a career as a human rights attorney?**

**TA:** Truthfully, I wanted to be a veterinary doctor. But God started speaking to me about issues of justice, and how He is a God of justice and how He would like us as a church to be involved in justice. And I got a sense that He was pushing me toward studying law. After finishing my law degree, I started meeting a lot of Christians who were being targeted for their faith. Suddenly, I had the tools to be able to assist them.

**F&J: What does persecution look like in India?**

**TA:** We see different forms of persecution, including the arbitrary closing of churches and anti-conversion laws

that forbid religious conversions through vaguely defined terms of “inducement” or “fraudulent means.” But most severe are the violent attacks that are carried out by mobs of Hindu extremists. A mob will arrive at a prayer meeting or Christian gathering, shouting and screaming obscenities, and force their way inside. They’ll beat up those in attendance, including women and children. Very often, they drag the person who’s leading the gathering to the local police station and have them arrested under false allegations of forced conversions.

These attacks are very, very common, and are growing. In the first quarter of 2019, there were more than 80 reported cases of mob violence against Christians. This means one violent attack almost every day.

**F&J: Why does the persecution continue to escalate?**

**TA:** There is a very strong ideology growing within our nation that sees Christians as outsiders to India. The ideology believes that to be Indian you must be Hindu. So every religious conversion becomes (in the minds of many) an anti-nationalist activity. This close linking of the Hindu religion to the nation has led to a lot of violence against Christians. Anti-Christian sentiment is not new, but over the last two decades mobs have systematically targeted churches, and states have enacted laws that restrict religious conversions. The recent reelection of the Hindu nationalist party, the BJP, to the central government has left many Christians concerned about the increased violence against the community. The government, both at the state and central level, has failed to protect Christians, by not acting against these violent mobs.





**I started meeting a lot of Christians who were being targeted for their faith. Suddenly, I had the tools to be able to assist them.**

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Tehmina Arora, Director of ADF India

**F&J: How do you feel ADF India is most effective in defending religious freedom?**

**TA:** We have a very comprehensive strategy. We've launched a toll-free help line where people can report violence and get very timely advice from the team. And we provide training to faith communities on understanding their legal rights and also how to deal with the police. And then, of course, there's the litigation support that we've been able to provide, through 11 legal aid centers across the country. This three-pronged approach has been very useful.

**F&J: What encourages you in the work that you're doing?**

**TA:** Our clients. They have such resilience. I think about Pastor Balu and his wife. When you meet them, they are smiling, they're talking about God's goodness, God's grace upon them. You look at them and you think, my gosh, this family has had such a tough life. And yet they continue to be so encouraging, and thankful for us being involved with them. It's just remarkable.

**F&J: Is the work you're doing now what you expected when you became a human rights attorney?**

**TA:** Oh, it's much better than what I expected. When I started off my legal practice, there was very little I thought we could do to respond to the

violence. It seemed so overwhelming, and there was such a huge need. We still feel a huge need, but we are able to see God provide favor and wisdom. There are, of course, days when you wish God would act a lot faster. But I'm just always amazed that God should grant us so many favors in spite of a very hostile and challenging environment. 🙏

### **WATCH:**

Hear Tehmina Arora explain how ADF India is coming alongside persecuted Christians at [ADFlegal.org/fj-Asia](https://ADFlegal.org/fj-Asia)

**F&J: What is a case that especially weighs on you?**

**TA:** One case was a pastor who was violently attacked by a mob along with his wife, son, and 11 members of their congregation in 2016. Pastor Balu and his family were stripped of their clothes, beaten, and detained without bail for three days. They were falsely accused of forced conversions to Christianity. I remember feeling terribly distraught about this case, because here was a family that was so obviously being implicated in something that they had not done. Both the pastor and his wife are visually impaired, and it's just amazing that they should continue to serve Christ through their church, through their family life. We were able to get them acquitted of the charges in May of this year. The fact that we were able to stand with them was very special.



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