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*“A sacred respect for the constitutional law is the vital principle, the sustaining energy of a free government.”*  
*Thomas Jefferson*

**ADF Files Lawsuit Against Virginia’s New Anti-Religious Liberty Law**

Alliance Defending Freedom (ADF), a prominent Christian legal group, is suing the state of Virginia over its aggressive anti-discrimination law in a pair of cases called [Calvary Road Baptist Church v. Herring](#) and [Updegrove v. Herring](#). The lawsuits challenge different aspects of Virginia’s recently passed [Virginia Values Act](#) (VVA), a law that prohibits discrimination on the basis of sexual orientation and gender identity (SOGI). The law was passed despite opposition from religious freedom and traditional family advocates that claimed the law was intentionally designed to harm ministries and organizations that believe in biblical marriage and sexuality. As [Delegate Marcus Simon said](#) during a committee hearing, the penalties do “exactly what we intended for it to do. If you don’t want to be subject to unlimited punitive damages, don’t discriminate on the basis of sexual orientation.” The VVA went into effect on July 1, 2020, prompting ADF to file preemptive lawsuits on behalf of Christian ministries and individuals who would suffer severe harms by following the law in violation of their sincerely held beliefs.

In [Calvary Road Baptist Church v. Herring](#), ADF argues that the VVA “forces people of faith to adopt a particular government ideology under threat of punishment” and “tramples on the free exercise and free speech rights of religious ministries.” The lawsuit also protests a bill signed one day before the VVA that requires ministries to cover sex reassignment and other gender identity medical procedures in their health plans. The penalties for refusing to comply with the government’s sexual ideology are staggering, with fines up to \$100,000 along with unlimited compensatory and punitive damages. Calvary Road Baptist Church and the other ministries represented in the lawsuit appeal to both the [Virginia Bill of Rights](#) and the [Virginia Religious Freedom Restoration Act](#), laws that protect the free exercise of religion according to one’s reason, conviction, and conscience. According to these laws, Christian ministries have the right to employ workers that affirm and abide by the ministries’ religious doctrines and beliefs. Without a religious exemption, Virginia’s law is one of the most extreme SOGI laws in the nation, depriving religious ministries of their constitutional rights and threatening the promulgation of their faith in future generations. In ADF’s second case challenging the VVA, [Updegrove v. Herring](#), the plaintiffs argue that the VVA violates free speech and forbids individuals from using their artistic abilities according to their sincerely held religious beliefs. Bob Updegrove is a photographer who chooses to use his artistic talents in a variety of events and venues, including weddings. However, as a Christian, Updegrove can participate only in weddings that reflect God’s design for marriage between one man and one woman. In this case, ADF argues that the VVA does not “regulate discriminatory conduct,” but instead “seeks to regulate Bob’s views . . . out of existence.” Under the VVA, Updegrove would face the same severe penalties as Calvary Road Baptist Church. Through these cases, ADF hopes to protect the rights of individuals and religious ministries to live freely according to their faith without fear of punishment from the government.

## **U.S. Department of Justice Files Statement of Interest Supporting Religious Liberty**

The U.S. Department of Justice has filed a [statement of interest](#) in a lawsuit filed by Capitol Hill Baptist Church (CHBC) against D.C. Mayor Muriel Bowser over her COVID restrictions. In a [public statement](#), the church, which is located in the nation's capital, noted that since March 11, 2020, they have adhered to the mayor's orders which prohibit religious gatherings of more than 100 people, indoors or outdoors. CHBC applied for a waiver in June and then again in September so they could gather outside within the district, but these have been denied. In light of the fact that the mayor has allowed protests over 100 people, and in some cases even encouraged them, the church filed the lawsuit asking that the church "be permitted to meet in-person, with similar restrictions as area businesses and other gatherings have employed to protect public health." The statement of interest filed by the U.S. Department of Justice noted the disparity in the allowance of protests, but not religious activity by Mayor Bowser. Eric Dreiband, Assistant Attorney General for the Civil Rights Division, stated, "The right to free exercise of religion and the right to protest are both enshrined in the First Amendment of the Constitution. We are a nation dedicated to freedom of conscience and freedom of expression. The District of Columbia has, unfortunately, neglected these rights. The Justice Department is committed to defending both of these fundamental freedoms and in supporting all Americans rights to worship as they choose."

## **Supreme Court Justices Thomas and Alito Warn of the Dangers of *Obergefell* to Religious Liberty**

Supreme Court Justices Clarence Thomas and Samuel Alito recently [issued a statement](#) warning about the dangers that the 2015 *Obergefell* decision to legalize same-sex marriage continues to pose to religious liberty. The statement was made in response to the Supreme Court's decision on October 5, 2020, to [deny hearing](#) the case of Kim Davis, former county clerk in Kentucky who was briefly jailed in 2015 after her Christian faith prevented her from granting same-sex marriage licenses. Although the Court declined to hear Davis's appeal, Justices Thomas and Alito warned that "Davis may have been one of the first victims of this Court's cavalier treatment of religion in its *Obergefell* decision, but she will not be the last." The justices explain that the Court's *Obergefell* decision wrongly sidestepped the legislature and its ability to weigh constitutional religious liberty rights against anti-discrimination laws, "leaving those with religious objections in the lurch." They also point out the inconsistencies in former Justice Kennedy's opinion that claimed to respect those with sincerely held religious beliefs but also implied that those who deny same-sex couples the right to marry were bigoted, demeaning, and "impos[ing] stigma and injury." In conclusion, Justices Thomas and Alito state, "By choosing to privilege a novel constitutional right over the religious liberty interest explicitly protected in the First Amendment, and by doing so undemocratically, the Court has created a problem that only it can fix. Until then, *Obergefell* will continue to have 'ruinous consequences for religious liberty.'"

## **In Case You Missed It:**

[Weekly Market Update](#) provided by Jeff Beach of the [AACS Investment Team at Merrill Lynch](#)

[Babies Are Being Left to Die in America. President Trump Just Helped More of Them Live.](#)

[The 2020 Election: A Clear Distinction on Abortion](#)

[France Moves to Ban Homeschooling, Control Private Schools: "Protect Children From Religion"](#)

[4 Ways the Equality Act Will Harm Children](#)

[Free Virtual Event: Phyllis Schlafly Collegians Summit 2020, October 14 at 7:00pm ET](#)