Court Action - Christian Medical Association

(Most recent cases at top of list)

Abortion (*NIFLA v. Becerra*)

Filed by / Date: Americans United for Life / January 2018
Court: U.S. Supreme Court
Parties: National Institute of Family and Life Advocates, Petitioners, v. Xavier Becerra, Attorney General Of California, et. al., Respondents
Arguments: The disclosures required by the California Reproductive FACT Act violate the protections set forth in the free speech clause of the First Amendment, applicable to the states through the 14th Amendment.
Result: Won, 5-4. The Supreme Court said the anti-pregnancy center law is not a regulation of "professional speech" because the Court disfavors carving out certain types of speech for lesser protection. The Court also said the law is unconstitutionally overbroad because it doesn't cover most kinds of licensed healthcare – instead targeting pregnancy centers. The Court held that the anti-pregnancy center law is not "informed consent," agreeing with AUL's amicus brief that "A sign on the wall is not informed consent."

Religious freedom (*BLinC v. University of Iowa*)

Filed by / Date: Alliance Defending Freedom / January 2018
Court: U.S. District Court for Southern District of Iowa Eastern Division
Parties: Business Leaders In Christ, Plaintiff, v. The University of Iowa, et al., Defendants.
Arguments: Religious student organizations commonly organize around shared religious views and seek leaders who share their religious commitments. The university's sudden reinterpretation of its human rights policy to prevent religious student groups from seeking like-minded leaders threatens many religious student groups at the university. Rreligious student groups contribute to the university community.
Result: Pending. BLinC is currently protected by a preliminary injunction that allows the group and its students to receive equal treatment from the university. BLinC is seeking permanent protection in federal court and expects to receive an answer by early spring 2019.

Religious freedom (*Masterpiece Cakeshop v. Colorado Civil Rights Commission*)

Filed by / Date: Life Legal Defense Foundation and Bioethics Defense Fund / September 2017
Court: U.S. Supreme Court
Parties: Masterpiece Cakeshop, LTD; and Jack C. Phillips, Petitioners, v. Colorado Civil Rights Commission; Charlie Craig; and David Mullins, Respondents
Arguments: "Respondents ask this Court to approve an application of state law that would force Mr. Phillips to 'condone' same-sex marriage by both his active assistance and his symbolic expression, seriously compromising his ability to 'advocate with the utmost, sincere conviction' against such marriages. *Amici* write to explain how the issues in the present case implicate the fundamental rights of healthcare professionals, and to respectfully urge that the Court should by no means permit any weakening or qualification of well-established protections against compelled speech, and of free exercise."

Result: Won, 7-2. The high court ruled that the Colorado Civil Rights Commission's actions in assessing a cakeshop owner's reasons for declining to make a cake for a same-sex couple's wedding celebration violated the First Amendment's free exercise of religion clause.

Abortion – Informed consent (*Planned Parenthood v. Indiana State Dept. Health)*

Filed by / Date: Alliance Defending Freedom / July 5 2017
Court: United States District Court for the Southern District of Indiana
Parties: Planned Parenthood of Indiana and Kentucky v. Commissioner of Indiana State Department of Health
Arguments: "The District Court erred in holding that the Ultrasound Law constitutes an "undue burden on a woman's right to choose to terminate her pregnancy" and preliminarily enjoining its enforcement. The law survives constitutional scrutiny because it does not constitute an undue burden on a woman's ability to obtain an abortion, and it furthers the State's interests in the protection of unborn life as well as allowing mothers sufficient time to reflect on the abortion decision."
Result: Pending.

Religious freedom *(Trinity Lutheran Church of Columbia Inc. v. Comer)*

Filed by / Date: Christian Legal Society / April 2016
Court: United States Supreme Court
Parties**: Trinity Lutheran Church Of Columbia, Inc., Petitioner, v. Sara Parker Pauley, in her Official Capacity, Respondent.**
Arguments: **Missouri excluded a preschool from participating in the Missouri Scrap Tire Program solely because it is a church preschool. The program provides grants for nonprofits to purchase materials made from recycled tires to re-surface playgrounds. Our brief argues that Missouri's exclusion of churches from a child safety program violates the Free Exercise and Equal Protection Clauses of the First Amendment.**
Result: Won**, 7-2. The court ruled that t**he Missouri Department of Natural Resources' express policy of denying grants to any applicant owned or controlled by a church, sect or other religious entity violated the rights of Trinity Lutheran Church of Columbia, Inc., under the free exercise clause of the First Amendment by denying the church an otherwise available public benefit on account of its religious status. **Chief Justice John Roberts wrote that "…the exclusion of Trinity Lutheran from a public benefit for which it is otherwise qualified, solely because it is a church, is odious to our Constitution all the same, and cannot stand."**

Religious freedom *(Franciscan Alliance, CMA et al v. Azar)*

Filed by / Date: Becket Law / 8/23/16
Court: U.S. District Court for Northern District of Texas
Parties**: Franciscan Alliance, Inc., Christian Medical Association, et al.,** ***Plaintiffs*****, v. Sylvia Burwell, Secretary of the United States Department of Health and Human Services; and United States Department of Health and Human Services,** ***Defendants*****.**

Arguments**: "This lawsuit challenges a Regulation issued by the Department of Health and Human Services that seeks to override the medical judgment of healthcare professionals across the country. On pain of significant financial liability, the Regulation forces doctors to perform controversial and sometimes harmful medical procedures ostensibly designed to permanently change an individual's sex—including the sex of children. Under the new Regulation, a doctor must perform these procedures even when they are contrary to the doctor's medical judgment and could result in significant, long-term medical harm. Thus, the Regulation represents a radical invasion of the federal bureaucracy into a doctor's medical judgment. The Regulation not only forces healthcare professionals to violate their medical judgment, it also forces them to violate their deeply held religious beliefs."**
Result: **Won: "For the foregoing reasons, the Court finds that Plaintiffs' motions for preliminary injunction … should be and are hereby granted. Defendants are hereby enjoined from enforcing the Rule's prohibition against discrimination on the basis of gender identity or termination of pregnancy."**

End of life *(Vermont Alliance for Ethical Healthcare, CMDA v. Hoser, et. al.)*

Filed by / Date: Alliance Defending Freedom, July 2016
Court: US District Court for the District of Vermont
Parties**: Vermont Alliance for Ethical Healthcare; Christian Medical & Dental Associations, Inc., plaintiffs v. William K. Hoser, in his official capacity as Chair of the Vermont Board of Medical Practice; and others in their official capacities as Members of the Vermont Board of Medical Practice; James C. Condos, in his official capacity as Secretary of State of Vermont; and Colin R. Benjamin, in his official capacity as Director of the Office of Professional Regulation, Defendants**
Arguments**: Vermont's assisted suicide law, applied to require even conscientious objectors to refer patients for assisted suicide, violates the First Amendment of the US Constitution, federal conscience law and Vermont constitutional provisions. The requirement to refer is an unconstitutional requirement that citizens must speak the state's ideology, regardless of medical judgment and/or moral or religious objection. The state cannot demonstrate a compelling interest enforced in the least restrictive means.**
Result: Consent agreement. Alliance Defending Freedom's attorney noted in December 2017, "The U.S. District Court for the District of Vermont has rejected the pro-suicide group Compassion & Choices' motion to strike the Vermont Alliance for Ethical Healthcare and Christian Medical & Dental Association's May 3, 2017 Consent Decree with the State of Vermont. Pursuant to the Consent Decree, the State had agreed that medical providers do not have a legal obligation to counsel and refer patients for physician assisted suicide under Vermont's physician assisted suicide law, or the Patient's Bill of Rights or the Informed Consent Act. Today's order leaves in place VAEH & CMDA's agreement with the State of Vermont that the statutes do not impose this obligation. Medical providers are not required to engage in activities contrary to their religious principles or common medical ethics of 'do no harm.'"

End of Life *(AAME/CMDA et. al. v. Hestrin)*

Filed by / Date: Life Legal Defense Foundation / June 2016
Court: Superior Court of California - County of Riverside
Parties**: Dr. Sang-Hoon Ahn, AAME/CMDA, et. al., Plaintiffs v. Michael Hestrin, in his official capacity as District Attorney of Riverside County, Defendant**
Result: **Loss**
Arguments: **Plaintiffs make an *exparte* application for a temporary restraining order ("TRO") enjoining Defendant Michael Hestrin, in his official capacity as District Attorney of the County of Riverside, from recognizing any exception created by the "End of Life Option Act" to any criminal law, including California Penal Code Section 401, in the exercise of Defendant's criminal law enforcement duties. The Act violates the equal protection and due process guarantees of the California Constitution in that it fails to make rational distinctions between Labeled Individuals with supposedly terminal diseases, and the vast majority of Californians not covered by the Act. The California State Legislature passed the Act *ultra vires*, as its subject matter was not within the express reasons for convening the extraordinary session.**

Abortion *(Whole Woman's Health v. TX Dept. Health)*

Filed by / Date: Alliance Defending Freedom / January 2016
Court: U.S. Supreme Court
Parties**: Whole Woman's Health, et al., Petitioners, v. John Hellerstedt, M.D., Commissioner of the Texas Department of State Health Services, et al., Respondents.**
Result: **Lost, 5-3**
Arguments: Texas' law regulating health and safety at abortion clinics "appropriately expresses Texas's constitutional interest in safeguarding women's health and maintaining medical standards. The Ambulatory surgical center requirements rationally relate to Texas's legitimate interest in upholding consistent standards for outpatient abortion providers. The admitting privileges requirement rationally relates to Texas's legitimate interest in regulating outpatient abortion.

Religious freedom *(Stormans v. Selecky / Wiesman)*

Filed by / Date: Americans United for Life and Bioethics Defense Fund / January 2016
Court: U.S. Supreme Court **(**On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit)
Parties**: Stormans Inc., doing business as Ralph's Thriftway, et al., Petitioners, v. John Wiesman, Secretary of the Washington State Department of Health, et al., Respondents**
Result: **Lost – Supreme Court declined to review, let lower court ruling stand**
Arguments: **"The *amicus* brief begins by presenting a concise survey of human embryology and establishing that the biological humanity of a new embryonic human being begins at the moment of sperm-egg fusion (fertilization). The next section includes a review of the medical literature, FDA directives, and FDA-approved labeling on Plan B and ella — all of**

which Petitioner-Pharmacists reasonably rely on to conclude that these drugs have the capacity to destroy the life of a human being at the earliest stages of development."

Religious freedom *(Zubik v. HHS)*

Filed by / Date: Americans United for Life / January 2016
Court: US Supreme Court
Parties**: Most Reverend David A. Zubik, et al., Petitioners, v. Sylvia Burwell, Secretary of** Health and Human Services, et al., Respondents
Result: Win
Arguments: **It is undisputed as a matter of science that a new, distinct human organism comes into existence during the process of fertilization – at the moment of sperm-egg fusion – and before implantation of the already-developing embryo into the uterine wall. Many drugs and devices labeled by the U.S. Food and Drug Administration as "emergency contraception,"**
however, have post-fertilization mechanisms of action which destroy the life of a human organism. The HHS contraception and sterilization mandate violates sincerely held religious beliefs and freedom of conscience.

Religious freedom *(ACLU v. Trinity Health)*

Filed by / Date: Alliance Defending Freedom / December 2015
Court: US Supreme Court
Parties**: American Civil Liberties Union, on behalf of its members, and American Civil Liberties Union of Michigan, on behalf of its members, Plaintiffs, vs. Trinity Health Corporation, an Indiana corporation, and Trinity Health – Michigan, a Michigan corporation Defendants**
Result: **Win: The U.S. District Court for the Eastern District of Michigan, Southern Division, in its dismissal order called the ACLU's claims of harm from the hospital system's pro-life position "dubious," explaining that they haven't satisfied the legal requirements to demonstrate such harm and therefore bring a lawsuit. The court additionally found that, for those reasons and others, the lawsuit is not "ripe for review," meaning that nothing has happened to warrant court action: "Obviously, pregnancy alone is not a 'particular condition' that requires the termination of said pregnancy. To find the claim to be ripe for review on the facts pleaded before this Court would be to grant a cause of action to every pregnant woman in the state of Michigan upon the date of conception. Accordingly, the alleged harm has not risen beyond a speculative nature and is not ripe for review."**
Arguments**: "Applicants have sufficient interests relating to the subject matter of this action because a grant of relief to plaintiffs threatens their rights of conscience. The applicants' interests may be impaired by this litigation because their ability to protect their rights of conscience will be impeded. Applicants satisfy the requirement of showing inadequate representation by defendants because their unique legal arguments and contribution to the factual record warrant intervention."**

Religious freedom *(Priests for Life v. HHS)*

Filed by / Date: Americans United for Life / August 2015
Court: US Supreme Court
Parties: Priests for Life, et al., petitioners, v. Department of Health and Human Services, et al., respondents
Result: Remanded **(sent back to lower courts) 5/16/16: " Because both the Obama administration and the religious non-profits, colleges, and schools challenging the accommodation offered to those who object to complying with the Affordable Care Act's birth control mandate confirm that contraceptive coverage could be provided to the challengers' female employees, through the challengers' insurance companies, without any notice from the challengers, the decisions of the courts of appeals rejecting the challenge are vacated and remanded. Given the gravity of the dispute and the substantial clarification and refinement in the positions of the parties, the parties on remand should be afforded an opportunity to arrive at an approach going forward that accommodates the challengers' religious exercise while at the same time ensuring that women covered by the challengers' health plans receive full and equal health coverage, including contraceptive coverage."**
Arguments: **It is undisputed as a matter of science that a new, distinct human organism comes into existence during the process of fertilization – at the moment of sperm-egg fusion – and before implantation of the already-developing embryo into the uterine wall. Many drugs and devices labeled by the U.S. Food and Drug Administration as "emergency contraception,"**
however, have post-fertilization mechanisms of action which destroy the life of a human organism. The HHS contraception and sterilization mandate violates sincerely held religious beliefs and freedom of conscience.

Assisted suicide *(Hooker v. Slattery)*

Filed by / Date: Alliance Defending Freedom / August 2015
Court: Tennessee State Court
Parties: John Hooker, et. al., plaintiffs v. (TN state officials)
Result: Win
Arguments: **Tennessee's constitution does not contain a right to assisted suicide. History, tradition and Tennessee's interests support the preservation of the value of human life and the protection of the medical profession—not assisted suicide. The judiciary should not overreach into policy areas where the consequence is truly life or death.**

Religious freedom *(College of the Ozarks v. Rightchoice Managed Care)*

Filed by / Date: Americans United for Life / May 2015
Court: US Court of Appeals for the Eighth Circuit
Parties: College of the Ozarks, Inc., plaintiff-appellant, v. Rightchoice Managed Care, Inc., defendants-appellees

Arguments: **It is undisputed that a new human organism is created at fertilization. Drugs and devices defined by the FDA as "emergency contraception" have post-fertilization mechanisms of action. Plan B can prevent implantation. Ulipristal Acetate (ella) can prevent implantation or kill an implanted embryo. Intrauterine Devices can also prevent implantation. The mandate violates sincerely held religious beliefs and freedom of conscience. HHS' "accommodation" for religious non-profits requires their compliance with the Mandate. Freedom of conscience is a fundamental right affirmed by our Founders, by the U.S. Supreme Court and by Congress.**

Abortion *(Walker-McGill v. Stuart)*

Filed by / Date: Family Policy Institute of Oklahoma / April 2015
Court: On Petition for a Writ of Certiorari to the US Court of Appeals for the Fourth Circuit
Parties: Cheryl Walker-Mcgill, M.D., et al., Petitioners, v. Gretchen S. Stuart, M.D., et al., Respondent.
Arguments: **The North Carolina informed consent law, including the ultrasound provision, constitutes ordinary informed consent in the context of the heavily regulated medical profession. The ultrasound provisions merely reinforce the already existing standard of care and the ordinary practice of medicine in the pregnancy and abortion contexts. Truthful, non-misleading and relevant medical information does not violate the 1st amendment and is part of legitimate regulation and licensure of the medical profession.**

Religious freedom *(Obergefell v. Hodges)*

Filed by / Date: Family Policy Institute of Oklahoma / April 2015
Court: US Supreme Court
Parties: James Obergefell, et al., and Brittani Henry, et al., Petitioners, v. Richard Hodges, Director, Ohio Department of Health, et al., Respondents.
Arguments: **Since the importance of child well-being is paramount to the current and future success of our country, each State has a significant interest in determining how best to promote the ideal of the two-parent, biological home and parental responsibility. The people of each State, either through their elected representatives or through direct democracy, are best suited to determine this most critical aspect of social policy.**

Religious freedom *(MI Catholic Conf. v. Burwell / HHS)*

Filed by / Date: Americans United for Life / January 2015
Court: US Supreme Court
Parties: Michigan Catholic Conference, et al., Petitioners, v. Sylvia Burwell, Secretary of Health and Human Services, et al., Respondents.
Arguments: **It is undisputed that a new human organism is created at fertilization. Drugs and devices defined by the FDA as "emergency contraception" have post-fertilization mechanisms of action. Plan B can prevent implantation. Ulipristal acetate (ella) can prevent implantation or kill an implanted embryo. Intrauterine devices can also prevent implantation. The mandate [to participate in the provision of potential abortifacients] violates sincerely held religious beliefs and freedom of conscience. HHS's**

"accommodation" for religious non-profits requires their compliance with the mandate. Freedom of conscience is a fundamental right affirmed by our founders, affirmed by the U.S. Supreme Court and by Congress.

Religious freedom *(Dordt College v. Burwell / HHS)*

Filed by / Date: Americans United for Life / November 2014
Court: US Court of Appeals for the Eighth Circuit
Parties: Dordt College and Cornerstone University, Plaintiffs-Appellees, v. Sylvia M. Burwell, Department of Health and Human Services, et al., Defendants-Appellants.
Result: Win **9/17/15: "…we conclude that by coercing Dordt and Cornerstone to participate in the contraceptive mandate and accommodation process under threat of severe monetary penalty, the government has substantially burdened Dordt and Cornerstone's exercise of religion" and "that, even assuming that the government's interests in safeguarding public health and ensuring equal access to health care for women are compelling, the contraceptive mandate and accommodation process likely are not the least restrictive means of furthering those interests."**
Arguments: **It is undisputed that a new human organism is created at fertilization. Drugs and devices defined by the FDA as "emergency contraception" have post-fertilization mechanisms of action. Plan B can prevent implantation. Ulipristal acetate (ella) can prevent implantation or kill an implanted embryo. Intrauterine devices can also prevent implantation. The mandate [to participate in the provision of potential abortifacients] violates sincerely held religious beliefs and freedom of conscience. HHS's "accommodation" for religious non-profits requires their compliance with the mandate. Freedom of conscience is a fundamental right affirmed by our founders, affirmed by the U.S. Supreme Court and by Congress.**

Religious freedom *(Archdiocese of St. Louis v. Burwell / HHS)*

Filed by / Date: Americans United for Life / November 2014
Court: US Court of Appeals for the Eighth Circuit
Parties: Archdiocese of St. Louis and Catholic Charities of St. Louis, Plaintiffs-Appellees, v. Sylvia M. Burwell, Department of Health and Human Services, et al., Defendants-Appellants.
Arguments: **It is undisputed that a new human organism is created at fertilization. Drugs and devices defined by the FDA as "emergency contraception" have post-fertilization mechanisms of action. Plan B can prevent implantation. Ulipristal acetate (ella) can prevent implantation or kill an implanted embryo. Intrauterine devices can also prevent implantation. The mandate [to participate in the provision of potential abortifacients] violates sincerely held religious beliefs and freedom of conscience. HHS's "accommodation" for religious non-profits requires their compliance with the mandate. Freedom of conscience is a fundamental right affirmed by our founders, affirmed by the U.S. Supreme Court and by Congress.**

Religious freedom *(East TX Baptist v. Burwell / HHS et. al.)*

Filed by / Date: Americans United for Life / November 2014

Court: US Court of Appeals for Fifth Circuit
Parties: East Texas Baptist University; Houston Baptist University, Plaintiffs – appellees, Westminster Theological Seminary, Intervenor plaintiff – appellee, v. Sylvia Matthews Burwell, Department Of Health And Human Services; Thomas Perez, Department of Labor; Jacob J. Lew, Department of Treasury
Arguments: **It is undisputed that a new human organism is created at fertilization. Drugs and devices defined by the FDA as "emergency contraception" have post-fertilization mechanisms of action. Plan B can prevent implantation. Ulipristal acetate (ella) can prevent implantation or kill an implanted embryo. Intrauterine devices can also prevent implantation. The mandate [to participate in the provision of potential abortifacients] violates sincerely held religious beliefs and freedom of conscience. HHS's "accommodation" for religious non-profits requires their compliance with the mandate. Freedom of conscience is a fundamental right affirmed by our founders, affirmed by the U.S. Supreme Court and by Congress.**

Abortion *(Planned Parenthood v. Iowa Board of Medicine)*

Filed by / Date: Americans United for Life / November 2014
Court: Iowa Supreme Court
Parties: Planned Parenthood of the Heartland, Inc., and Dr. Jill Meadows, M.D., Petitioners-Appellants, v. Iowa Board of Medicine, Respondent-Appellee.
Arguments: The FDA's restrictions on distribution and use of the RU-486 regimen, the risks involved in chemical abortion, and known contradictions for the RU-486 regimen all support the Board's rule that effectively bans the telemedicine delivery of RU-486.

Religious freedom *(Reed v. Town of Gilbert)*

Filed by / Date: Christian Legal Society / September 2014
Court: US Supreme Court
Parties: Pastor Clyde Reed and Good News Community Church, Petitioners, v. Town of Gilbert, Arizona, and Adam Adams, In His Official Capacity As Code Compliance Manager, Respondents.
Arguments: A town ordinance discriminates in favor of signs promoting election-related events over signs promoting non-election-related events, including signs for church meetings. The Gilbert sign ordinance is content-based and thus subject to strict scrutiny under the free speech clause of the First Amendment. Even if the Gilbert sign ordinance is content-neutral, it still violates churches' Freedom of Speech.

Assisted suicide *(Morris, et al v. King)*

Filed by / Date: Supreme Court: Alliance Defending Freedom / September 2015
Court of Appeals of New Mexico: Alliance Defending Freedom / August 2014
Court: US Supreme Court
Parties: Katherine Morris, M.D., Aroop Mangalik, M.D., and Aja Riggs, Plaintiff-Appellees, v. GARY KING, Attorney General of the State of New Mexico, Defendant-Appellant.
Arguments: (Court of Appeals) The District Court misapplied constitutional precedent and improperly dismissed New Mexico's rational basis for prohibiting physician-assisted suicide

even if N.M. Const. art. ii, § 4 permitted departure from federal precedent, New Mexico's history and the purpose of the natural rights clauses demonstrate that there is no fundamental right to assisted suicide in the New Mexico constitution. History, tradition, and New Mexico's interests support the preservation of the value of human life and the protection of the medical profession's integrity, not physician-assisted suicide.
Result: Won at Court of Appeals of New Mexico.

Religious freedom *(Reaching Souls International, Inc., et al., v. Sebelius)*

Filed by / Date: Americans United for Life / May 2014
Court: United States Court of Appeals for the Tenth Circuit
Parties: Reaching Souls International, Inc., et al., Plaintiffs-Appellees, v. Kathleen Sebelius, Secretary of the United States Department of Health and Human Services, et al., Defendants-Appellants
Arguments: It is undisputed that a new human organism is created at fertilization. Drugs and devices defined by the FDA as "emergency contraception" have post-fertilization mechanisms of action. Plan B can prevent implantation. Ulipristal acetate (ella) can prevent implantation or kill an implanted embryo. Intrauterine devices can also prevent implantation. The mandate violates sincerely held religious beliefs and freedom of conscience. Freedom of conscience is a fundamental right affirmed by our founders. Freedom of conscience is a fundamental right affirmed by the U.S. Supreme Court. Freedom of conscience is a fundamental right affirmed by Congress.
Result: Win. "Upon consideration of Plaintiff's current Motion in light of the existing case record, the Court finds that a permanent injunction under Rule 65(d) and declaratory relief under 28 U.S.C. § 2201 are warranted, and states the following findings and conclusions: 1) Plaintiffs have demonstrated, and Defendants concede, that the promulgation and enforcement of the contraceptive mandate against Plaintiffs, either through the accommodation or other regulatory means that require Plaintiffs to facilitate the provision of coverage for contraceptive services to which they hold sincere religious objections, violated and would violate RFRA. 2) Plaintiffs will suffer irreparable harm as a direct result of Defendants' conduct unless Defendants are enjoined from further interfering with Plaintiffs' practice of their religious beliefs. 3) The threatened injury to Plaintiffs outweighs any injury to Defendants resulting from this injunction. 4) The public interest in the vindication of religious freedom favors the entry of an injunction. IT IS THEREFORE ORDERED that Plaintiffs' Motion for Permanent Injunction and Declaratory Relief [Doc. No. 91] is GRANTED."

Religious freedom *(Burwell v. Hobby Lobby Stores, Inc.)*

Filed by / Date: Americans United for Life / January 2014
Court: US Supreme Court
Parties: Kathleen Sebelius, Secretary of Health and Human Services, et al., Petitioners, v. Hobby Lobby Stores, Inc., et al., Respondents, and Conestoga Wood Specialties Corporation, et al., Petitioners, v. Kathleen Sebelius, Secretary of Health and Human Services, et al., Respondents
Arguments: It is undisputed that a new human organism is created at fertilization. Drugs and devices defined by the FDA as "emergency contraception" have post-fertilization mechanisms of

action. Plan B can prevent implantation. Ulipristal acetate (ella) can prevent implantation or kill an implanted embryo. Intrauterine devices can also prevent implantation. The mandate violates sincerely held religious beliefs and freedom of conscience. Freedom of conscience is a fundamental right affirmed by our founders, by the U.S. Supreme Court and by Congress.
Result: Win, 5-4**.** - Supreme Court ruled on June 30, 2014 that as applied to closely held corporations, the regulations promulgated by the Department of Health and Human Services requiring employers to provide their female employees with no-cost access to contraception violate the Religious Freedom Restoration Act.

First Amendment *(McCullen v. Coakley)*

Filed by / Date: Christian Legal Society / September 2013
Court: US Supreme Court
Parties: Eleanor McCullen, et al., *petitioners, v.* Martha Coakley, Attorney General for the Commonwealth of Massachusetts, *et al., respondents*
Arguments: The Massachusetts statute [limiting abortion protests] in this case impermissibly abridges constitutionally protected speech and expression, and this Court should reverse the lower court's decision concluding otherwise. This case also presents an opportunity for the Court to reconsider its decision in *Hill v. Colorado*, 530 U.S. 703 (2000). Both the Massachusetts statute and *Hill* offend the First Amendment. First, both violate the core of the public forum doctrine that is rooted in the right of assembly. Second, both conflict with the balance of this Court's free speech jurisprudence, which recognizes the protections of the First Amendment for even emotionally charged expression directed toward unwilling listeners—protections that unquestionably extend to the peaceful expressive activity in *Hill* and by the petitioners in this case.
Result: Win - Reversed and remanded, 9-0, in an opinion by Chief Justice Roberts on June 26, 2014. Justice Scalia filed an opinion concurring in the judgment, in which Justice Kennedy and Thomas joined. Justice Alito also filed an opinion concurring in the judgment.

Abortion *(Isaacson v. Horne)*

Filed by / Date: Americans United for Life / October 2012 and Trinity Legal Center / October 2013
Court: US Supreme Court (Fall 2013), U.S. Court of Appeals for the Ninth Circuit (Oct. 2012)
Parties: Paul A. Isaacson, M.D., et al., Plaintiffs-Appellants, v. Tom Horne, Attorney General of Arizona, in his official capacity, et al., Defendants-Appellees.
Result: (Lost) Petition for certiorari denied by US Supreme Court on January 13, 2014.
Arguments: The Arizona legislature relied on well-respected peer-reviewed studies in formulating HB2036. Abortion poses significant risks to maternal health by 20 weeks gestation. Childbirth is safer than abortion. Abortion poses significant long-term risks. Studies indicate that abortion increases risk of subsequent pre-term birth. Studies indicate that abortion increases risk of psychological harm. Plaintiffs cannot meet the Supreme Court-imposed burden of proving that no medical evidence exists that supports HB 2036.

Abortion - RU486 *(Cline v. Oklahoma Coalition Reproductive Justice)*

Filed by / Date: Law of Life Project / March 2013
Court: U.S. Supreme Court

Parties: Terry Cline v. Oklahoma Coalition for Reproductive Justice
Arguments: The Oklahoma regulation requiring FDA-approved use of mifeprex (RU-486) is necessary because of the public health vacuum that exists. The FDA approved the mifeprex regimen with restrictions. "Off-label" protocols have been cited more frequently in adverse events than the FDA-approved protocol. There is a paucity of studies regarding the short- and long-term effects of "off-label" use of the mifeprex regimen. Regulation is needed to prevent experimentation on women of "off-label" uses of the mifeprex regimen.
Result: (Lost) In a one-sentence order, the Court dismissed as "improvidently granted" the case of Cline v. Oklahoma Coalition for Reproductive Justice (docket 12-1094).

Religious freedom *(Hobby Lobby v. Sebelius)*

Filed by / Date: Americans United for Life / February 2013
Court: Three United States District Courts (4th, 6th and 10th circuits). Same brief also filed in *Korte v. HHS* (4th Circuit) and *Autocom Corp. v. Sebelius* (6th Circuit).
Parties: Employer plaintiffs v. U.S. Dept. of Health and Human Services (HHS)
Briefs also filed in the following related cases:
·*Belmont Abbey College v. Sebelius* and *Wheaton College v. Sebelius* (consolidated)
·*Nebraska v. Sebelius*
·*O'Brien v. HHS*
·*Cyril Korte v. HHS* and *Grote Industries LLC v. Sebelius* (consolidated)
·*Autocam Corp. v. Sebelius*
·*Newland v. Sebelius*
·*Annex Medical, Inc. v. Sebelius*
·*Conestoga Wood Specialties Corp. v. Sebelius*
·*Legatus v. Sebelius*
·*Gilardi v. Sebelius*
Arguments: Drugs and Devices Defined as "Emergency Contraception" by the FDA, including Ulipristal Acetate (ella), have Life-Ending Mechanisms of Action. Plan B can prevent implantation. Ulipristal Acetate (ella) can prevent implantation or kill an implanted embryo. Other accepted forms of "contraception," such as Intrauterine Devices, may also prevent implantation.
The mandate violates sincerely held religious beliefs and freedom of conscience. Freedom of conscience is a fundamental right affirmed by the U.S. Congress. Freedom of conscience is a fundamental right affirmed by the U.S. Supreme Court. Freedom of Conscience is a fundamental
Result: Win -

- October 2013: Hobby Lobby files a brief with the U.S. Supreme Court, agreeing with the federal government that the U.S. Supreme Court should hear its case as it raises important questions about the right to religious freedom.
- September 2013: Federal government appeals the U.S. Court of Appeals for the Tenth Circuit's decision in the Hobby Lobby case to the U.S. Supreme Court
- July 2013: U.S. District Court for the Western District of Oklahoma grants Hobby Lobby its preliminary injunction against the federal mandate.
- June 2013: U.S. Court of Appeals for the Tenth Circuit overturns the U.S. District Court for the Western District of Oklahoma's denial of Hobby Lobby's preliminary injunction and orders the federal government to halt enforcement of the federal mandate against Hobby Lobby

- U.S. Court of Appeals for the Tenth Circuit remands the case back to the U.S. District Court for the Western District of Oklahoma
- March 2013: U.S. Court of Appeals for the Tenth Circuit grants Hobby Lobby a full court hearing of its case, rather than the usual three-judge panel.

right affirmed by our Founders.

Religious freedom *(Storman v. Selecky / Wiesman)*

Filed by / Date: Bioethics Defense Fund and Christian Legal Society / November 2012
Court: U.S. Court of Appeals for the Ninth Circuit
Parties: Stormans, Inc., doing business as Ralph's Thriftway, et al., Plaintiffs-Appellees, v. Mary Selecky, Secretary of the Washington Department of Health, et al., Defendants-Appellants, and Judith Billings, et al., Intervenors-Appellants.
Arguments: **Pharmacists' conscience objections regarding "emergency contraceptives" are reasonable based on both scientific evidence and religious beliefs. The pharmacists' objections are consistent with the Christian tradition that regards each individual human life as a unique moral being from conception. Because the constitution constrains government officials from determining the truth or falsity of sincerely held religious beliefs, the courts must accept a religious claimant's beliefs as true for purposes of adjudicating a Religious freedom claim.**
Result: (Loss) In July 2015, the Ninth Circuit ruled that pharmacists must violate their faith. On February 22, 2012, the federal court in Washington had struck down the new regulation as unconstitutional. As the Court explained: "The facts of this case lead to the inescapable conclusion that the Board's rules discriminate intentionally and impinge Plaintiffs' fundamental right to free exercise of religion."

Religious freedom *(Nebraska v. HHS)*

Filed by / Date: Americans United for Life / November 2012
Court: U.S. Court of Appeals for the Eighth Circuit
Parties: State of Nebraska, Plaintiffs-Appellants v. U.S. Dept. of HHS, Defendants-Appellees
Arguments: The government's contraceptives and sterilization mandate offers no protection from complicity in providing insurance coverage for or access to life-ending drugs and devices. It is merely another attempt by Defendants to obfuscate the true nature of the Mandate—it is an unprecedented requirement on religious employers to choose between violating their sincerely held religious beliefs (by providing insurance coverage for life-ending drugs and devices) or facing stiff government penalties.
Result: (Lost) Dismissed August 2013.

Religious freedom *(Wheaton and Belmont Abbey v. Sebelius)*

Filed by / Date: Christian Legal Society / October 2012
Court: U.S. Court of Appeals for D.C. Circuit
Parties: Wheaton College and Belmont Abbey College, Appellants, v. Kathleen Sebelius, Secretary of the United States Department of Health and Human Services, et al., Appellees.
Arguments: For over a year, many religious organizations have sought a definition of "religious employer" that respects all faith communities' Religious freedom. The mandate's inadequate

definition of “religious employer” departs sharply from the nation’s historic bipartisan tradition that protects Religious freedom, particularly in the context of abortion funding.
Exemptions for religious objectors run deep in American tradition. Exemptions for religious conscience have been a bipartisan tradition in the health care context for four decades. The current definition of “religious employer” fails to provide adequate protection for Religious freedom.
The mandate’s definition is so narrow that many religious congregations may fail to qualify as a “religious employer.” The mandate’s “religious employer” definition certainly does not cover most religious ministries that serve as society’s safety net for the most vulnerable.
Administration of such a narrow definition of “religious employer” would violate basic federal statutory and constitutional Religious freedom protections.
Result: Voluntarily dismissed by Belmont Abbey, November 2014.
December 2012: "The D.C. Circuit Court, giving religious organizations a partial but significant victory, ruled that two colleges' lawsuits against the government's new contraceptives mandate will remain pending in federal court while officials work on finalizing a new exemption for some faith-centered organizations. In the meantime, the government will have to keep to its promise to the court not to enforce the current mandate on the two colleges, and will have to report to the Circuit Court every sixty days on how it is doing on the final exemption provision. This was the first ruling by a federal appeals court on the mandate that was written into the new federal health care law."

Abortion - parental notification *(Hope Women's Clinic v. Adams - IL)*

Filed by / Date: Alliance Defending Freedom, Americans United for Life, Thomas More Society / Feb. 2012
Court: Illinois Supreme Court
Parties: *Hope Women's Clinic and Allison Cowett, MD, MPH, Plaintiffs-Appellees v. (Illinois health and regulatory officials), Defendants*
Arguments: Illinois' Parental Notice Act served the legitimate purpose of helping minors make mature and informed decisions about whether to abort, allow parents to assist their daughter in selecting a safe and competent abortion provider, ensure that parents have the opportunity to provide additional medical history and information to assist abortion providers, and ensures that parents have adequate knowledge to recognize and respond to post-abortion complications.
Result: Win - July 11, 2013. Illinois Supreme Court Justice Anne M. Burke, quoting the U.S. Supreme Court in the opinion, wrote, "The State has a strong and legitimate interest in the welfare of its young citizens, whose immaturity, inexperience, and lack of judgment may sometimes impair their ability to exercise their rights wisely."

Pregnancy centers *(Baltimore Center for Pregnancy Concerns v. Baltimore)*

Filed by / Date: Jubilee Campaign’s Law of Life Project (LOLP) and Alliance Defending Freedom / October 2012
Court: United States Court of Appeals for the Fourth Circuit
Parties: Greater Baltimore Center for Pregnancy Concerns, Plaintiff - Appellee and St. Brigid's Roman Catholic Congregation, Plaintiffs v. Mayor and City Council of Baltimore, Defendant - Appellant

Arguments: The City of Baltimore required unnecessary and unconstitutional requirements to post a government notice intended by friends of the abortion industry to deter women from receiving the care and counsel that pregnancy centers offer and abortion clinics do not reliably provide. The constitutionality of the law is being determined by the entire U.S. Court of Appeals for the 4th Circuit sitting *en banc* after the same three-judge panel of the Fourth Circuit, in separate rulings, held that the City of Baltimore in the *Greater Baltimore Center* case and Montgomery County in the *Centro Tepeyac* case had overstepped their constitutional authority by imposing such signage regulations. Oral argument in these cases before the Fourth Circuit sitting *en banc* is set for December 6, 2012.
Result: (Loss) A majority of the Fourth Circuit, sitting en banc, vacated the judgment of the district court on procedural grounds and remanded the case back to the district court for further proceedings in line with the Federal Rules of Civil Procedure.

Religious freedom *(Morr-Fitz v. Blagojevich)*

Filed by / Date: One brief by Christian Legal Society and one by Americans United for Life, March 2012
Court: Appellate Court of Illinois, Fourth District
Parties: Morr-Fitz, Inc., an Illinois corporation d/b/a Fitzgerald Pharmacy, et. al., plaintiffs-appellees, v. Rod R. Blagojevich, Governor, State of Illinois, et. al., in their official capacities, Defendants-Appellants.
Arguments: CLS brief: The government is prohibited from coercing health care workers to provide health care services that violate their religious beliefs. The rule violates plaintiffs' rights under the Illinois Religious Freedom Restoration Act. The rule substantially burdens the plaintiffs' free exercise of religion and is not narrowly tailored to advance the government's purported interest. The circuit court properly held that the rule is not narrowly tailored; nor is it the least restrictive means of achieving its interest.
AUL brief: There is no "problem" of access to "emergency contraception." The potential post-fertilization effect of "emergency contraception" is objectionable to a large number of health care providers and provides ground for the right to object to its provision. The Right of Conscience is guaranteed under the Illinois Healthcare Right of Conscience Act and the Illinois Religious Freedom Restoration Act. The Right of Conscience is a historical right supported by the First Amendment.
Result: Win - Sep. 21, 2012.

Health care *(Florida v. HHS)*

Filed by / Date: Bioethics Defense Fund, Americans United for Life, Alliance Defense Fund / Supreme Court: February 2012 (Court of Appeals: 05/11/2011)
Court: U.S. Supreme Court (original brief filed with United States Court of Appeals for the Eleventh Circuit)
Parties: State of Florida, by and through Attorney General Pam Bondi, et al., Plaintiffs-Appellees / Cross-Appellants, v. United States Department of Health and Human Services, et al., Defendants-Appellants / Cross-Appellees
Arguments: The Patient Protection and Affordable Care Act, by virtue of the lack of general applicability of its individual mandate, violates the Free Exercise Clause of the First Amendment by forcing some individuals to personally pay a separate abortion premium in violation of their

sincerely held religious beliefs. The individual mandate not only forces individuals into private purchases; it also effectively mandates personal payments for surgical abortion coverage, without exemption for individual's religious or moral objections. Brief and more information.
Result: (Lost) The Supreme Court ruled that the Anti-Injunction Act does not bar a challenge to the constitutionality of the Affordable Care Act's "individual mandate" provision, which requires virtually all Americans to obtain health insurance or pay a penalty, even though the mandate has not yet gone into effect. Although the mandate is not authorized under the Commerce Clause, it is nonetheless a valid exercise of Congress's power under the Taxing Clause. Finally, the Medicaid expansion provision of the ACA violates the Constitution by threatening states with the loss of their existing Medicaid funding if they decline to comply with the expansion.

Pregnancy centers *(Evergreen Association, Inc. et. al. v Bloomberg)*

Filed by / Date: Jubilee Campaign's Law of Life Project (LOLP) Feb. 7, 2012
Court: U.S. Court of Appeals for the 2nd Circuit
Parties: The Evergreen Association, Inc., DBA Expectant Mother Care Pregnancy Centers; EMC Frontline Pregnancy Center; Life Center of New York, Inc., DBA AAA Pregnancy Problems Center; Pregnancy Care Center of New York, Incorporated as Crisis Pregnancy Center of New York, a New York Not-for-Profit Corporation; Boro Pregnancy Counseling Center, a New York Not-for-Profit Corporation; Good Counsel, Inc., a New Jersey Not-for-Profit Corporation, Plaintiffs-Appellees, v. City of New York, a municipal corporation; Michael Bloomberg, Mayor of New York City, in his official capacity; Jonathan Mintz, the Commissioner of the New York City Department of Consumer Affairs, in his official capacity, Defendants-Appellants.
Result: (Won/Lost) In January 2014, the Court ruled that the law is not impermissibly vague but that it may impermissibly compel speech. The court severed the enjoined provisions of the law, affirmed and vacated the district court's decision and remanded the case for further proceedings.
Arguments: New York City promulgated unnecessary and unconstitutional requirements to post various notices intended by friends of the abortion industry to confuse, discourage or deter women from receiving the valuable free care and counsel a PRC has to offer. State informed consent laws mandate or recommend that women be told about the risks of breast cancer, difficulties in future pregnancy and post-abortion psychological problems potentially involved with induced abortion. It is medically advisable to fully inform women about what is known about the risks of breast cancer, difficulties in future pregnancy and post-abortion psychological problems potentially involved with induced abortion. Full brief. News release.

Religious freedom *(Alpha Delta Chi-Delta Chapter v. Reed)*

Filed by / Date: Christian Legal Society, January 2011
Court: Supreme Court of the United States
Parties: Alpha Delta Chi-Delta Chapter, et al., Petitioners, v. Charles B. Reed, et al., Respondents.
Arguments: *Christian Legal Society v. Martinez* is distinguishable on principled grounds from this case. *Martinez* is contrary to forty years of free speech and expressive association jurisprudence. *Martinez* did not address use of an enumerated nondiscrimination policy to exclude religious students from campus. *Hosanna-Tabor's* reaffirmation of religious groups'

ability to choose their leaders casts doubt on martinez's rejection of religious groups' free exercise claim.
Result: (Lost) Petition for certiorari (a document which a losing party files with the Supreme Court asking the Court to review the decision of a lower court) denied on March 19, 2012.

Decency *(FCC v Fox TV)*

Filed by / Date: Alliance Defense Fund, September 14, 2011
Court: U.S. Supreme Court
Parties: Federal Communications Commission and United States of America, Petitioners, v. Fox Television Stations, Inc., et al., Respondents.
Arguments: Traditionally, American law protected moral decency as an important societal value. In modern times, Supreme Court decisions have elevated the individual interest in free expression above the societal interest in moral decency. Up through the 1990s, the court recognized the role that public morality must play in its jurisprudence. The Supreme Court has determined that televised indecency harms children. To the extent the FCC seeks to enforce the societal value of moral decency, the Court should support this effort.
Result: (Lost) In an 8-0 decision, the Court did not address the constitutional challenge to the regulation but held that the broadcasters did not have fair notice that fleeting expletives or nudity would violate the policy, and thus reversed the fine.

Abortion *(Greater Baltimore Center for Pregnancy Concerns, Inc., v. Baltimore)*

Filed by / Date: Alliance Defense Fund, Jubilee Campaign - Law of Life Project, Samuel Casey / June 7, 2011
Court: United States Court of Appeals for the Fourth Circuit
Parties: Greater Baltimore Center for Pregnancy Concerns, Inc., plaintiff-appellee v. Mayor and City Council of Baltimore, defendants-appellants
Arguments: State informed consent laws mandate or recommend that before an abortion women be told about the risks of breast cancer, difficulties in future pregnancy and post-abortion psychological problems potentially involved with induced abortion. It is medically advisable to fully inform women about what is known about the risks of breast cancer, difficulties in future pregnancy and post-abortion psychological problems potentially involved with induced abortion**.**
Result: Win - July 2012.

Health care *(Florida v. U.S. Dept. of HHS)*

Filed by / Date: Bioethics Defense Fund and others / May 11, 2011
Court: United States Court of Appeals for the Eleventh Circuit
Parties: FL Atty. Gen. Pam Bondi v. U.S. Dept. of HHS
Result: (Won at Appeals Court but lost at US Supreme Court)
Arguments:

1. The way PPACA (Obamacare) is structured, individuals are forced to subsidize abortion coverage out of their own pockets (the brief does not address the question of whether it also includes *tax* subsidies).
2. If the law were a *generally applicable* law, the government would have more leeway to impose a burden upon religion. However, the law is not a generally applicable law, as

evidenced in part by the hundreds of exemptions that HHS has already granted. None of these exemptions has been based on religious objection to abortion; therefore HHS is discriminating against religion by equating religious objections as less important than non-religious objections.

3. As a non-generally applicable law, the government faces a *strict scrutiny* test that provides less leeway for government imposition and stronger protections for religion.
4. The law does not meet the strict scrutiny test, since religious objectors to abortion are forced to subsidize abortion coverage.
5. Therefore, the law violates the First Amendment free exercise of religion.

Human embryos *(Sherley, et al., v. Sebelius)*

Filed by / Date: Advocates International, Alliance Defense Fund / April 12, 2010
Court: Appealed to U.S. Supreme Court
Parties: James Sherley, CMA, et. al., Appellants v. Kathleen Sebelius, in her official capacity as Secretary of the Department of Health and Human Services, et al., Appellees.
Arguments: CMA and others seek to preliminarily enjoin and ultimately overturn the controversial guidelines for public funding of embryonic stem cell research that the National Institutes of Health issued on July 7, 2009. The implementation of these guidelines marks the first time that taxpayer dollars will be used to fund research that will result in the destruction of human embryos. Since 1994, Congress has expressly banned NIH from funding research in which human embryos "are destroyed, discarded, or knowingly subjected to risk of injury or death."
The NIH guidelines violate the congressional ban because they "necessarily condition funding on the destruction of human embryos." The NIH guidelines were invalidly implemented, because the decision to fund human embryonic stem cell research was made without the proper procedures required by law and without properly considering the more effective and less ethically problematic forms of adult and induced pluripotent stem cell research.
Result: (Lost) Supreme Court declined to review the case. Jan. 7, 2013 report: "The Supreme Court has denied the Cert petition in the Sherley v Sebelius case, the lawsuit regarding federal taxpayer funding of human embryonic stem cell research. The case has revolved around the prohibition by Congress of funds for "research in which an embryo is destroyed, discarded or injured", a phrase in the Dickey-Wicker amendment enacted by Congress every year since 1996. One key question in the suit was whether federal funds could be used for research on human embryonic stem cells already in culture, after derivation using other sources of funds, or whether "research" included the derivation step; derivation is a necessary step to begin the research by first isolating and growing the embryonic stem cells, and requires destruction of a young human embryo. In the timeline of the lawsuit and previous decisions, the Appellate court had parsed the phrase in question and divided out the necessary derivation of the embryonic stem cells from subsequent experiments."
On April 29, 2011, the United States Court of Appeals for the District of Columbia Circuit, in a 2 to 1 decision, had issued their final opinion and judgment, deciding to allow federal funding of embryo destructive research to continue--until the case is decided by the US District Court for the District of Columbia.

Religious freedom *(Cenzon-Decarlo v. Mt. Sinai Hospital)*

Filed by / Date: Americans United for Life / May 2010

Court: United States Court of Appeals for the Second Circuit
Parties: Catherina Lorena Cenzon-Decarlo, Plaintiff-Appellant, v. Mount Sinai Hospital, Defendant-Appellee
Arguments: "Freedom of conscience is a historic right steeped in the tradition of the United States and its Constitution. The signers to the religion provisions of the First Amendment were united in a desire to protect the 'liberty of conscience.' Having recently shed blood to throw off a government which attempted to dictate and control their religious practices and beliefs, a government which guaranteed freedom of conscience was foremost in their hearts and minds.
"When Congress enacted the Part (c)(1) [of the federal law 42 U.S.C. § 300a-7(c)(1)], freedom of conscience had already been an individual right in this country for almost 200 years. It was not some new policy aimed at trying to get entities to comply with federal funding restrictions. Failing to allow Ms. Decarlo to proceed in this action undermines her freedom of conscience and eviscerates the very purpose of 24 U.S.C. § 300a-7(c)(1).
"Even though Mt. Sinai Hospital might deem her beliefs 'incomprehensible' or 'incorrect,' it—as an entity which receives approximately $200 million in federal grants each year and is therefore subject to Part (c)(1)—simply cannot require that she assume duties she believes are immoral and from which she is protected against under Part (c)(1). The vast history of the Supreme Court jurisprudence affirming freedom of conscience demands such a conclusion."
Result: (Lost) U.S. Court of Appeals for the 2nd Circuit upheld the dismissal of the federal lawsuit. A New York state lawsuit continues. Investigation requested by ADF of the U.S. Dept. of Health and Human Services (HHS) is pending.

Religious freedom *(CLS v. Martinez)*

Filed by / Date: Liberty Legal Institute, SCOTUS oral arguments April 2010; decided June 2010
Court: Supreme Court of the U.S.
Parties: Christian Legal Society (CLS) Chapter of University of California, Hastings College of the Law, petitioner, v. Leo P. Martinez, et al., respondents. CMA filed an *amicus* brief siding with CLS.
Arguments: CLS's expressive-association rights to choose its leaders and voting members may not be violated by excluding it from access to a public university forum for student group speech. The exclusion of CLS discriminated against its religious viewpoint and religious activities, in violation of the free speech and free exercise clauses.
Result: (Lost) The 5-4 ruling was written by Justice Ruth Bader Ginsburg, who wrote that "caught in the crossfire between a group's desire to exclude and students' demand for equal access, may reasonably draw a line in the sand permitting all organizations to express what they wish but no group to discriminate in membership."
In dissent, Justice Samuel Alito wrote, "I do not think it is an exaggeration to say that today's decision is a serious setback for freedom of expression in this country." He was supported by Chief Justice John Roberts, and Justices Antonin Scalia and Clarence Thomas.

Abortion - informed consent *(Planned Parenthood v. Rounds)*

Filed by / Date: Americans United for Life / November 2009
Court: United States Court of Appeals for the Eighth Circuit
Parties: Planned Parenthood Minnesota, North Dakota, South Dakota, and Carol E. Ball, M.D., v. Mike Rounds, Governor, and Larry Long, Attorney General

Arguments: "In *Gonzales v. Carhart*, the Court again explicitly acknowledged that abortion can have devastating psychological consequences, stating, '[I]t seems unexceptionable to conclude some women come to regret their choice to abort the infant life they once created and sustained. Severe depression and loss of esteem can follow.'"
"Plaintiffs have an incredibly high burden. They must claim and prove that there are no medical studies demonstrating a link between abortion and suicide. To that end, the district court erred in finding against the state because 'Defendants have produced no evidence… to show that it is generally recognized that having an abortion causes an increased risk of suicide ideation and suicide.'"
Result: Win - Court upheld 7/12.

Abortion – informed consent *(Tuscon Women's Clinic v. Arizona Medical Board)*

Filed by / Date: Alliance Defense Fund / September 2009
Court: U.S. District Court for the District of Arizona
Parties: Tuscon Women's Clinic v. Arizona Medical Board
Arguments: ADF attorneys secured an order denying the pro-abortion group's request for a preliminary injunction to prohibit the enforcement of Arizona House Bill 2564, an act passed by state legislature and signed by Gov. Janice Brewer in July to protect women. The new law amends Arizona abortion law by requiring abortionists to provide women with specific statutorily-prescribed information, requiring them to wait 24 hours after receiving the information before having an abortion, and by making sure that women requesting the procedure consent to the abortion in writing.
Result: (Won) March 18, 2010: federal lawsuit dismissed. Sep. 20, 2009: Court issued an order denying the Tucson Women's Center request for a preliminary injunction to stop implementation of the Act.

Abortion – informed consent *(Planned Parenthood v. Goddard)*

Filed by / Date: Alliance Defense Fund (Center for Arizona Policy, BioEthics Defense Fund, and Life Legal Defense Fund co-counsel) / September 2009
Court: U.S. District Court for the District of Arizona
Parties: Planned Parenthood v. Goddard
Arguments: The new laws in the state suit would have prohibited non-physicians from performing surgical abortions, required specific information to be provided to women orally and in person, protected health care workers who object to performing or facilitating abortions, and would have required the notarized parental consent for minors seeking abortions. Also the legislation would have ensured that women seeking abortions would be presented with alternatives to the procedure, receive information about the long-term medical risks of abortion, and learn about the probable gestational age of the preborn child at the time of the requested abortion.
Result: Win - The Arizona Court of Appeals lifted an injunction against the law and determined that it was constitutional.

Embryo research *(Sherley v. Sebelius)*

Filed by / Date: Advocates International and Alliance Defense Fund / August 19, 2009

Court: U.S. District Court for D.C.
Parties: Sherley, CMA et al v. Sebelius and Collins
Arguments: The guidelines governing embryo destructive stem cell research promulgated by the Obama administration on July 7, 2009 "are contrary to law, were promulgated without observing the procedures required by law, and constitute arbitrary and capricious agency action; and (b) enjoining Defendants from applying the Guidelines or otherwise funding research involving the destruction of human embryonic stem cells." The plaintiffs base their suit on the Dickey-Wicker appropriations provision regarding embryo research.
Result: (Lost) August 2012: U.S. District Court of Appeals for the District of Columbia upheld the lower court's decision to dismiss the case, thus allowing federal funding of embryo-destructive stem cell research to continue.

Morning-after pill *(Tumino v. Hamburg)*

Filed by / Date: Memorandum of law in support of motion to intervene filed by Christian Medical Association, Concerned Women for America and Christian Pharmacists Fellowship International in July, 2009.
Court: United States District Court Eastern District Of New York
Parties: Annie Tummino, et. al., Plaintiffs, v. Dr. Margaret A. Hamburg, in her official capacity as Commissioner of Food & Drugs, Defendant.
Arguments: Appeals a March 2009 court ruling allowing 17-year-olds to obtain the "morning-after pill" over the counter.
Result: Plaintiffs' case dropped February 2010.

Religious freedom *(Baxter v. Montana)*

Filed by / Date: *Amicus Curiae* brief of Christian Legal Society, Christian Medical Association, filed April 30, 2009.
Court: Montana Supreme Court
Parties: ROBERT BAXTER, STEVEN STOELB, STEPHEN SPECKART, M.D., C. PAUL LOEHNEN, M.D., LAR AUTIO, M.D., GEORGE RISI, JR., M.D., and COMPASSION & CHOICES, Plaintiffs, v. STATE OF MONTANA and MIKE McGRATH, Defendants.
Arguments: Filed brief in the Montana Supreme Court warning of the conscience implications of judicial creation of a right to die. Warning of the implications for Religious freedom, the brief asked the Court to (1) reverse the lower court's judicial creation of a "right to die"; (2) alternatively recognize a companion right of conscience under the MT Constitution and 1st Amendment; or (3) stay implementation of any right to die until the legislature creates a statutory right of conscience.
Result: (Lost) The Montana Supreme Court ruled that state law protects doctors in Montana from prosecution for helping terminally ill patients die. But the court, ruling with a narrow majority, sidestepped the larger landmark question of whether physician-assisted suicide is a right guaranteed under the state's Constitution.

Religious freedom *(Connecticut v. United States)*

Filed by / Date: Christian Legal Society's Center for Law and Religious Freedom and Alliance Defense Fund / Jan. 22, 2009
Court: Connecticut federal court

Parties: Connecticut and two state officials; and Illinois, California, New Jersey, Massachusetts, Rhode Island, and Oregon, by and through their attorneys general v. U.S. Department of Health & Human Services, and the Secretary of HHS, Michael O. Leavitt
Arguments: Plaintiffs brought the suit to invalidate a federal regulation that protects the Religious freedom of medical professionals. Two related cases were also brought on the same day, the first by the National Family and Reproductive Health Association (NFPRHA) and Fair Haven Community Health Clinic, a Connecticut-based health clinic; and the second by Planned Parenthood and its Connecticut chapter. On January 16, 2009, Planned Parenthood and NFPRHA both moved to consolidate their cases with this case, and their motions we subsequently granted. New York state also moved to intervene as a plaintiff and its motion was granted.
Intervenor medical associations included the Christian Medical Association, the Catholic Medical Association, and the American Association of Pro-Life Obstetricians & Gynecologists. This first group of proposed is represented by M. Casey Mattox and Isaac Fong of the Center for Law & Religious Freedom; Steven H. Aden and Matthew S. Bowman of the Alliance Defense Fund; and Andrew S. Knott of the law firm of Knott & Knott.
The Center also represented Christian Medical and AAPLOG as defendant-intervenors in two lawsuits challenging the Weldon Amendment, which is one of the underlying statutes implemented by this regulation, and successfully defended the law from attack. California ex. rel. Lockyer v. United States, 450 F.3d 436, 445 (9th Cir. 2006); Nat'l Family Planning & Reproductive Health Ass'n v. Gonzales, 468 F.3d 826, 827 (D.C. Cir. 2006).
Result: Plaintiffs dropped their lawsuit after the Obama administration partially rescinded the conscience-protecting regulation.

Religious freedom *(Stormans v. Selecky)*

Filed by / Date: *Amicus Curiae* brief of Christian Legal Society, Christian Pharmacists Fellowship International, Christian Medical Association, American Association of Pro Life Obstetricians and Gynecologists, and Fellowship of Christian Physician Assistants, filed May 2008.
Court: United States Court of Appeals for the Ninth Circuit
Parties: Stormans, Inc., doing business as Ralph's Thriftway, et al, Plaintiffs-Appellees, v. Mary Selecky, Acting Secretary of the Washington State Department of Health, et al., Defendants-Appellants.
2009: (Win/Loss) In a split decision, the appeals court found that defendants-appellants did not show that they would suffer irreparable harm if the injunction stays in place pending the appeal. The justices granted the state's motion to speed up the appellate proceedings. On July 8, 2009, the federal Ninth Circuit Court of Appeals overturned the lower court ruling, holding that the lower court had wrongly considered the debate over the regulations in determining that they targeted pharmacists with religious convictions. The Ninth Circuit said the history of the rules was irrelevant since the text does not specifically mention religious beliefs. As a result, a much lower standard applies, under which the government is virtually assured of prevailing in the case. The Ninth Circuit also said that the injunction was overbroad and, if issued at all, should be limited to the specific plaintiffs, not extended to all pharmacists in the state with religious objections.
Arguments: "First Amendment prohibits appellants from singling out persons with sincere religious objections to dispensing controversial agents like Plan B and discriminating against

them for those beliefs." (Washington regulations mandated that every pharmacy stock and dispense Plan B unless it is excused for one of the specified reasons.)
"State regulations prohibit pharmacies from reasonably accommodating the religious beliefs of pharmacists in violation of Title VII of the Civil Rights Act. The appellees' claim under Title VII and the Supremacy Clause therefore provides a sufficient basis for affirming the District Court's decision to enjoin the enforcement of the challenged regulations."
Result: Win – 2012: A federal court in Tacoma, Washington, struck down the Washington law, holding that the law violates the First Amendment right to free exercise of religion.
"The Board of Pharmacy's 2007 rules are not neutral, and they are not generally applicable," the Court explained. "They were designed instead to force religious objectors to dispense Plan B, and they sought to do so despite the fact that refusals to deliver for all sorts of secular reasons were permitted." Opinion (February 22, 2012)

Informed consent *(Acuna v. Turkish)*

Filed by / Date: Christian Legal Society for New Jersey Physicians Resource Council, The Christian Medical and Dental Association, Catholic Medical Association, Association Of Prolife Physicians, American Association Of Pro Life Obstetricians And Gynecologists, Care Net, and Heartbeat International, Inc. 2006.
Court: Supreme Court of the United States
Parties: Rosa Acuna and her deceased infant v. Sheldon C. Turkish, M.D., Obstetrical and Gynecological Group Of Perth Amboy-Edison
Arguments: The undisputed state of the relevant medical information is that a first trimester abortion terminates the life of an existing human being. The patients and clients amici regularly see and serve commonly ask and want to know as a matter of medical fact whether abortion terminates the life of an existing human being. It is untruthful as a matter of medical fact to tell a patient at 6-8 weeks of pregnancy who asks whether she is carrying an existing human being that her pregnancy at that time is "only blood" or "just tissue at this time."
"It is the experience and professional opinion of amici that, before making the determination to terminate a pregnancy, a reasonably prudent patient considers it important and needs to know from her doctor the medical fact that abortion terminates the life of an existing human being because, among many reasons, there is a medical risk without this information, as occurred in this case, that the patient will suffer post-traumatic stress disorder and dangerous depression if she first learns only after her abortion that she has in fact terminated the life of an existing human being who was her child, not simply the removal of 'only blood' or 'just tissue at this time' as respondents unprofessionally informed petitioner in this case in contravention of standard medical practice."
"Amici urge the Court to grant certiorari in this case because, contrary to the lower Court's unprecedented opinion, which is unsupported by any citation to a single medical authority, it is an incontrovertible biological and medical fact, well-documented in the record before the Court below and in APPENDIX A to this brief, that a 6-8 week old human embryo in utero is a complete, separate, existing 'human being' — a member of the species Homo Sapiens — whose life is terminated or 'killed' by the abortion procedure.
"More importantly, this Court should grant certiorari because the Court below justified its ignorance of this incontrovertible biological and medical fact by misconstruing this Court's opinions in *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992)."

Result: (Lost) U.S. Supreme Court did not grant a *writ of certiorari* after New Jersey Supreme Court ruled unfavorably.

Religious freedom *(Lockyer v. United States)*

Filed by / Date: Christian Legal Society / Center for Law & Religious Freedom for the Christian Medical Association, American Association of Pro Life Obstetricians and Gynecologists and Fellowship of Christian Physician Assistants. 2006. Hearing January 12, 2007. Decision March 2008.
Court: U.S. District Court for the Northern District of California.
Parties: Bill Lockyer v. United States. CMA entered as an intervenor (third party) in this case.
Arguments: Defending the Weldon Amendment as constitutional.
Result: Win - In March 2008, the federal district court for the Northern District of California granted summary judgment for Intervenors and denied the Motion for Summary Judgment by the State of California. The Court also granted the motions for summary judgment of the federal government defendants and the Alliance of Catholic Healthcare, another intervenor.
The Court held that California lacked standing to bring its claims and its claims were not yet ripe. It did not reach the ultimate merits of the constitutionality of the Weldon Amendment. But despite this - and the court's wonderings about whether the federal EMTALA would be subject to or trump the Weldon Amendment - the bottom line is that the Weldon Amendment remains in full force and effect and California remains prohibited from discriminating against healthcare workers or institutions on the basis that they do not perform or refer for abortions.

Religious freedom *(NFPRHA v. Gonzales)*

Filed by / Date: Christian Legal Society, Center for Law & Religious Freedom on behalf of CMA, American Association of Pro Life Obstetricians and Gynecologists. Argued September 8, 2006. Decided November 14, 2006.
Court: United States Court of Appeals For The District Of Columbia Circuit
Parties: National Family Planning And Reproductive Health Association, Inc., v. Alberto Gonzales, Attorney General Of The United States, Et Al., Appellees. CMA entered as an intervenor (third party) in this case.
Arguments: The Weldon Amendment does not violate NFPRHA's members' first amendment rights; its members have no constitutional right to discriminate against employees because of their refusal on moral, ethical, or religious grounds to provide abortion referrals**.** Enjoining the Weldon Amendment would not provide effective relief for NFPRHA's members, who would still be bound by other conscience clause protections for their objecting employees**.**
Result: Win - The U.S. Court of Appeals for the D.C. Circuit affirmed the dismissal of the National Family Planning and Reproductive Health Association's challenge to the Weldon Amendment. The Court's decision was on the ground that CLS/CLRF argued on behalf of CMA & AAPLOG—that NFPRHA lacked standing because it had not first asked the Dept. of Health & Human Services to interpret the Weldon Amendment. This decision may become a big obstacle to the pro-abortion side because it will prevent them from litigating these cases over abstractions, forcing them to first petition the federal agency for rulemaking. Decision text: http://www.telladf.org/UserDocs/Gonzales-NFPRHAopinion.pdf.

Partial-birth abortion *(Gonzales v. Planned Parenthood)*

Filed by / Date: Teresa Stanton Collett on behalf of CMA, Catholic Medical Association on August 8, 2006
Court: United States Supreme Court
Parties: Alberto R. Gonzales, Attorney General, Petitioner, v. Planned Parenthood Federation Of America, et al., Respondents.
Arguments: "Respondents as non-physicians are not subject to any penalty under the Partial-Birth Abortion Act of 2003, and therefore have not presented an actual case or controversy for adjudication."
"The district court erred in finding that the Act imposed an undue burden on the right of women to obtain an abortion since only a tiny fraction of the relevant group of women seeking abortions will obtain D & X abortions contrary to the provisions of the Act."
"The intent of Congress in passing the Act was to prevent the medical community from moving dangerously close to practicing infanticide. …If this Court finds that there is unconstitutional ambiguity within the terms of the Act then only those applications that are unconstitutional
Result: Win - ban on partial-birth abortions upheld.
should be enjoined."

Partial-birth abortion (*Gonzales v. Carhart*)

Filed by / Date: CLS et al on behalf of CMA, NAE, CWA, others on May 19, 2006.
Court: United States Supreme Court
Parties: Alberto R. Gonzales, Attorney General, Petitioner, v. Leroy Carhart, et al., Respondents.
Arguments: The Court of Appeals erred by conflating Stenberg's factual findings with its constitutional holdings. The Act satisfies the Constitutional holdings announced by this court in Casey and Stenberg.
Result: Win - ban on partial-birth abortions upheld.

Religious freedom (*NCWCMG v. Benitez*)

Filed by / Date: Appeals court brief submitted by Americans United for Life on behalf of CMA in 2005. CA Supreme Court amicus submitted in 2007 by Americans United for Life for CMDA, Physicians for Life and the American Association of Pro Life Obstetricians and Gynecologists.
Court: Court of Appeal - 4th appellate district - Division one - State of California.
Parties: North Coast Women's Care Medical Group, Inc. (petitioners)
v. Superior Court of San Diego County (respondent)
Guadalupe T. Benitez (real party in interest)
Arguments:

1. "Medical ethics promulgated by both religious and secular organizations consistently maintain that a physician should be allowed to refuse to provide specific medical treatment or procedures.
2. "A physician should be allowed to refuse to perform a medical procedure for reasons of conscience.
3. "Allowing physicians their rights to religious expression will promote open and honest communications between doctors and patients and protect patient autonomy.

4. "A physician's conscience, including religious beliefs, should not preclude him or her from practicing medicine to the fullest extent he or she desires.
5. "CMDA does not support a physician's refusal to provide treatment unrelated to the physician's conscience."

Result: *Loss*: The California Supreme Court ruled in August 2008 in favor of Benitez on the appeal (*Benitez v. North Coast Women's Care Medical Group).* An appeals court had previously ruled on December 2, 2005 that the doctors can be allowed to argue that their religious beliefs prevented them from artificially inseminating an unmarried lesbian. A unanimous three-judge panel of the 4th District Court of Appeal in San Diego said there was a "triable issue of fact" as to whether the refusal by the physicians to inseminate Guadalupe Benitez was based on her marital status and not her sexual orientation.

Partial-birth abortion (*NAF v. Ashcroft*)

Filed by / Date: Teresa Stanton Collett, January 2005.
Court: United States District Court - Southern District Of New York
Parties: National Abortion Federation, Mark I. Evans, M.D., Carolyn Westhoff, M.D., M.Sc., Cassing Hammond, M.D., Marc Heller, M.D., Timothy R.B. Johnson, M.D., Stephen Chasen, M.D., Gerson Weiss, M.D., on behalf of themselves and their patients, Plaintiffs,
v. John Ashcroft, in his capacity as Attorney General of the United States, along with his officers, agents, servants, employees, and successors in office, Defendant.
Arguments:

1. "Respondents failed to establish any maternal condition which necessitates the use of partial-birth abortion in order to preserve the health of the mother."
2. "The district court erred in interpreting Stenberg v. Carhart, 530 U.S. 914 (2000) as establishing a constitutional requirement that the Government show a consensus of medical opinion prior to omitting a health exception from an abortion regulation."
3. "Respondents have failed to show a threat of 'actual or imminent' injury."

Result: (Lost) On August 26, 2004, Richard Conway Casey, a United States District Judge for the Southern District of New York, entered a judgment[5] declaring the Partial-Birth Abortion Ban Act unconstitutional, in deference to Supreme Court precedent, but also condemning the procedure as "gruesome, brutal, barbaric and uncivilized".[7] The Bush administration appealed to the Second Circuit Court of Appeals, which affirmed the judgment.[8] A further appeal of a similar version of this case, *Gonzales v. Carhart*, is now pending before the Supreme Court.

Parental notification (*Ayotte v. Planned Parenthood*)

Filed by / Date: American Association Of Pro Life Obstetricians And Gynecologists, Christian Medical Association, Catholic Medical Association, Alliance Defense Fund, National Association Of Evangelicals, Concerned Women For America And Christian Legal Society; filed by the Center For Law & Religious Freedom of The Christian Legal Society, August 8, 2005.
Court: The Supreme Court of the United States
Parties: Kelly A. Ayotte, Attorney General Of New Hampshire, Petitioner, v. Planned Parenthood of Northern New England, et al., Respondents.
Arguments:

1. New Hampshire's parental notification law will not increase maternal morbidity and mortality among the state's teenagers.
2. Medical complications of pregnancy do not require abortion as a treatment in the circumstances contemplated by the New Hampshire statute. (Re: five hypothetical conditions alleged to require a minor's abortion) In the case of each of these pregnancy complications, as well as in the case of most if not all other recognized complications, immediate termination by abortion is not only not indicated; in many cases it is actually contraindicated.
3. Statistical comparisons of abortion risks and maternal mortality risks may give a false impression of abortion safety.

Result: (partial win) Supreme Court on Jan. 18, 2006 sent the case back to the lower court to fix the lower court's overreaching decision.

Partial-birth abortion *(Carhart v. Ashcroft)*

Filed by / Date: Center for Law And Religious Freedom - December 7, 2004
Court: United States Court Of Appeals for the Eighth Circuit
Parties: Leroy Carhart, M.D., et al., Plaintiffs-Appellees v.
John Ashcroft, in his official capacity as Attorney General of the United States, Defendant-Appellant.
Arguments: Congress correctly concluded that there is no need for a health exception to the ban.The statute does not ban standard D&E abortions, so it does not impose any undue burden upon a woman's "right" to an abortion.
Result: (Lost) On September 8, 2004, U.S. District Judge Richard Kopf in Nebraska concluded that, "the overwhelming weight of the trial evidence proves that the banned procedure is safe and medically necessary in order to preserve the health of women under certain circumstances. In the absence of an exception for the health of a woman, banning the procedure constitutes a significant health hazard to women. The court does not determine whether the Partial-Birth Abortion Ban Act of 2003 is constitutional or unconstitutional when the fetus is indisputably viable." On February 21, 2006, the Supreme Court agreed to hear an appeal on a lower court ruling on a partial-birth abortion ban, in *Gonzales v. Carhart.*

Parental notification (*NFWHCS v. Florida*)

Filed by / Date: Liberty Counsel (Teresa Collett) January 2002, December 2004
Court: Supreme Court of Florida
Parties: North Florida Women's Health and Counseling Services, Inc.; et al., Petitioners,
V. State of Florida; Florida department of health; et al., Respondents.
Arguments:

1. The Florida Parental Notice of Abortion Act Constitutionally Balances the Interests of Minors, Families, and the State
2. Parental Notice Does Not Offend the Minor's Right to Privacy Articulated in In re T.W.
3. Parental Involvement Laws Result in Substantially More Parents Knowing of Their Daughters' Decision to Obtain Abortions.
4. Parental Involvement Laws Have Not Resulted in Harm to Minors.

5. In Those Rare Cases Where Parental Notification is Undesirable, Judicial Bypass Provides a Safe, Effective Alternative.
6. Abortion is Not the Only Reasonable Response to an Unplanned Teen Pregnancy.

Result: (Won) On April 6, 2006, the Florida Supreme Court April 6 upheld the constitutionality of the Women's Right to Know Act. The Court stated: "The doctrine of informed consent is well recognized, has a long history, and is grounded in the common law and based in the concepts of bodily integrity and patient autonomy."
The Court also noted, "The termination of pregnancy is unquestionably a medical procedure and we conclude that, as with any other medical procedure, the State may require physicians to obtain informed consent from a patient prior to terminating pregnancy."

End of life (*Oregon v. Ashcroft*)

Filed by / Date: Christian Legal Society September 30, 2002
Court: United States Court of Appeals for the Ninth Circuit
Parties: Oregon, et al., Plaintiffs-Appellees, v. John Ashcroft, in his official capacity as United States Attorney General, et al., Defendants-Appellants.
Arguments:

1. The United States Attorney General's conclusion that physician-assisted suicide is not a "legitimate medical purpose" is reasonable, given the finding of the United States Supreme Court In Washington v. Glucksberg, 521 u.s. 702 (1997), that preserving the integrity of the medical profession by banning its participation in physician-assisted suicide is a rational government interest.
2. Physician-assisted suicide is not a legitimate medical purpose because it is not necessary for the alleviation of terminally ill patients' pain.
3. Physician-assisted suicide will profoundly affect the ability to obtain and retain employment for health care professionals who have religious convictions against the intentional killing of oneself or other human beings.
4. The early Christian church firmly repudiated suicide.

Result (Lost): On May 26, 2004, the U.S. Court of Appeals for the Ninth Circuit ruled that U.S. Attorney General John Ashcroft lacked authority to prohibit Oregon physicians' use of federally regulated drugs to assist patients to commit suicide.

Partial-birth abortion *(Stenberg v. Carhart)*

Filed by / Date: Teresa Stanton Collett and David M. Smolin, February 28, 2000.
Court: United States Supreme Court
Parties: Don Stenberg, Attorney General of the State of Nebraska, et al., Petitioners,
v. Leroy Carhart, M.D., Respondent.
Arguments:

1. D&X is generally recognized as a distinctive technique.
2. Intact D&X is not recognized within the medical profession as the primary indicated technique or standard of care at any stage of pregnancy or for any pregnancy, and therefore cannot be considered medically superior to the standard methods of second trimester abortion, such as D&E.

3. Intact D&X confuses the disparate roles of a physician in childbirth and abortion in a way that blurs the line between infanticide and abortion and undermines the public integrity of the medical profession.
4. Nebraska's use of the term "partial-birth abortion" and accompanying definitions fairly distinguish intact D&X from standard D&E abortion while expressing the state interest in drawing a bright line between infanticide and abortion.

Result: (Lost) The Court struck down the law finding the Nebraska statute criminalizing "partial birth abortion[s]" violated the United States Constitution as the court ruled in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

Assisted suicide - (*Vacco v. Quill, Washington v. Glucksberg*)

Filed by / Date: Christian Legal Society, September 1996, on behalf of Christian Legal Society, Chriean Medical & Dental Society, Christian Pharmacists Fellowship International, Nurses Christian Fellowship, and Fellowship Of Christian Physician Assistants.
Court: United States Supreme Court
Parties: Dennis C. Vacco, Attorney General of the State of New York, George E. Pataki, Governor of the State of New York, Robert M. Morgenthau, District Attorney of New York County, Petitioners, v. Timothy H. Quill, M.D., Samuel C. Klagsbrun, M.D,
And Howard A. Grossman, M.D., Respondents.
State of Washington, and Christine Gregoire, Attorney General of the State of Washington, Petitioners, v. Harold Glucksberg, M.D., Abigail Halperin, M.D., Thomas A. Preston, M.D., and Peter Shalit, M.D., Ph.D., Respondents.
Arguments:

1. "The courts … failed to give adequate consideration to the consciences of the many health professionals who will be forced to participate in physician-assisted suicide. The decisions … will radically change the health care system into one in which health professionals routinely will be called upon to implement physician-assisted suicide. Many health professionals will find themselves coerced into some degree of involvement in the intentional killing of patients, including patients who are incompetent and not terminally ill."
2. "The Second Circuit wrongly equated terminating life-sustaining medical treatment with prescribing lethal medication in establishing an equal protection right to assisted suicide."
3. "The Ninth Circuit wrongly characterized the early historic opposition to suicide within the Christian tradition in establishing a due process right to assisted suicide."

Result: Win - Supreme Court ruled in *Vacco v. Quill*, 521 U.S. 793 (1997) that New York's prohibition on assisting suicide does not violate the Equal Protection Clause. The Court ruled in *Washington v. Glucksberg*, 521 U.S. 702 (1997) that Washington's prohibition on assisting suicide is constitutional.