IN THE COURTS:
ADL'S CURRENT LEGAL DOCKET
JUNE 2018

CIVIL RIGHTS DIVISION ▪ LEGAL AFFAIRS DEPARTMENT

©2018 Anti-Defamation League 605 Third Avenue, New York, NY 10158 www.adl.org contactus@adl.org

Table of Contents

THE U.S. SUPREME COURT........................ 3

THE FEDERAL AND STATE COURTS........ 5

INDEX OF CASES 20

DECISION KEY

▲ Favorable to ADL

▼ Contrary to ADL

◘ Decision on other grounds

⇃↾ Favorable and contrary portions of the decision

THE U.S. SUPREME COURT

2017-2018 DECISIONS FROM THE U.S. SUPREME COURT

Civil Liberties
Immigration

[*Trump v. Hawaii*] (U.S. Supreme Court, 2018)
At issue in this case is President Trump's third attempt at prohibiting travel to the United States from six majority-Muslim nations. The Ninth Circuit affirmed an injunction put in place by the District Court. ADL's brief, which was joined by the Jewish Council for Public Affairs, the Union for Reform Judaism, the Central Conference of American Rabbis, Women of Reform Judaism, and T'ruah urged the Supreme Court to leave the injunction in place. The brief points to three historical examples when the U.S. turned its back on immigrants and refugees and later apologized, including the tragedy of the USS St. Louis, in which Jews fleeing Nazi Germany were denied entry into the U.S. and sent back to Europe, where many perished in the Holocaust; the "Chinese Exclusion" Act that barred thousands of Chinese laborers from coming to America in the 1800s; and the internment of the Japanese during World War II. It traces America's history as a nation dedicated to ideals of equality, liberty and justice, and warns against repeating the shameful times in our past when America has turned against those ideals. On June 26, 2018, the Court upheld the ban, determining that it is within the President's scope of authority under the Immigration and Nationality Act ("INA") based on his claims of national security concerns.

Civil Liberties
Reproductive Rights

[*NIFLA v. Becerra*] (U.S. Supreme Court, 2018)
At issue in this case is California's Reproductive Freedom, Accountability, Comprehensive Care and Transparency Act ("FACT") Act, which was enacted in 2015, to regulate the state's 300-plus Crisis Pregnancy Centers ("CPCs"). The law requires some licensed and unlicensed CPCs to post notices inside clinics indicating how women can access prenatal care, family planning, and abortion. In addition, it requires unlicensed centers to notify patients that they don't have a California medical license. A number of CPCs challenged this law arguing that it violated their right to free speech and free exercise of religion under the First Amendment. The District Court and Ninth Circuit Court of Appeals disagreed. At the U.S. Supreme Court, ADL joined a brief led by the National Women's Law Center and Center for Reproductive Rights along with 50 other reproductive justice, civil rights and social justice organizations focusing on the deceptive tactics of CPCs and their significant harm to women — especially women struggling to make ends meet. On June 26, 2018, the Court ruled in favor of the CPCs, holding that the centers were likely to prevail on their argument that the FACT Act violates the First Amendment.

Civil Liberties
Redistricting

[*Gill v. Whitford*] (U.S. Supreme Court, 2017)
At issue in this case is partisan gerrymandering. After the 2010 census, the Republican-controlled Wisconsin legislature engaged in redistricting. The district lines that would ultimately become law had a distinct partisan advantage for Republicans. A professor analyzing the plan concluded that Republicans would be able to maintain a 54-seat

majority (of the 99 Assembly seats) while only garnering 48% of the statewide vote, while Democrats would have to get 54% of the vote to capture a majority of the seats. Plaintiffs, Democratic voters, alleged that the redistricting created an unconstitutional partisan advantage for Republicans. ADL joined a brief urging the Supreme Court to set limits on partisan gerrymandering. Citing the foundational principles of our democracy imagined by the Founders, the brief provides the Court with a historical perspective of the origins and progression of the fundamental values of representation and accountability, as well as the current views of Americans on political gerrymandering. On June 18, 2018, the Court remanded the case upon finding that plaintiffs did not have standing to sue because they had not demonstrated an injury in fact.

Discrimination
LGBT Rights

Masterpiece Cakeshop v. Colorado Civil Rights Comm'n **(U.S. Supreme Court, 2017)**
Based on religious objections to the marriage of same-sex couples, the owner of a bakery refused to design and sell a wedding cake to a same-sex couple for their upcoming wedding. The Colorado Civil Rights Commission found that the bakery violated the State's anti-discrimination law, which prohibits sexual orientation discrimination in the sale of goods and services by public accommodations. In response to this violation, the petitioners, the bakery and its owner, raised multiple constitutional claims, including a claim that the Free Exercise Clause of the First Amendment permitted the denial of service to the couple. ADL joined an *amicus* brief filed by civil rights and religious groups. It asserts that particularly for generally applicable laws such as Colorado's anti-discrimination statute, the Free Exercise Clause does not authorize religious exemptions that harm others. The brief also stresses that anti-discrimination laws like Colorado's embody First Amendment principles by prohibiting religious discrimination and protecting our nation's vibrant diversity. On June 4, 2018, the Supreme Court issued a narrow ruling in favor of the bakery owner, which rested exclusively on its finding that the Colorado Civil Rights Commission failed to give the case neutral consideration.

Discrimination
LGBT Rights

Evans v. Georgia Regional Hospital **(U.S. Supreme Court, 2017) (Cert. Petition)**
ADL filed an *amicus* brief asking the Supreme Court to grant a writ of certiorari and resolve the question of whether Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of sexual orientation through its prohibition of discrimination "because of . . . sex." In April 2015, petitioner Jameka Evans filed a lawsuit in the Southern District of Georgia alleging that her former employer, Georgia Regional Hospital, fired her because she is gay, does not act "in a traditional woman manner," and because of her masculine gender expression. Evans, who was employed as a security officer at the hospital, alleged that she was "punished because [her] status as a gay female did not conform to [her] department head's . . . gender stereotypes associated with women." Evans brought claims under Title VII of the Civil Rights Act of 1964, alleging that the hospital discriminated against her because of her sexual orientation and her nonconformity with gender norms of appearance and demeanor. ADL joined a coalition of LGBTQ rights groups in asking the Supreme Court to resolve this question. On December 11, 2017, the Supreme Court rejected the petition to hear this appeal, leaving the question unresolved, and allowing the lower courts' decisions denying Evans's requested for relief to stand.

Civil Liberties
Immigration

International Refugee Assistance Project v. Trump **(U.S. Supreme Court, 2017)**
At issue in this case is President Trump's second executive order on refugees which, among other things, temporarily banned travel from six majority-Muslim countries and suspended refugee resettlement in the United States for a period of 120 days. ADL, joined by the Jewish Council for Public Affairs, the Union for Reform Judaism, the Central Conference of American Rabbis, and Women of Reform Judaism, filed a brief urging the U.S. Supreme Court to block the executive order from going into effect. After President Trump issued his third executive order on refugees and immigration, and the previous temporary bans expired, the Supreme Court sent the case back to the lower courts with instructions to dismiss the case as moot.

Discrimination
LGBT Rights

Gloucester County School Board v. G.G. **(U.S. Supreme Court, 2017)**
Gavin Grimm, a 17-year-old transgender boy who attended a public high school in Virginia, sued the school board after it passed a resolution banning him and transgender students generally from using the restrooms that match their gender identity. At issue in the case is whether the school board's policy is unlawful sex discrimination under Title IX of the Education Amendments. ADL, joined by ten religious groups, filed an *amicus* brief arguing that the policy is a violation of Title IX and is an attack on the health, safety, and dignity of transgender students. In response to the arguments set forth by many of the school board's *amici*, ADL urged the Court to reject the untenable argument that religious or moral disapproval can justify a policy that discriminates against a class of persons, particularly a class that historically has been the target of prejudice, disapproval, and violence, including within the specific context of public restrooms. In March, the Supreme Court issued an order declining to hear the case and sending it back to the lower courts for further consideration in light of the decision by the Trump Administration to rescind the Title IX guidance put in place by the Obama Administration. That now-rescinded guidance served to protect transgender students' rights by explaining the proper interpretation of federal antidiscrimination laws.

THE FEDERAL AND STATE COURTS

PENDING IN FEDERAL AND STATE COURTS

Discrimination
LGBT Rights

Lexington-Fayette Urban v. Hands On Originals, Inc. **(Kentucky Supreme Court, 2018)**
Citing religious objections, a business owner refused to sell custom t-shirts bearing "Lexington Pride Festival 2012" and rainbow colored circles to a non-profit LGBTQ organization. The local human rights commission found that the vendor's actions violated a human rights ordinance, which prohibits businesses from discriminating on the basis of sexual orientation. A lower court reversed the commission's determination, finding that it infringed on the vendor's First Amendment free speech rights. ADL joined a brief asserting that this determination did not violate the First Amendment for two reasons. First, the speech at issue belonged to the LGBTQ organization and not the vendor.

Second, the Establishment Clause prohibits granting religious exemptions from generally applicable laws when the exemptions would harm third parties. Furthermore, the vendor failed to meet the elements of the Kentucky Religious Freedom Restoration Act, which also was raised as defense. ADL joined a subsequent, supplemental brief. It asserts that lower court's decision violates the principles set out in the U.S. Supreme Court's recent decision in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, which involved similar facts and claims.

Civil Liberties
Immigration

New York v. U.S. Department of Commerce **(Southern District of New York, 2018)**
At issue in this case is a challenge by the New York Attorney General's office and 16 states, the District of Columbia, several cities, and the U.S. Conference of Mayors to stop the Commerce Department from adding a citizenship question to the 2020 census. The lawsuit alleges that the decision violates the Constitution and the Administrative Procedures Act ("APA"). ADL joined a brief with over 150 organizations, led by the Leadership Conference on Civil and Human Rights, Muslim Advocates, National Coalition on Black Civic Participation, and National Association of Latino Elected and Appointed Officials in support of New York's challenge and a fair and accurate 2020 census. The brief argues that the misguided decision to reverse seventy years of consistent census practice and insert an untested citizenship question undermines the integrity of the count, damages communities, and violates the Census Bureau's constitutional and statutory duties to conduct a full enumeration of the U.S. population. The citizenship question will lead, and has already led, to depressed participation in the census, particularly among families that include immigrants, young children, and people of color. The brief also notes that collecting citizenship data would undermine enforcement of the Voting Rights Act ("VRA") because it would undercount minority populations who rely on that data to bring VRA claims.

Civil Liberties
Reproductive Rights

State of California v. Azar **(U.S.C.A. 9th Circuit, 2018)**
At stake in this case are two interim final rules ("IFRs") promulgated by the Trump Administration in October 2017 that significantly broadened the religious exemption to the Affordable Care Act's ("ACA") contraception mandate. Prior mandate regulations accommodated houses of worship and religiously-affiliated organizations. The new exemption, however, effectively repeals the contraception mandate, broadly allowing employers and universities to invoke religion or morality to block their employees' and students' contraceptive coverage that is otherwise guaranteed by the ACA. On appeal from the U.S. District Court for the Northern District of California, ADL joined ACLU and other civil rights organizations in filing an *amicus* brief, which recounts how the use of religion in America to justify racial and sex discrimination abated as societal views and norms evolved. The brief asserts that the contraceptive mandate remedies a vestige of sex discrimination and is a means of ending discrimination against women in the workplace. Religion in the form of the excessively broad exemption in this case should not be used as a vehicle to discriminate.

Civil Liberties
Immigration

[United States v. California](#) (Eastern District of California, 2018)
At issue in this case are three laws (SB54, AB103, and AB45) the state of California passed in 2017 to protect its immigrants and foster trust between law enforcement and immigrant communities by limiting and clarifying the roles of local law enforcement and government officials in assisting federal immigration enforcement efforts. The Department of Justice ("DOJ") sued California, erroneously claiming that such laws violate federal immigration law. ADL filed an *amicus* brief in this case in support of California and opposing the United States' request for a preliminary injunction which seeks to block implementation of the laws. ADL's brief argues that a preliminary injunction in this case would force California to set aside critical protections which were specifically designed to build trust and cooperation between law enforcement officials and immigrant and minority communities. California's laws comply with federal immigration law and they are designed to assist local law enforcement by advancing police-community relations. As an organization with vast experience on preventing and responding to hate crimes, ADL knows that when trust and cooperation between police and minority communities breaks down, communities that are more vulnerable to hate crimes, including immigrants, will stop reporting such crimes to police.

Church-State Separation
Establishment Clause

Barker v. Conroy (U.S.C.A. D.C. Circuit, 2018)
At issue in this case is the constitutionality of the U.S. House of Representatives' guest chaplain policy. Because the policy requires guest chaplains to offer a prayer that addresses a "higher power," as well as to be ordained clergy, it bars non-theists from the invocation opportunity. A Humanist leader challenged the policy under the Constitution's Establishment Clause. ADL joined a coalition brief asserting that the policy is unconstitutional for four reasons. First, it plainly violates the U.S. Supreme Court's non-discrimination requirement for legislative prayer. Second, its required inquiry into a prospective guest chaplain's prayer and ordination constitutes impermissible government entanglement with religion. Third, Supreme Court precedent prohibits history alone as a justification for violations of the Establishment Clause. Fourth, defendant's argument that the policy is constitutional because there is no historical record of non-theists offering prayers before Congress is misinformed. There is abundant contemporaneous evidence of the Founders' disapproval of denominational discrimination. Furthermore, there is no record of other minority faiths, including Jews, Hindus and Muslims, offering the opening Congressional prayer. So taken to its logical conclusion, this argument also would permit discrimination against such faiths.

Church-State Separation
Establishment Clause

Williamson v. Brevard County (U.S.C.A. 11th Circuit, 2018)
At issue in this case is the constitutionality of a county commission policy prohibiting non-theists from offering the opening prayer at commission meetings. A lower court ruled that the policy violated the Establishment Clause to the First Amendment. ADL filed a brief on behalf of a diverse group of religious and civil rights organizations. The brief asserts that the policy is unconstitutional for four reasons. First, it plainly violates the U.S. Supreme Court's non-discrimination requirement for legislative prayer. Second, Supreme Court precedent also specifies that history alone cannot justify violations of the Establishment Clause. Third, the commission's understanding of history is misinformed

because there is abundant contemporaneous evidence of the Founders' disapproval of denominational discrimination. And fourth, although the commission implicitly claims that the policy is constitutional because there is no historical record of non-theists offering prayers before Congress or other legislative bodies, there also is no record of other minority faiths, including Jews, Hindus and Muslims, offering such prayers. So taken to its logical conclusion, the commission's argument also would permit discrimination against such faiths.

Church-State Separation
Establishment Clause

Freedom from Religion Foundation, Inc. v. The County of Lehigh **(U.S.C.A. 3rd Circuit, 2018)**
At issue in this case is the constitutionality of a county seal that prominently displays the Latin cross. Although a lower court ruled that the seal violates the Establishment Clause of the First Amendment, a substantial portion of its opinion questioned settled U.S. Supreme Court and Court of Appeals precedent, based on inaccurate descriptions of the history, purpose, and fundamental objectives of the First Amendment. ADL joined an *amicus* brief filed by a diverse group of religious and civil rights organizations. In addition to explaining why the seal patently violates the Establishment Clause, the brief provides an in-depth discussion on how and why the drafters of the First Amendment effected a separation of government and religion as the means to ensure enduring religious freedom, which, in light of our nation becoming increasingly pluralistic, is more crucial than ever.

Civil Liberties
Immigration

Regents of the University of California v. U.S. Department of Homeland of Security **(U.S.C.A. 9th Circuit, 2018)**
At issue in this case is President Trump's decision to rescind the Deferred Action for Childhood Arrivals ("DACA"), a program created by President Obama in 2012 that granted work authorization and relief from deportation for a two-year period for certain undocumented immigrants brought to the United States as children. The decision unnecessarily put the lives of the nearly 800,000 DACA recipients and their families in limbo. ADL joined an *amicus* brief in support of the challenge to this decision by the University of California. The brief argues that the President's decision is a violation of the Administrative Procedure Act ("APA"), a federal statute that protects against such arbitrary and capricious executive actions where there are significant reliance interests. Young immigrants, educational institutions, and our economy have relied on the DACA program as a pathway to success and opportunity. Our brief asks the court to agree with the preliminary injunction order put in place and protect the DACA program. The brief was filed by the Lawyers' Committee for Civil Rights Under Law and a coalition of civil rights organizations.

Discrimination
LGBT Rights

Horton v. Midwest Geriatric Management **(U.S.C.A. 8th Circuit, 2018)**
This case involves an employer that withdrew an offer of employment when its owners learned that the applicant is a gay man and that his religious beliefs about sexual orientation and marriage of same-sex couples did not align with the employer's beliefs. In response, the employee filed a lawsuit for claims of sex and religious discrimination under Title VII of the 1964 Civil Rights Act. Horton claims that the withdrawal of the

offer based on his sexual orientation constitutes sex discrimination under Title VII, and the same decision based on his religious beliefs constitutes religious discrimination. At a preliminary stage in the case, the lower court dismissed both of these claims. ADL filed an *amicus* brief joined by religious and civil rights groups focusing on Horton's religious discrimination claim. ADL's brief urges the court to follow other U.S. Courts of Appeals rulings that have found that Title VII's prohibition on religious discrimination includes adverse employment actions which are based on the nonconformity of an employee's/applicant's religious beliefs with the employer's. The brief also urges the court to follow rulings from other U.S. Courts of Appeals rulings, which have found that Title VII covers sexual orientation discrimination as a form of sex stereotyping.

Discrimination
LGBT Rights

Telescope Media Group v. Lindsey **(U.S.C.A. 8th Circuit, 2018)**
The case involves a videography company in Minnesota that refuses to provide services for weddings of same-sex couples. The owners filed a lawsuit challenging a Minnesota anti-discrimination statute that would have prevented them from discriminating against same-sex couples. Among other things, Telescope Media Group argued that application of the Minnesota law to the situation would compel speech in violation of the First Amendment, and violate their religious freedom rights under the Free Exercise Clause. ADL joined an *amicus* brief with other civil rights and LGBT rights organizations, led by Americans United for Separation of Church and State ("AU"), which argues that requiring videographers to serve customers on nondiscriminatory terms does not compel speech and selling wedding videos does not impede expressive association. The Free Exercise Clause does not provide a right to violate nondiscrimination laws and indeed, the Establishment Clause prohibits the type of religious exemption that Telescope seeks in this case.

Civil Liberties
Immigration

City and County of San Francisco and County of Santa Clara v. Sessions **(U.S.C.A. 3rd Circuit, 2018)**
At issue in this case is a challenge to President Trump's executive order withholding federal funds to "sanctuary" jurisdictions. ADL filed a brief urging the Ninth Circuit Court of Appeals to uphold the nationwide injunction put in place by a federal judge in California permanently blocking the policy. As an organization that intimately understands the importance of trust between law enforcement and communities, ADL argues in its brief that the President's executive order threatens to create an underclass of people who cannot turn to police for help, undermines community policing efforts, and makes all of us less safe. In a climate where immigrants are already feeling fearful and are more vulnerable to hate crimes, this executive order will result in further distrust of law enforcement by the communities they serve.

Civil Liberties
Immigration

New York v. Trump **(U.S.C.A. 2nd Circuit, 2018)**
At issue in this case is President Trump's decision to rescind Deferred Action for Childhood Arrivals ("DACA"), a program created by President Obama in 2012 that granted work authorization and relief from deportation for a two-year period for certain undocumented immigrants brought to the United States as children. The decision unnecessarily put the lives of the nearly 800,000 DACA recipients and their families in

limbo. ADL joined an *amicus* brief in support of the challenge to this decision by 16 Attorneys General. The brief urges the court to issue a preliminary injunction to prevent irreparable harm to DACA recipients, their families, communities, and to our country's educational institutions, businesses, economy, and military. After the court issued a nationwide preliminary injunction, ADL joined the Lawyers' Committee for Civil Rights Under Law and a coalition of civil rights organizations again at the Second Circuit Court of Appeals on a brief. Our brief asks the court to uphold the preliminary injunction blocking President Trump's decision to end DACA. The brief argues that the President's decision is a violation of the Administrative Procedure Act ("APA"), a federal statute that protects against such arbitrary and capricious executive actions where there are significant reliance interests. Young immigrants, educational institutions, and our economy have relied on the DACA program as a pathway to success and opportunity.

Church-State Separation
Establishment Clause

Cambridge Christian School, Inc. v. Florida High School Athletic Association, Inc. **(U.S.C.A. 11th Circuit, 2017)**
This case raises a novel school prayer issue. Cambridge Christian School ("Cambridge") is a private religious school and a member of the Florida High School Athletic Association ("Association"), which is a public entity. Cambridge's football team made it into a division playoff game, which was to be played in a public stadium under the Association's control. The school requested that the team's customary pre-game, group prayer be broadcast over the stadium's PA system, which was denied. The Association, however, permitted the team to hold its pre-game prayer on the center of the field. In response, Cambridge filed a lawsuit alleging free speech and free exercise claims under the First Amendment, as well as a claim under the Florida Religious Freedom Restoration Act. ADL joined an *amicus* brief filed by multiple civil rights organizations asserting that under longstanding U.S. Supreme Court school prayer precedent, the Association was required to deny the request because broadcasting the prayer over a government-controlled PA system would have resulted in unconstitutional religious coercion of students and other persons attending the game.

Civil Liberties
Federalism

State of California v. Sessions **(Northern District of California, 2017)**
At issue in this case is the federal government's decision to tie certain DOJ public safety grants for law enforcement to immigration enforcement conditions. ADL filed a brief urging the court to issue a preliminary injunction to block DOJ's unconstitutional interpretation and intended application of federal immigration law and to ensure the protection of critical state protections for immigrants. As the largest non-governmental trainer of police on issues of hate crimes and extremism, ADL knows well the importance of building trust between law enforcement and the communities they serve. By coercing local law enforcement agencies to enforce federal immigration law, the brief argues, the government's decision seeks to drive a wedge between police officers and the residents they protect, resulting in decreased hate crime reporting.

Church-State Separation

Establishment Clause

[*Harvest Family Church v. FEMA*](#) (U.S.C.A. 5th Circuit and Southern District of Texas, 2017)

Plaintiffs, three houses of worship, challenged a Federal Emergency Management Agency rule, which prohibits houses of worship from obtaining emergency disaster grants. The houses of worship sought such grants for the purpose of reconstructing or repairing buildings primarily used for religious worship damaged by hurricanes. They claim that the rule violates the Free Exercise Clause of the First Amendment. While certainly mindful of the damage suffered by these houses of worship, the *amicus* brief joined by ADL articulated that these harms cannot be a justification to harm critical protections provided to all Americans by the Establishment Clause. It assures that no citizen can be compelled to fund religious worship or beliefs to which they do not subscribe, and that houses of worship do not become dependent on state assistance. Based on this principle, no federal court has upheld government grants for the construction or repair of buildings used for religious purposes. Furthermore, the U.S. Supreme Court repeatedly has rejected arguments that the Free Exercise Clause requires the government to fund religious activity on equal terms with secular activity. The Court's recent *Trinity Lutheran* decision in no way overrules these decisions. In that case, the Court ruled that religious institutions can be granted equal eligibility for public funding only in very narrow circumstances: funding that would not support religious uses, but would only aid secular, safety-related expenditures.

Church-State Separation

Establishment Clause

[*Kondrat'yev v. City of Pensacola, Florida*](#) (U.S.C.A. 11th Circuit, 2017)

At issue in this case is the constitutionality of a 34-foot Latin cross displayed in a public city park. The cross is the focal point for an amphitheater designed for hosting worship services on Easter. Although the lower court begrudgingly ruled that due to the display's clear religious purpose, it violates the Establishment Clause of the First Amendment, its decision extensively criticizes long-standing Establishment Clause precedents, which the court was obligated to enforce, and presents a revisionist history of the Clause. In addition to explaining why this public display of the cross plainly violates the Establishment Clause, the *amicus* brief provides an in-depth discussion on the history, purpose and original understanding of the Clause.

Church-State Separation

Establishment Clause

[*Espinoza v. Montana Department of Revenue*](#) (Montana State Supreme Court, 2017)

This case involves the constitutionality of a Montana Department of Revenue rule, which prohibits the use of "scholarships" provided under a State neo-voucher program to support K-12 religious education. The rule was issued pursuant to the Montana Constitution's "No-Aid" clause, which requires stronger separation of church and state than the First Amendment to the U.S. Constitution. The neo-voucher program provides a tax-credit to individuals who make a donation to private organizations that in turn provide funding for K-12 students to attend private schools, including religious schools. The program does not prohibit participating religious schools from indoctrinating religion or discriminating on the basis of multiple personal characteristics. The No-Aid clause, however, prohibits direct or indirect state support of schools controlled in whole or in part by a religious denomination. The plaintiffs challenged the Department of Revenue

rule. The *amicus* brief asserts that the No-Aid clause and rule issued pursuant to it do not violate the U.S. Constitution's Free Exercise or Equal Protection Clauses. Rather, the tax credit is an attempt to circumvent the No-Aid clause for the purpose of using the State's tax system to indirectly support religious education. The rule is required by the No-Aid clause because that provision has been broadly interpreted by Montana courts to strictly prohibit state aid to religious education, including indirectly through intermediaries.

Church-State Separation
Establishment Clause

Freedom From Religion Foundation v. Chino Valley Unified Sch. Dist. Bd. Of Educ. **(U.S.C.A. 9th Circuit, 2017)**

This case involves a constitutional challenge to a public school board's policy of opening meetings with prayer by clergy or board members. Prayers made pursuant to the policy are sectarian and the vast majority of them are Christian in nature. Students have been present or participated at every board meeting since the policy went into effect. Some students, such as a student representative who sits on the board and students subject to disciplinary hearings, are required to be at meetings. Others attend meetings to present musical or other performances, receive awards, or generally voice concerns about their education. ADL joined an *amicus* brief filed by religious and civil rights organizations representing diverse beliefs and faith traditions. It asserts that the prayer policy does not fall within the narrow historical exception to the strict rule against government-sponsored prayer for invocations to open the sessions of state legislatures and city and county councils. Rather, particularly in light of the "heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools," the policy patently violates longstanding Establishment Clause prohibitions against government endorsement and coercion of religion, as well as preference for particular faiths.

Discrimination
LGBT Rights

EEOC v. Harris Funeral Homes **(U.S.C.A. 6th Circuit, 2017)**

At issue in this case is a for-profit employer's assertion of the federal Religious Freedom Restoration Act ("RFRA") as a legal defense to a violation of a federal workplace anti-discrimination law – Title VII of the 1964 Civil Rights Act. A trial court found that a for-profit funeral home violated Title VII by firing a transgender female employee based on sex-stereotyping. The court, however, in an unprecedented ruling, found that RFRA exempted the employer from the Title VII violation based on its religious beliefs about sex roles and gender identity. ADL joined an *amicus* brief to the U.S. Court of Appeals for the Sixth Circuit arguing that the trial court's application of RFRA was erroneous for two reasons. First, longstanding U.S. Supreme Court Establishment Clause case law prohibits religious exemptions that cause harm to third parties. And second, the employer could not meet its evidentiary burden under RFRA of showing that its exercise of religion was "substantially burdened" because there was no connection between its stated religious beliefs and the termination, which violated Title VII.

Church-State Separation
Establishment Clause

Bormuth v. Jackson **(U.S.C.A. 6th Circuit, 2017)**

At issue in this case before the Sixth Circuit Court of Appeals *en banc* (entire court) is an Establishment Clause challenge to opening Christian prayers delivered at public meetings of a county board of commissioners by the commissioners themselves. The plaintiff—a

non-attorney—represented himself throughout the case. Although a Sixth Circuit three-judge panel ruled in his favor, it also found that the trial court made an error by prohibiting the plaintiff from questioning commissioners in depositions. The panel, however, found the error to be harmless because it had ruled in the plaintiff's favor. ADL filed an *amicus* brief on behalf of neither party discussing the significance of the flawed factual record in the case. The brief asserts that due to the highly fact-intensive nature of Establishment Clause cases, a fully-developed record is essential for courts to properly evaluate such cases. Because the record in this case is fundamentally flawed in several ways, the Sixth Circuit should send the case back down to the trial court for the record to be fully developed and the plaintiff's claims to be re-litigated.

2017-2018 DECISIONS FROM FEDERAL AND STATE COURTS

Discrimination
LGBT Rights

Doe v. Boyertown Area School District **(U.S.C.A. 3rd Circuit, 2018)**
At issue in this case is Boyertown Area School District's policy allowing transgender students to use the restrooms and changing facilities consistent with their gender identity. ADL, which has provided anti-bias training to schools in Boyertown through its No Place for Hate program for over a decade, filed an *amicus* brief supporting Boyertown's inclusive policy. Our *amicus* was joined by LGBT advocacy organizations, healthcare providers, civil society groups, education and youth advocates, and Jewish organizations. In the brief, we draw on our experience as a provider of anti-bias education programs to show that inclusive policies like Boyertown's are in the best interests of all students and promote safe and successful school environments. The brief also highlights that Boyertown's policy is not only constitutional, but necessary to ensure compliance with anti-discrimination protections under federal law. Schools without such policies that unlawfully discriminate against transgender students only contribute to the obstacles facing these students, who experience disproportionate rates of bullying, harsh discipline, dropout, homelessness, and other negative outcomes. On May 24, 2018, the court upheld the District's policy, holding that the Boyertown Area School District has a compelling state interest not to discriminate against transgender students.

Civil Liberties
Immigration

Chicago v. Sessions **(U.S.C.A. 7th Circuit, 2018)**
This case challenges immigration enforcement-related conditions imposed by the Justice Department on the receipt of federal public safety grants under the Edward Byrne Memorial Justice Assistance Grant ("JAG") program. ADL filed a brief urging the court to block enforcement of these new standards imposed on the federal grants. ADL's brief argues that the policy would undermine City protections of immigrants through Chicago's "Welcoming City policy" and public safety for all. Without relief from the court, ADL's brief asserts that the policy would essentially destroy necessary trust between law enforcement and the communities they serve, discourage crime reporting, and exacerbate already existing fears within immigrant communities to interact with law enforcement. In April 2018, the court affirmed the District Court's issuance of a preliminary injunction prohibiting enforcement of the conditions.

Discrimination
LGBT Rights

[*Zarda v. Altitude Express*] (U.S.C.A. 2nd Circuit, 2017)
This case poses the question to the Second Circuit Court of Appeals of whether someone can legally be fired just because of their sexual orientation. Title VII of the Civil Rights Act of 1964 prohibits discrimination "because of. . . sex," but, at the time of the filing of ADL's brief, only the Seventh Circuit has held that this prohibition extends to sexual orientation. ADL joined a coalition of diverse bar associations and LGBT rights groups on an *amicus* brief arguing that that the Second Circuit should overturn its 2000 precedent holding that Title VII does not cover sexual orientation. The brief argues in part that sexual orientation discrimination is discrimination "because of. . . sex" under an "associational theory" of discrimination—that is, an employer is taking an employee's sex into account when it discriminates against the employee for associating with someone of the same sex. The brief further argues that Title VII should cover sexual orientation discrimination as a form of gender-stereotyping that is impermissible under Title VII. In February 2018, the Second Circuit convened *en banc* and overturned Circuit precedent to decide that Title VII prohibits discrimination on the basis of sexual orientation.

Discrimination
LGBT Rights

[*Gloucester County School Board v. G.G.*] (U.S.C.A. 4th Circuit, 2017)
Gavin Grimm, a transgender student who attended a public high school in Virginia, sued the school board after it passed a resolution banning him and transgender students generally from using the restrooms that match their gender identity. At issue in the case is whether the school board's policy is unlawful sex discrimination under Title IX of the Education Amendments. After the Supreme Court sent Gavin's case back to the Fourth Circuit Court of Appeals, ADL joined an *amicus* brief filed by eight religious and civil rights groups. The brief joined by ADL sets out longstanding U.S. Supreme Court Equal Protection Clause precedent prohibiting the government from relying on religious objections to justify treating some classes of people differently from others. Based on this precedent, it argues that using moral or religious disapproval to disregard Title IX or to justify barring Gavin from restrooms that match his gender identity would violate the Equal Protection Clause. In August 2017, because Gavin was no longer a high school student, the court remanded the case to the District Court for the limited purpose of resolving whether his case became moot.

Civil Liberties
Immigration

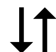
[*City of El Cenizo v. Texas*] (Western District of Texas, 2017)
At issue in this case is Texas's SB4, which would effectively commandeer local law enforcement in Texas to act as immigration agents. ADL filed a brief urging the court to issue a preliminary injunction, arguing that if the law goes into effect it would irreparably harm trust that has taken years to build between law enforcement and communities. As the largest non-governmental trainer of police on issues of hate crimes and extremism, ADL knows well the importance of building trust between law enforcement and the communities they serve. By forcing jurisdictions to turn local law enforcement into *de facto* immigration agents, the brief argues, SB4 threatens to create an underclass of people who cannot turn to police for help, undermines community policing efforts, and makes all of us less safe. On August 30, 2017, the court struck down virtually all of SB4.

Civil Liberties
Immigration

[*San Francsico v. Trump*] (Northern District of California, 2017) &
[*Santa Clara v. Trump*] (Northern District of California, 2017) &
[*City of Richmond v. Trump*] (Northern District of California, 2017)

These cases are challenges to President Trump's executive order withholding federal funds to "sanctuary" jurisdictions. ADL filed *amicus* briefs in each case urging the court to issue an injunction, arguing that the executive order threatens to cause immediate and irreparable harm. As the largest non-governmental trainer of police on issues of hate crimes and extremism, ADL knows well the importance of building trust between law enforcement and communities they serve. By coercing jurisdictions to turn local law enforcement into *de facto* immigration agents, the brief argues, the executive order threatens to create an underclass of people who cannot turn to police for help, undermines community policing efforts, and makes all of us less safe. The courts agreed and enjoined the executive order. These cases are now pending on appeal before the Ninth Circuit.

Civil Liberties
Reproductive Rights



[*Lathrop v. Deal*] (Supreme Court of Georgia, 2017)

This case involves a state constitutional challenge to a Georgia law prohibiting abortion after 20 weeks. However, the issue before the Supreme Court of Georgia concerned sovereign immunity. Georgia's constitution provides its legislature with broad sovereign immunity, but also empowers the state judiciary to declare void legislative acts that are unconstitutional. In this case, the lower court dismissed the constitutional challenge on sovereign immunity grounds. ADL joined an *amicus* brief arguing that the lower court decision is unprecedented because it renders illusory express state constitutional rights, including the rights to liberty, equal protection, freedom of conscience, and privacy. The court dismissed the case on sovereign immunity grounds, but it also provided a roadmap for the case to be re-filed and move forward against a state officer in their official capacity.

Church-State Separation
Establishment Clause

[*Gaddy v. Georgia Department of Revenue*] (Supreme Court of Georgia, 2017)

This case involves a state constitutional challenge to a type of school vouchers program in Georgia called the Qualified Education Tax Credit Program. ADL joined an *amicus* brief opposing the Department of Revenue's assertion of a sovereign immunity defense and supporting the merits of the appellants' constitutional claim. Georgia's Constitution provides its legislature with broad sovereign immunity on which the lower court dismissed the constitutional challenge. The brief argues that the lower court misapplied this sovereign immunity provision because it is inapplicable to constitutional claims. Alternatively, it asserts that where a statute, such as the Tax Credit Program, does not specifically invoke sovereign immunity, there should be a presumption that the legislature waives it. The court found that, because the scholarship funds at issue are not public expenditures, the plaintiffs lacked standing to bring the suit.

Discrimination
LGBT Rights

[*Pidgeon v. Turner*] (Supreme Court of Texas, 2017)

This case involves a state law prohibiting government workers from receiving spousal benefits if they are married to someone of the same sex. At issue is whether *Obergefell*, the U.S. Supreme Court case finding prohibitions against marriage equality unconstitutional, compels states only to issue marriage licenses to same-sex couples, or

compels states to afford same-sex couples equal treatment under the law, including access to public benefits. The Texas Supreme Court interpreted *Obergefell* narrowly, finding that, because it did not specifically address the question of spousal benefits, the law on the question is not clearly established. The court thus sent the case back to the trial court to resolve the question.

Civil Liberties
Immigration

Washington v. Trump **(U.S.C.A. 9th Circuit, 2017)**
At issue in this case was President Trump's first executive order, which, among other things, temporarily banned the entry of people from seven majority-Muslim countries, suspended entry into the United States for refugees, and prioritized the entry of refugees who are religious minorities in their home countries and who are fleeing religious persecution. ADL filed an *amicus* brief in support of Washington's challenge to the executive order. The brief urged the court to block enforcement of the order, asserting that implementation would almost certainly cause irreparable harm to countless people. The Ninth Circuit, in a *per curiam* decision, upheld the nationwide injunction blocking enforcement of the executive order.

Civil Liberties
Immigration

Virginia v. Trump **(Eastern District of Virginia, 2017)**
At issue in this case was President Trump's first executive order on immigration and refugees. ADL filed an *amicus* brief in support of Virginia's challenge to the executive order. The brief urged the court to issue a preliminary injunction, blocking implementation of the executive order's temporary ban on entry into the United States of people from seven majority-Muslim nations. The brief traced America's history as a nation dedicated to ideals of equality, liberty and justice, and warned against repeating the shameful times in our past when America had turned against those ideals. The court issued a decision blocking enforcement of the executive order, finding it unconstitutional.

Church-State Separation
Establishment Clause

Kennedy v. Bremerton School District **(U.S.C.A. 9th Circuit, 2017)**
For eight years a public high school football coach led his team in pre- and post-game prayer. After the coach was ordered to stop sponsoring team prayer, he began the practice of kneeling in prayer at the football field's 50-yard line immediately following every game. The coach was discharged from his position when he repeatedly refused to comply with the school district's directive to end this practice. In response, the coach brought a lawsuit claiming the district violated his First Amendment rights to freedom of speech and religion, and discriminated against him on the basis of religion. ADL joined an *amicus* brief, which argues that the school district's action was appropriate and required to avoid violating the Establishment Clause. Because the coach engaged in the prayer practice during a school-sponsored event at which he was charged with supervision of students, his conduct was not private. Rather, it was official school district activity, which unconstitutionally endorsed and coerced religion. The brief highlights the important role of public school coaches as role models, mentors and parental figures for students. Due to that unique leadership position in public schools, the brief further argues that the religious endorsement and coercion issues in this case are even more pronounced than in instances where other educators in their official capacities engage in religious activities or school officials support student-led prayer. On August 23, 2017, the court found that the school

district was permitted to order the coach not to speak in the manner that he did because the coach's demonstrative speech fell within the scope of his typical job responsibilities, and he spoke as a public employee.

Civil Liberties
Immigration

International Refugee Assistance Project v. Trump **(U.S.C.A. 4th Circuit, 2017)**
At issue in this case was President Trump's second executive order on refugees and immigration, which, among other things, temporarily barred travel for people from six majority-Muslim countries. ADL, joined by the Jewish Council for Public Affairs, the Union for Reform Judaism, the Central Conference of American Rabbis, and Women of Reform Judaism, filed an *amicus* brief in support of the challenge to the executive order. The brief urges the court to uphold the District Court's preliminary injunction, which blocked implementation of the travel ban for people from six majority-Muslim countries. The brief traces America's history as a nation dedicated to ideals of equality, liberty and justice, and warns against repeating the shameful times in our past when America has turned against those ideals. In a 10-3 ruling, the full Fourth Circuit Court of Appeals held that President Trump's revised travel ban was unconstitutional. In June 2017, the Trump Administration appealed the decision to the U.S. Supreme Court.

Civil Liberties
Immigration

International Refugee Assistance Project v. Trump **(District of Maryland, 2017)**
At issue in this case was Section 5(d) of President Trump's executive order on immigration and refugees, which caps the number of refugees eligible to enter the United States at 50,000 annually. ADL filed an *amicus* brief in support of the International Refugee Assistance Project's challenge to the executive order. The brief traced America's history as a nation dedicated to ideals of equality, liberty and justice, and warned against repeating the shameful times in our past when America had turned against those ideals. The court blocked enforcement of the executive order, finding it unconstitutional.

Civil Liberties
Immigration

Hawaii v. Trump **(U.S.C.A. 9th Circuit and the District of Hawaii, 2017)**
At issue in this case was President Trump's second executive order on refugees, which, among other things, temporarily banned travel from six majority-Muslim countries and suspended refugee resettlement in the United States for a period of 120 days. ADL filed an *amicus* brief urging the court to block enforcement of the executive order. The brief traced America's history as a nation dedicated to ideals of equality, liberty and justice, and warned against repeating the shameful times in our past when America had turned against those ideals. On March 14, 2017, the court issued a temporary restraining order blocking enforcement nationwide of the travel and refugee bans.

Civil Liberties
Immigration

Darweesh, et al. v. Trump **(Eastern District of New York, 2017)**
At issue in this case was President Trump's first executive order on immigration and refugees. ADL filed an *amicus* brief in support of Virginia's challenge to the executive order. The brief urged the court to issue a preliminary injunction, blocking implementation of the executive order's temporary ban on entry into the United States of people from seven majority-Muslim nations. The brief traced America's history as a nation dedicated to ideals of equality, liberty and justice, and warned against repeating the shameful times in our past when America had turned against those ideals. The court

issued a nationwide injunction that blocked the deportation of all people stranded in U.S. airports under the executive order.

Discrimination
LGBT Rights

Sweetcakes by Melissa v. Oregon Bureau of Labor and Industries **(Oregon Court of Appeals, 2016)**

This case involves a lesbian couple that was turned away by an Oregon bakery whose owners refused to make a cake for the couple's wedding. The Oregon Labor Commissioner found that the bakery owners had violated Oregon law by discriminating against the women on the basis of their sexual orientation. The bakery and its owners appealed the Commissioner's ruling to the Oregon Court of Appeals, citing their Christian beliefs against marriage equality. In their opening brief, they argue that enforcing the nondiscrimination law against them is unconstitutional. ADL submitted a brief urging the court to affirm the Commissioner's decision and reject arguments that religious or moral disapproval is a legitimate basis for discrimination against minority groups. The appellate court affirmed the decision in December 2017.

Civil Liberties
Reproductive Rights

Real Alternatives v. Burwell **(U.S.C.A. 3rd Circuit, 2016)**

Real Alternatives, Inc. is an admittedly secular, non-profit organization that provides "life-affirming alternatives to abortion services throughout the nation." The organization and its three full-time employees are morally opposed to abortion and certain forms of contraception. They brought a challenge to the Affordable Care Act's contraception mandate ("Mandate") under Fifth Amendment equal protection principles and the Religious Freedom Restoration Act ("RFRA") contending that, similar to religious institutions, Real Alternatives is entitled to a total exemption from the Mandate. A lower court rejected these challenges. ADL joined an *amicus* brief arguing that the religious institution exemption did not violate equal protection because the federal government's stated interest protecting religious autonomy justified this exemption. Furthermore, Real Alternatives is not similarly situated to houses of worship or other religious institutions because a moral belief on a single issue is not akin to a system of religion. As to the RFRA claim, the brief argues that requiring Real Alternatives to carry comprehensive health insurance, inclusive of prescription contraception, does not violate the religious exercise of its employees. Alternatively, the government's interests in promoting public health and gender equality are compelling, and the Mandate under these circumstances is the least restrictive means of achieving these interests. In August 2017, the court affirmed the lower court's finding.

Discrimination
LGBT Rights

[*Barber v. Bryant*] (U.S.C.A. 5th Circuit, 2016)
This case involves the constitutionality of Mississippi HB 1523 — the so-called "Protecting Freedom of Conscience from Government Discrimination Act." HB 1523 provides sweeping, legal exemptions and immunities to public officials, individuals or business who or that hold one of three religious or moral beliefs: marriage should be limited to opposite sex-marriage; sexual relations should be limited to opposite-sex marriage; and "Male (man) or Female (woman) refer to an individual's immutable biological sex as objectively determined by anatomy and genetics at time of birth." As a result, under the pretext of religious liberty, the law broadly authorizes discrimination against LGBT people and other Mississippians. A lower court ruled that HB 1523 violates the Establishment Clause. It found that the law's preference of one religion over others runs afoul of *Larson v. Valente*, 456 U.S. 228. ADL, joined by a diverse group of religious and civil rights groups, filed an *amicus* brief asserting that the court should uphold the lower court's decision. The brief specifically argues that HB 1523 also violates the Establishment Clause under the well-settled Lemon and endorsement tests. The law's legislative record and general history reflect that it had an unlawful religious purpose, as well as unconstitutionally advances and endorses religion. Furthermore, HB 1523 is an invalid religious accommodation because unlike permissible accommodations, it is overly broad, unqualified, and not neutral among faiths, as well as imposes harms on others. In June 2017, the court dismissed the case for lack of standing.

Church-State Separation
Establishment Clause

[*American Humanist Association v. Birdville Independent School District*] (U.S.C.A. 5th Circuit, 2016)
The Birdville Independent School District School Board has a practice of inviting students to give invocations at the beginning of Board meetings. Other students regularly attend such meetings to participate as "student ambassadors," receive awards or recognition, or give musical or other performances. ADL joined an *amicus* brief arguing that this practice is unconstitutional. Specifically, it does not fall within a narrow historical exception to the First Amendment's Establishment Clause for opening prayers before state legislatures and local legislative bodies. Rather, due to the "student-focused" nature of the School Board and Board meetings, customary Establishment Clause standards apply. As a result, the practice unconstitutionally advances, endorses and coerces religion. In March 2017, the court affirmed that student-led legislative prayers did not violate the Establishment Clause.

INDEX OF CASES FILED/DECIDED IN 2017-2018

Civil Liberties

Trump v. Hawaii (U.S. Supreme Court, 2018)
NIFLA v. Becerra (U.S. Supreme Court, 2018)
State of California v. Azar (U.S.C.A. 9th Circuit, 2018)
United States v. California (Eastern District of California, 2018)
Regents of the University of California v. U.S. Department of Homeland Security (U.S.C.A. 9th Circuit, 2018)
Chicago v. Sessions (U.S.C.A. 7th Circuit, 2018)
New York v. Trump (U.S.C.A. 2nd Circuit, 2018; Eastern District of New York, 2017)
State of California v. Sessions (N.D. California, 2017)
Gill v. Whitford (U.S. Supreme Court, 2017)
International Refugee Assistance Project v. Trump (U.S. Supreme Court, 2017)
International Refugee Assistance Project v. Trump (U.S.C.A. 4th Circuit, 2017)
International Refugee Assistance Project v. Trump (District of Maryland, 2017)
Hawaii v. Trump (U.S.C.A. 9th Circuit, 2017)
Hawaii v. Trump (District of Hawaii, 2017)
Virginia v. Trump (Eastern District of Virginia, 2017)
Darweesh, et al. v. Trump (Eastern District of New York, 2017)
Washington v. Trump (U.S.C.A. 9th Circuit, 2017)
San Francisco v. Trump (Northern District of California, 2017)
Santa Clara v. Trump (Northern District of California, 2017)
City of Richmond v. Trump (Northern District of California, 2017)
City of El Cenizo v. Texas (Western District of Texas, 2017)
Lathrop v. Deal (Supreme Court of Georgia, 2017)
Real Alternatives v. Burwell (U.S.C.A. 3rd Circuit, 2016)

Discrimination

Doe v. Boyertown Area School District (U.S.C.A. 3rd Circuit, 2018)
Horton v. Midwest Geriatric Management (U.S.C.A. 8th Circuit, 2018)
Telescope Media Group v. Lindsey (U.S.C.A. 8th Circuit, 2018)
Masterpiece Cakeshop v. Colorado Civil Rights Commission (U.S. Supreme Court, 2017)
Evans v. Georgia Regional Hospital, et al. (U.S. Supreme Court, cert. petition, 2017)
Gloucester County School District v. G.G. (U.S. Supreme Court, 2017)
Gloucester County School District v. G.G. (U.S.C.A. 4th Circuit, 2017)
Zarda v. Altitude Express, Inc. (U.S.C.A. 2nd Circuit, 2017)
Pidgeon v. Turner (Texas Supreme Court, 2017)
EEOC v. Harris Funeral Homes (U.S.C.A. 6th Circuit, 2017)
Barber v. Bryant (U.S.C.A. 5th Circuit, 2017)
Sweetcakes by Melissa v. Oregon Bureau of Labor and Industries (Oregon Court of Appeals, 2016)
Barber v. Bryant (U.S.C.A. 5th Circuit, 2016)

Separation of Church and State

Barker v. Conroy (U.S.C.A. 11th Circuit, 2018)
Williamson v. Brevard County (U.S.C.A. 11th Circuit, 2018)
Freedom from Religion Foundation, Inc. v. The County of Lehigh (U.S.C.A. 3rd Circuit, 2018)
Espinoza v. Montana Department of Revenue (Montana State Supreme Court, 2017)
Kondrat'yev v. City of Pensacola, Florida (U.S.C.A. 11th Circuit, 2017)

Harvest Family Church v. FEMA (U.S.C.A. 5th Circuit, 2017)
Harvest Family Church v. FEMA (Southern District of Texas, 2017)
Cambridge Christian School, Inc. v. Florida High School Athletic Association, Inc. (U.S.C.A. 11th Circuit, 2017)
Freedom From Religion Foundation v. Chino Valley Unified Sch. Dist. Bd. Of Educ. (U.S.C.A. 9th Circuit, 2017)
Bormuth v. Jackson (U.S.C.A. 6th Circuit, 2017)
Kennedy v. Bremerton School District (U.S.C.A. 9th Circuit, 2017)
Gaddy v. Georgia Department of Revenue (Supreme Court of Georgia, 2017)
American Humanist Association v. Birdville Independent School District (U.S.C.A. 5th Circuit, 2016)