



***WHEN CULTURE,
CONSCIENCE AND
CAREERS COLLIDE***

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

- First Amendment of the United States Constitution -



ADVOCATES
FOR FAITH & FREEDOM

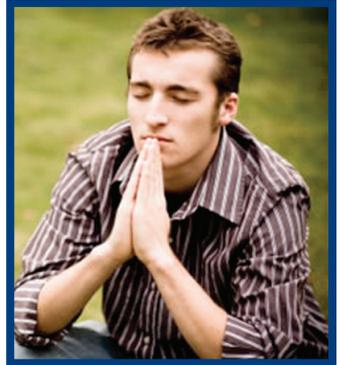


The Wisdom of Our Forefathers:

James Madison, the primary author of the Bill of Rights, wrote:

"The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate."

When the Bill of Rights was being drafted, the first U.S. Congress debated various provisions to protect every citizen's right of conscience. The right of conscience includes the right to choose your own religious belief. But, it was not enough to merely protect your "right to believe." Congress wanted to protect your right to act on your belief. Therefore, Congress adopted a more broadly worded clause we now know as the Free Exercise Clause of the First Amendment:



"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."

The Free Exercise Clause was not merely intended to protect one's conscience or abstract belief. Rather, it was intended to protect the physical "exercise" of one's faith, in addition to preventing the government from forcing a person to violate their conscience.

Unfortunately, the new millennium has brought "change" to the American culture. We now live in a culture that no longer holds the Free Exercise Clause in high esteem as did our forefathers. Despite the protections found in the First Amendment, our "progressive" culture has been pushing for changes in the law that are designed to minimize or completely extinguish your right of conscience and exercise of faith in the workplace.

The Intolerance of Change

In August 1999, Dr. Christine Brody, a Vista, California physician, began treating Ms. Lupita Benitez for infertility. At the outset of the extended treatment, Dr. Brody informed Ms. Benitez that as a Christian, her religious beliefs did not permit her to perform an IUI (intrauterine insemination) on any unmarried woman. An IUI is an elective, invasive procedure wherein donated sperm is introduced into a patient with the intent of creating a human life. Ms. Benitez and her partner were informed by Dr. Brody that should an IUI procedure become necessary, they would, at no expense, be referred to another physician.

When the other fertility procedures failed, Dr. Brody referred Ms. Benitez to a qualified physician for the IUI. Little did Dr. Brody know she was on a collision course with the California court system. Ms. Benitez objected to the referral contending she was discriminated against because she was a lesbian and filed a lawsuit against Dr. Brody, her medical partner Dr. Fenton, and their medical practice.

In May, 2008, (just two weeks after the California Supreme Court issued its landmark opinion creating a "constitutional right" to same-sex marriage under the California constitution) the California Supreme Court heard oral arguments regarding Dr. Brody's case. When the



state of California first began to adopt laws against workplace discrimination, they were intended to protect minorities from discrimination due to race, religion or creed. During recent years, the California Legislature expanded the laws to prohibit discrimination based on "sexual orientation".

Ms. Benitez and her attorneys asked the Court to rule that she has the right to hold her physician liable for discrimination based on sexual orientation simply because the physician chose not to inseminate her, and instead, referred her to another physician. Despite physician's offer to pay any additional expenses due to the referral, Ms. Benitez argued that her "rights" trumped the physician's rights to religious liberty under the Free Exercise Clause of the First Amendment to the U.S. Constitution.



The physicians argued that their religious beliefs dictated their actions in the workplace. Therefore, creating life in the womb of an unmarried woman was in conflict with their religious beliefs. Unfortunately, the Court was receptive to Ms. Benitez' argument, with one Justice comparing the refusal to inseminate a lesbian woman similar to discriminating against a woman just because she was African American.

The California Supreme Court ruled 7 to 0 against the physicians and issued yet another landmark decision. The decision had a monumental impact on religious liberty and the right of conscious. Simply stated, the Court was telling the physicians that when the clinic was open for business, they must leave their religious convictions in the parking lot. The choice was simple for the Court: Ignore your faith and inseminate all women regardless of your religious beliefs, or get out of business.

Yet as Dr. Brody states, *"All I want to do is be able to practice medicine without violating the religious beliefs that define me."*

Significantly, this ruling is NOT confined to the practice of medicine. The California Supreme Court believes that the State's desire to prohibit discrimination based on a person's sexual preference takes priority over your religious liberty.

The Court's application of the nondiscrimination law in this case arguably applies to every business in the state of California. For example, family law attorneys could be forced to provide their services to homosexual couples seeking to divorce and faith-based adoption agents could be forced to facilitate adoptions by same-sex couples.

CALIFORNIA IS NOT ALONE.....

Most states across the country have similar laws that will be used as a hammer against Christians in the future.

In New Mexico, a self-employed, female photographer was asked to perform services for a lesbian "commitment celebration." However, when she declined the work due to her religious convictions, the lesbian couple filed a complaint with the New Mexico Human Rights Commission. Following an investigation and hearing, the young artist was found to have violated the state's anti-discrimination laws and fined close to \$7,000.

Cases like these are showing up all over the country, and we must demand that our right to the "Free Exercise of Religion" as guaranteed by the US Constitution is respected.



"Freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed." - Martin Luther King, Jr.

WHERE DO WE GO FROM HERE?

If we do not fight back, the real meaning behind the Free Exercise will be lost to liberal courts like the California Supreme Court. As a result, Advocates is seeking cases to challenge the decision of the California Supreme Court in the federal court system.

For more than two centuries, the Free Exercise Clause of our Bill of Rights has protected the religious liberty of all Americans. It was once revered by both the government and citizens to have a deep and profound meaning to people of all faiths.

Past generations would never have imagined a doctor in the United States could be forced to ignore his or her religious convictions and instead be forced by state law to perform an elective medical procedure that would create a human life in the womb of an unmarried woman.

"Our natural, inalienable rights are now considered to be a dispensation from government, and freedom has never been so fragile, so close to slipping from our grasp as it is at this moment."
– Ronald Reagan



Together, we must vow to fight to protect our fundamental religious liberties guaranteed by the First Amendment and remind the courts of the reverence that must be given to the Free Exercise Clause. If we don't fight, our constitutional rights will be watered down to the extent that religious liberty, and freedom as we have known it, will lack significant meaning in America.



YOU CAN HELP ADVOCATES!

If you want to help Advocates for Faith and Freedom defend religious liberty for more Americans like Dr. Brody, please support our work! The fight is great - we cannot undertake it by ourselves - **we need your prayers and financial support.**



WE ARE YOUR VOICE IN THE COURTS!

- For the sanctity of life
- For the preservation of marriage
- For expressing your faith in public
- For family values in public education
- For student's rights to express their faith
- For churches that are discriminated against
- For the liberty of Christian businesses and business persons





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FOR FAITH & FREEDOM

Advocates for Faith and Freedom is a 501(c)(3) non-profit national legal organization dedicated to protecting religious liberty in the courts.

24910 Las Brisas Road, Suite 109, Murrieta, CA 92562
951.304.7583 • 888.588.6888 • www.faith-freedom.com