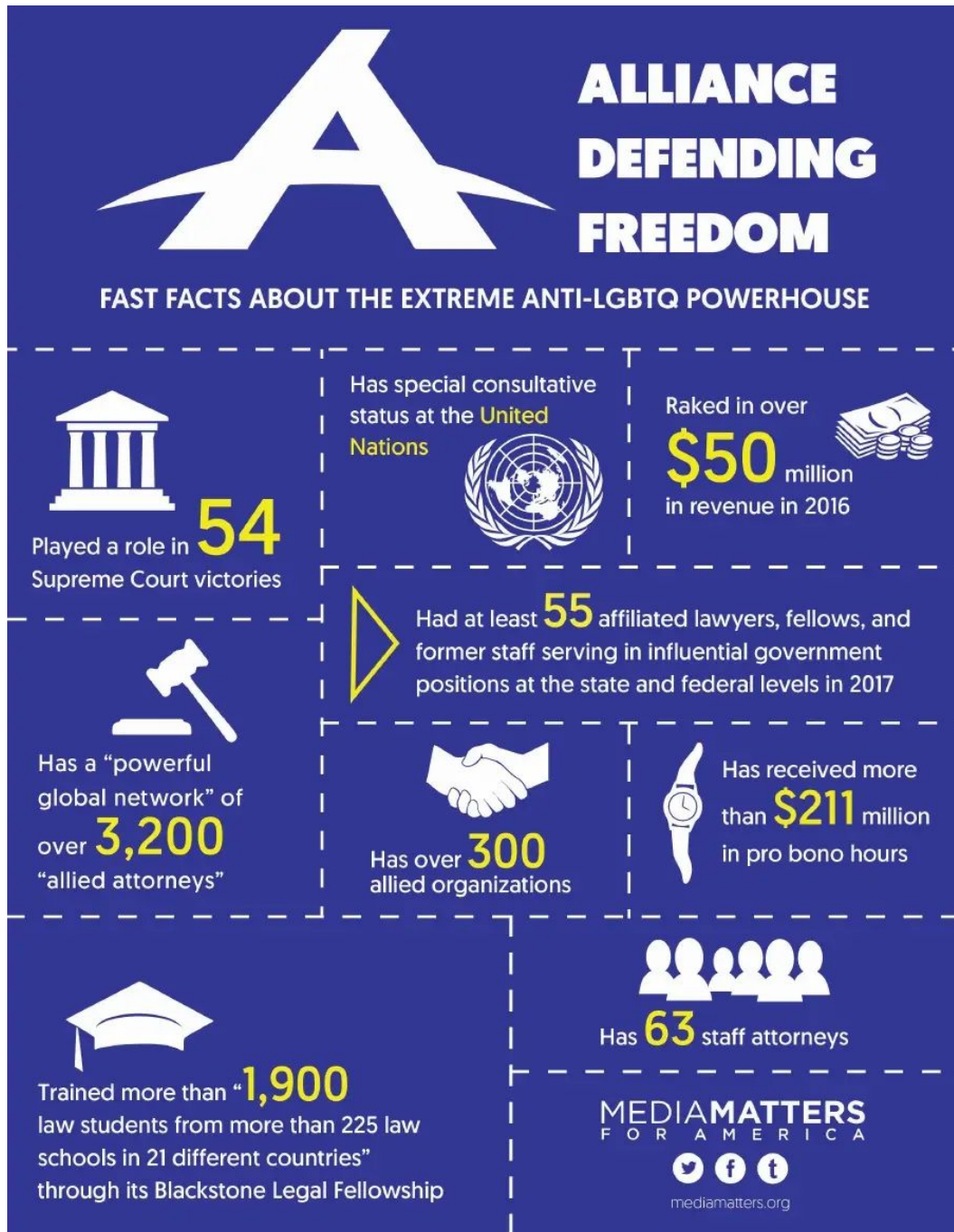


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Alliance Defending Freedom has an extremely shady network of thousands of attorneys



mediamatters.org/alliance-defending-freedom/alliance-defending-freedom-has-extremely-shady-network-thousands

Written by Kayla Gogarty



Update (5/20/19): On May 20, Media Matters published the second installment of this two-part investigation into ADF's network of allies in the government. The additional report includes a database of more than 100 ADF allied attorneys, Blackstone Legal Fellows, and current and former staff who held government positions at the local, state, and federal levels in 2018. The full database can be found [here](#)

Extreme anti-LGBTQ group Alliance Defending Freedom (ADF) is stunningly opaque about its large network of affiliated lawyers, what positions of influence they hold, and what beliefs they must agree to in order to be officially tied to the group.

ADF's lack of transparency is multifaceted. For one, many members in its network do not publicize their relationship with the organization. Additionally, on several occasions, ADF has claimed affiliations with individual attorneys or officials who have disputed their ties, or removed references to affiliations with individual attorneys or officials following reports that exposed those connections.

Through its Blackstone Legal Fellowship and allied attorney program, the number of ADF affiliated lawyers could be as high as 5,000 -- and many of those attorneys also have influential positions in government, ranging from local school boards to federal agencies. This legal network is one of the key tools in ADF's arsenal that allows it to affect policies that impact LGBTQ people across the country, but journalists and the public have very little information about it.

ADF is one of the most powerful anti-LGBTQ groups in the country

ADF is one of the largest and most influential anti-LGBTQ groups in the world, and it takes extreme positions on nearly every aspect of LGBTQ equality. The group has supported Russia's so-called "gay propaganda" law, defended the discredited and dangerous practice of conversion therapy, advocated against adoption and foster care by LGBTQ people, and supported policies that ban trans people from using facilities that align with their gender identity, as well as dozens of other positions that are dangerous to LGBTQ people.

ADF uses its revenue of more than \$50 million per year to advance its mission of "advocating for religious liberty, the sanctity of life, and marriage and family" through direct litigation, grant funding for other cases, and legal training programs. Since its founding in 1994, ADF has played a role in over 50 Supreme Court decisions, including cases regarding abortion and LGBTQ issues.

In the last few years, ADF has been involved in several high profile court cases in which it argued in favor of legal discrimination against LGBTQ people. Last June, the Supreme Court narrowly ruled in favor of ADF client Jack Phillips, a baker who refused to serve a gay couple, in the *Masterpiece Cakeshop v. Colorado Civil Rights Commission* case. The Supreme Court has taken on another ADF case for its upcoming term, *R.G. and G.R. Harris Funeral Homes Inc. v. Equal Employment Opportunity Commission*, which could determine whether civil rights protections in employment extend to LGBTQ employees.

ADF has influence through the large network of lawyers who have completed its Blackstone Legal Fellowship

Outside of its own staff and litigation, ADF seeks to influence the legal landscape by providing funding and training opportunities to create a large network of lawyers sympathetic to ADF's mission. ADF's Blackstone Legal Fellowship has been around since 2000, and the group reports that it "has trained more than 2,100 law students from more than 225 law schools in 21 different countries." ADF has written that the program seeks to train Christian law students "who will rise to positions of influence as legal scholars, litigators, judges, and perhaps even Supreme Court justices."

The Blackstone fellowship is a nine-week summer program that includes three weeks of training seminars and six weeks in legal internships, including in government entities. ADF says that "those selected to become 'Fellows'" at the end of the program "receive ongoing training, resources, and support through an international community," and the group boasts that its alumni "are serving on law reviews, securing clerkships, joining major firms, working in the government and nonprofit sectors, and accepting positions in academia and the judiciary."

ADF spends hundreds of thousands of dollars on its fellowship program; in 2019, expenses per person include \$6,300 in scholarship funding, several flights, lodging, and weeks of meals for its interns. But as a result, the organization reaps the benefits of fostering a large network of potentially influential conservative lawyers at the onset of their careers. ADF has additional training programs for young legal professionals or students and recent graduates "on a path to future leadership in law, government, business, and public policy."

ADF also has a network of more than 3,300 allied attorneys

In addition to its training programs for law students and new attorneys, ADF has created what it calls a "powerful global network" of over 3,300 "allied attorneys." Attorneys in the network receive opportunities for funding, access to ADF's legal resources, and additional training programs; in return, allied attorneys provide pro bono service to ADF, such as litigation, amicus briefs, media work, "legal services to churches & religious non-profits," and "research assistance, legal advice, and drafting of bills for legislators,

policy makers, administrative agencies, etc. relating to religious liberty, sanctity of life, and marriage & family.”

ADF can activate these allied attorneys when it learns about LGBTQ-related events to quickly get involved in cases down to the local level. In turn, these attorneys can also alert ADF to LGBTQ-related matters in their localities and bring the force of a national group to their backyards. ADF has written that it “depends upon its network of attorneys and others to bring appropriate matters to our attention.”

ADF notes that its allied attorneys must agree to a statement of faith as part of their application. In the past, ADF’s FAQ page about the program linked directly to an 11-point statement on its website that opposes trans identities and same-sex marriage and lumps in “homosexual behavior” and “acting upon any disagreement with one’s biological sex” with bestiality and incest as “forms of sexual immorality” that are “sinful and offensive to God.” However, after a detailed report on the program and its influence by Sarah Posner in *The Nation*, ADF said that allied attorneys “do not have to agree to the same statement of faith as employees” and removed links to the statement.

ADF specifically encourages government attorneys to join the allied attorney program. On its FAQ, ADF notes that government attorneys who are “prohibited from doing private pro bono litigation” can instead provide ADF with “legal research, educational presentations, or other types of work related to Alliance Defending Freedom mission areas.”

Between its allied attorneys and Blackstone fellows, ADF has a network of legal allies that reach across the globe and hold an unknown number of U.S. government positions.

ADF operates with an extreme lack of transparency about its training programs and allied attorneys

ADF is extremely opaque about its programs and has worked to keep details about them from the public, such as removing mentions of its allied attorneys’ statement of faith after *The Nation*’s investigation. It also does not release a comprehensive list of people who participate in its programs, and many of its participants and alumni do not publicly identify their relationship with ADF. A noncomprehensive *Media Matters* review of allied attorneys mentioned on ADF’s website found only 300 of its reported 3,300 members, many of whom were mentioned on pages that are now archived. Additionally, it is unclear whether allied attorneys remain counted in the network for life, or whether the 3,300 number includes former allied attorneys, some of whom could have cut their

official ties with the group with no public record. The number of allied attorneys could thus be larger than the 3,300 claimed by ADF.

Additionally, it seems that some participants in these programs are unaware of their status as allied attorneys or may have avoided publicizing it during judicial nomination processes. For example, confirmed federal Judge Jeremy Kernodle submitted answers to the U.S. Senate Committee on the Judiciary during his nomination stating that he served as an allied attorney with ADF on a 2017 case. But in a later questionnaire, he asserted that he “did not apply or request to be an ‘allied attorney’ with ADF” and first “discovered that ADF had listed [him] as an ‘allied attorney’” when he began preparing responses to the questionnaire for his nomination. Kernodle continued that he only worked with ADF on one case and was “not certain when” he first became an allied attorney.

Another now-confirmed federal judge, Kyle Duncan, reported participating in several speaking engagements for ADF but did not report his status as an allied attorney in his nomination questionnaire or in follow-up questions to the Senate Judiciary Committee. ADF, however, previously documented his affiliation as an allied attorney while Duncan served in the Louisiana Department of Justice.

Other reporting discrepancies further underscore the opacity surrounding ADF’s networks. Posner’s report in *The Nation* identified Noel Francisco, the Trump-Pence administration’s solicitor general, as an ADF allied attorney, citing two different ADF press releases explicitly stating that Francisco is one of “more than 3,000 private attorneys allied with ADF.” After publication, however, ADF “contacted *The Nation*, claiming that Francisco has never been an allied attorney.” According to the attached editor’s note, ADF called the press releases “our mistake” and claimed that its “media dept. got it wrong.” ADF promptly rewrote its press releases but did not issue corrections on either of them.

In another instance, *Media Matters* identified an attorney at a major law firm as an allied attorney based on another ADF press release, but his law firm reached out to say that was incorrect and due to a typo in the ADF press release that named him as such.

Though ADF makes it clear that government employees can join its allied attorney program, it does not publicly specify which positions might make participants ineligible to remain in the network. However, it does appear that judges may have to cut ties with the group. For example, after Jamie Anderson was appointed as a county judge in Minnesota, ADF wrote that she will “no longer participate as an Allied Attorney for obvious reasons.” Additionally, Steve Christopher’s LinkedIn profile says that he

stopped being an ADF allied attorney in March 2013, the same month he became a judge in Hardin County, Ohio.

Understanding ADF's influential and opaque network is key to knowing how it shapes anti-LGBTQ policy

Between its Blackstone Legal Fellowship and allied attorney program, ADF's network could include more than 5,000 lawyers. A 2017 *Media Matters* review of just a few hundred of those attorneys found that at least 55 had government positions, and the number in 2018 was at least twice that.

In addition to its role in promoting anti-LGBTQ policies through the courts, ADF also directly shapes legislation at the state level, such as anti-trans “bathroom bills” and sweeping religious exemptions laws that make it easier to discriminate against LGBTQ people. Its allies sit in federal agencies and on federal courts, among other influential places, and have countless ways to affect policy. Many journalists do not have the information they need to draw the connections between these decision makers and the national group driving much of the anti-LGBTQ policies in the country.

In Wisconsin, journalists and advocates have published several articles about a state Supreme Court justice-elect who received thousands of dollars for speeches to ADF and was a Blackstone Legal Fellow. Journalists, policymakers, and the public need to know about ADF's network of allies in government in order to ask them how these associations affect their decision making and whether they stand by the extreme anti-LGBTQ beliefs of the group. Understanding ADF's programs and network is crucial to knowing the full scope of its influence on LGBTQ-related policies at every level of governance.

This is the first part of a two-part investigation into ADF's network of allies in the government.

Additional research by Brennan Suen

Anti-LGBTQ powerhouse Alliance Defending Freedom had more than 100 allies in influential government positions in 2018



mediamatters.org/alliance-defending-freedom/anti-lgbtq-powerhouse-alliance-defending-freedom-had-more-100-allies

Written by Kayla Gogarty



This is the second part of a two-part investigation into ADF's network of allies in the government. Read the first part [here](#) and click [here](#) for Media Matters' database of more than 100 ADF allied attorneys, Blackstone Legal Fellows, and current and former staff who held a government position in 2018.

In 2018, extreme anti-LGBTQ group Alliance Defending Freedom (ADF) had allies in more than 100 positions throughout local, state, and federal government, according to a *Media Matters* analysis of a fraction of its network of thousands of lawyers.

ADF allies in government have positions in multiple federal agencies, the U.S. Congress, state legislatures, school boards, city councils, and even federal courts. For years, ADF said it would work to “reclaim our nation’s judicial system” and advance its right-wing,

anti-LGBTQ legal agenda through its staff and allies, including a vast allied attorney network, its Blackstone Legal Fellowship, and other training programs for conservative Christians interested or working in the legal profession.

ADF has a troubling lack of transparency about its network of attorneys, which is particularly concerning given that so many of its allies hold influential positions in the government. To shed some light on ADF's government influence, *Media Matters* has identified over 100 former ADF employees, allied attorneys, or participants in its Blackstone Legal Fellowship who held government positions in 2018. They likely represent only a fraction of the total number, as ADF claims to have thousands of allies in its networks whose associations with the group are difficult or impossible to track down.

Media Matters determined each individual's ADF affiliation based on news reporting, ADF's website and press releases, archived ADF newsletters, self-reporting on LinkedIn or in professional bios, university materials and pamphlets, and other publicly available sources. This research also benefited from the Rewire.News database of over 100 ADF Blackstone Legal Fellowship alumni. *Media Matters* has previously identified over 50 ADF alumni who served as government officials in 2017, and in February, we reported nearly 300 allied attorneys that ADF identified in dozens of press releases and other posts on its website.

ADF has allies working in state or local government positions in more than 25 different states and across the federal government, including the judiciary. Below is a selection of notable ADF allies from our database who hold several types of positions in government.

ADF allies in federal agencies

The Trump-Pence administration has enacted many of its worst anti-LGBTQ policies through federal agencies. For example, the Department of Health and Human Services has implemented policies making it easier for health care workers to refuse care to LGBTQ people based on religious beliefs; the Department of Defense has barred transgender service members from serving; and the Department of Education has rolled back guidance protecting transgender students, just to name a few. All of these departments employ ADF allies who may be able to affect and interpret LGBTQ-related policy changes.

Several ADF allies have notable positions in federal agencies:

- Kerri Kupec, former ADF legal counsel and director of communications, serves as director of the Office of Public Affairs at the U.S. Department of Justice, where she has defended the Trump-Pence administration's policy of prohibiting transgender people from serving in the military. While at ADF, Kupec praised the current administration for rescinding the Obama administration's guidance for trans-inclusive school facilities. Kupec held several positions in the DOJ Office of Public Affairs before becoming its director. She also served as a White House spokesperson helping with confirmation of Justice Brett Kavanaugh to the Supreme Court. During that time, the White House briefed ADF President Michael Farris with private information about the FBI investigation into reports that Kavanaugh had sexually assaulted professor Christine Blasey Ford while they were in high school.
- Former ADF senior legal counsel Matt Bowman currently works as deputy general counsel for the Department of Health and Human Services, which has notably been employing prominent right-wing religious activists under the Trump-Pence administration. The department started a conscience and religious freedom division and recently finalized a "Protecting Statutory Conscience Rights in Health Care" rule, both of which make it easier for health care providers to deny services to LGBTQ people, among others. In fact, Bowman reportedly helped craft HHS regulations rolling back the Obama administration's mandate requiring health insurance plans to cover birth control under the Affordable Care Act. While at ADF, Bowman represented the anti-abortion group March for Life in a 2014 lawsuit against the Obama-era mandate. Also during that time, Bowman wrote an op-ed arguing that the Obama administration's LGBTQ-inclusive HHS regulations posed an "urgent threat against the rights of many Christian and pro-life institutions and individuals regarding their beliefs about the sanctity of human life and sexuality."

ADF allies in federal and state courts

The Trump-Pence administration has nominated at least seven ADF allies for federal judgeships, and several federal courts include ADF allies as law clerks. ADF-affiliated judges are part of the Trump administration's broader effort to "reshape the American judicial system" by filling the courts with conservative judges.

Five federal judicial nominees with ties to ADF have been confirmed under the Trump-Pence administration:

- Allison Jones Rushing was confirmed to the 4th Circuit U.S. Court of Appeals in March 2019 even after LGBTQ and civil rights groups highlighted her previous internship with ADF. In her Senate Judiciary Committee nomination questionnaire, Rushing also noted her participation in speaking engagements for ADF as recently as 2017.
- Allied attorney Kyle Duncan on the U.S. Court of Appeals for the 5th Circuit. Prior to his judicial appointment, Duncan was involved in several LGBTQ-related cases, including “defending Louisiana’s ban on same-sex marriage” and representing a Virginia school board in its case against a transgender high school student who wanted access to facilities that aligned with his gender identity.
- Former Blackstone fellow Joseph Toth serves on the U.S. Court of Appeals for Veterans Claims. His presence could impact LGBTQ veterans – particularly transgender veterans who already face difficulty accessing necessary medical benefits – now that the Trump-Pence administration has recently implemented its ban on transgender service members.
- Allied attorney Michael Joseph Juneau serves on the U.S. District Court for the Western District of Louisiana after being confirmed in 2018.
- Jeremy Kernodle serves as a federal judge for the U.S. District Court for the Eastern District of Texas after he was confirmed in 2018. Kernodle identified himself as an ADF allied attorney during the confirmation process but later asserted that he was not aware of his listing as an allied attorney until he began preparing for his nomination.

The 2017 federal judicial nomination of ADF allied attorney Jeff Mateer was withdrawn after some of his extreme anti-LGBTQ comments were uncovered. He remains the first assistant attorney general in Texas. ADF allied attorney and former ADF senior counsel Thomas Marcelle is still awaiting Senate confirmation after his January re-nomination.

Outside of federal courts, there are also at least two state Supreme Court justices with ADF connections:

- Nels Peterson completed the Blackstone Legal Fellowship in 2002 and now serves as a Georgia Supreme Court justice after being appointed in 2017.
- Blackstone Legal Fellow Brian Hagedorn was elected to the Wisconsin Supreme Court in April after previously serving on the state’s Court of Appeals. Hagedorn has an extensive history of anti-LGBTQ positions, such as arguing that “the idea that homosexual behavior is different than bestiality as a constitutional matter is unjustifiable. There is no right in our Constitution to have sex with whoever or whatever you want in the privacy of your own home (or barn).”

ADF allies are representatives in Congress and state legislatures

According to Freedom for All Americans, more than 150 anti-LGBTQ bills were introduced in state legislatures in 2018. ADF has played a direct role in shaping anti-LGBTQ legislation at the state level, including creating and distributing anti-LGBTQ model policies such as its “Student Physical Privacy Policy.” In 2017, legislatures in at least eight states introduced policies resembling that model. ADF also helped write, promote, and justify a discriminatory law in Mississippi that gives religious organizations, businesses, and individuals broad license to legally discriminate against LGBTQ people.

There were at least seven ADF-affiliated lawmakers in the U.S. Congress and state legislatures in 2018:

- In Congress, allied attorney and former ADF lawyer Mike Johnson represents the 4th District of Louisiana in the U.S. House of Representatives. Johnson was previously a state representative and sponsored a religious exemptions bill that would have made it easier to discriminate against LGBTQ people.
- Arizona's J.D. Mesnard is concurrently working as both a state senator and a regional director for ADF's Church Alliance. As part of the Church Alliance, Mesnard has to agree to ADF's statement of faith which includes rejecting transgender people, same-sex relations, and sex outside of marriage. Prior to becoming a state senator in 2019, Mesnard served as a state representative for eight years, including two years as speaker of the House. While speaker, Mesnard released a workplace harassment policy for the state House that did not include protections for LGBTQ representatives.
- Former senior counsel and allied attorney Steve O'Ban serves as a Washington state senator, a position he has held since 2013. ADF's website noted that his time on staff there overlapped for several years with his time as a legislator. As a state senator, O'Ban voted against a bill protecting LGBTQ youth from the harmful and discredited practice of conversion therapy. In 2016, while both serving as a state senator and working for ADF, O'Ban sued the U.S. Department of Education on behalf of a school district that did not want to implement trans-inclusive facilities. He also argued in favor of suspending the Iowa Civil Rights Act for including protections based on gender identity.
- ADF allied attorney Matt Shea has served as Washington state representative for over a decade, and he touts his ties to ADF in both his campaign and government

biographies. Shea is also a co-founder of the Washington Family Foundation, which is an anti-LGBTQ organization that later merged with the Family Policy Institute of Washington. The group is affiliated with the Family Policy Alliance and extreme anti-LGBTQ group Family Research Council. During his 2018 reelection campaign, Shea acknowledged that “he had distributed a four-page manifesto titled ‘Biblical Basis for War,’” which included violent language about people who flout “biblical law,” stating, “If they do not yield - kill all males.” It also condemned abortion and same-sex marriage. As a state representative, Shea has voted against multiple bills promoting LGBTQ equality, and he sponsored several anti-LGBTQ bills, including one defining marriage as between a man and a woman and another that would limit access for transgender people to facilities consistent with their gender identity. His extreme views expand beyond anti-LGBTQ rhetoric; Shea also has a history of working with anti-Muslim and militia groups.

- Former Illinois state Rep. Peter Breen, Louisiana state Rep. Alan Seabaugh, and former Missouri state Rep. Kevin Corlew are some of the other state lawmakers connected to ADF.

ADF allies are state attorneys general and solicitors general, and they are in state attorneys general offices

The mandate of a state attorney general varies by state, but they are generally considered the state’s top legal official and “advise and represent their legislature and state agencies and act as the ‘People’s Lawyer’ for the citizens.”

ADF has at least two allied attorneys serving as state attorneys general:

- Alaska Attorney General Kevin Clarkson has been tied to ADF for more than two decades, attending its first training program in 1997 and ultimately providing ADF with more than 10,000 hours of pro bono service. Notably, Clarkson served as local counsel alongside ADF in an ongoing case in Alaska regarding a women’s homeless shelter that denied entry to a transgender woman. He withdrew from the case the day after being appointed to his current position. As attorney general, Clarkson has broad powers to advise the governor and represent the state in legal matters, “including the furnishing of written legal opinions to the governor, the legislature, and all state officers and departments,” which can include supporting and defending anti-LGBTQ bills. In a 2019 interview with

Clarkson, ADF wrote that he “remains committed to ADF ideals” as attorney general.

- Montana Attorney General Timothy Fox is also an ADF allied attorney. Fox worked alongside ADF as local counsel on behalf of a church that was accused of violating state election law after congregants signed petitions for an amendment to the state constitution limiting the definition of marriage between a man and woman. Fox has used his office to fight against LGBTQ rights such as same-sex marriage and trans-inclusive facilities.

Many states appoint solicitors general to oversee “the appellate operation in state attorney general offices.” State solicitors general can oversee the “preparation of legal opinions and appellate litigation,” determine whether the state should write or join amicus briefs, and even argue before the U.S. Supreme Court on behalf of their state, as ADF ally and Montana Solicitor General Dale Schowengerdt has done.

ADF affiliates served as solicitors general in Montana and Nevada in 2018:

- Former ADF senior counsel Dale Schowengerdt serves alongside state Attorney General Tim Fox as Montana’s solicitor general. As senior counsel for ADF, Schowengerdt was involved in several anti-LGBTQ cases, including representing a florist who refused to provide flowers for a same-sex wedding and a church that promoted an anti-LGBTQ ballot initiative. Schowengerdt has also repeatedly advocated against same-sex marriage.
- Lawrence VanDyke, who served as Nevada’s solicitor general from January 2015 through January 2019, is a former allied attorney and Blackstone Legal Fellow. In 2014, VanDyke lost his election for Montana Supreme Court justice despite financial support from anti-LGBTQ group the Family Research Council, ADF allied attorney and president of the Liberty Institute Kelly Shackelford, Blackstone Legal Fellow and current Texas Deputy Attorney General for Legal Counsel Ryan Bangert, ADF attorney Gary McCaleb, and current HHS Office of Civil Rights Director Roger Severino. VanDyke is now a deputy assistant attorney general for the U.S. Department of Justice.

In addition to these positions, ADF affiliates also staff attorneys general offices in states across the country, including Alaska, Arizona, Montana, Nevada, and Texas. In fact, there are four ADF affiliates in both the Arizona and Texas attorneys general offices:

- ADF allies Evan Daniels, Joseph La Rue, Angelina Nguyen, and Esther Winne all work in Arizona’s attorney general office. The office has submitted briefs in

support of ADF clients Jack Phillips, Breanna Koski, and Joanna Duka in cases working to overturn LGBTQ-inclusive nondiscrimination policies.

- ADF allies David Hacker, Heather Hacker, Jeff Mateer, and Austin Nimocks all worked in Texas' attorney general office in 2018, though Nimocks has since left. Additionally, ADF Blackstone Fellow Ryan Bangert moved from the Missouri attorney general office to the Texas attorney general office in January 2019. The office has supported Texas' anti-LGBTQ "bathroom bill," which would have required transgender people in the state "to use bathrooms in public schools, government buildings and public universities" that do not align with their gender identity. It also joined 10 other states in suing the Obama administration over guidelines protecting trans students, and it filed legal briefs in support of the Trump-Pence administration's discriminatory position against trans-inclusive bathroom policies. The office also submitted an amicus brief in support of ADF's client Phillips alongside Arizona and several other states.

Additional research by Brennan Suen and Rebecca Damante.

Here are 300 of extreme anti-LGBTQ group Alliance Defending Freedom's reported 3,300 allied attorneys



mediamatters.org/alliance-defending-freedom/here-are-300-extreme-anti-lgbtq-group-alliance-defending-freedoms

Written by Media Matters Staff



Extreme anti-LGBTQ group Alliance Defending Freedom (ADF) regularly touts its network of over 3,300 allied attorneys, who apparently agree with the organization's anti-LGBTQ statement of faith and provide pro bono legal support on behalf of the group, but only a fraction of those allies are easily identifiable online. ADF has also removed mentions of U.S. Solicitor General Noel Francisco as an allied attorney from its website, adding to the program's opacity. As ADF has no easily accessible record of its allied attorney network, *Media Matters* has compiled a list of nearly 300 of the attorneys by sifting through dozens of press releases and other posts on the group's website.

ADF is one of the largest and most powerful anti-LGBTQ groups in the nation and has played a role in over 50 Supreme Court decisions, including cases regarding abortion, religion, tuition tax credits, and LGBTQ issues. The legal powerhouse has taken dozens

of extreme anti-LGBTQ positions, such as supporting Russia's so-called "gay propaganda" law, defending the discredited and dangerous practice of conversion therapy, advocating against adoption and foster care by LGBTQ people, and supporting policies that ban trans people from using facilities that align with their gender identity. To advance its mission, ADF uses its more than \$50 million in revenue to provide attorneys with "the resources, training, and support they need to stand boldly for religious freedom, the sanctity of life, and marriage and family."

ADF has built a vast alliance of lawyers and supporters through its legal and religious training programs, and the group has what it calls a "powerful global network" of over 3,300 "allied attorneys." These allied attorneys receive opportunities for funding, access to ADF's legal resources, and additional training opportunities in exchange for a commitment to provide pro bono service, such as litigation support, media work, and aid to legislators and policymakers. ADF can activate these attorneys when it learns about LGBTQ-related events and, with their help, quickly involve itself in matters reaching down to the local level. In turn, these attorneys can also alert ADF to LGBTQ-related matters in their localities and bring the force of a national group to their backyards.

ADF's influence is widespread; the organization has dozens of alumni and allies in influential government positions across the country. But ADF operates with an extreme lack of transparency, particularly regarding its allied attorneys, who often do not publicly identify themselves as such. It has even previously retracted its affiliation with a high-profile figure who it had reported as an ally.

A 2017 investigative report by Sarah Posner in *The Nation* identified Noel Francisco, the Trump-Pence administration's solicitor general, as an ADF allied attorney, citing two different ADF press releases explicitly stating that Francisco is one of "more than 3,000 private attorneys allied with ADF." After publication, however, an editor's note was attached noting that ADF "contacted *The Nation*, claiming that Francisco has never been an allied attorney" and calling it "our mistake" because its "media dept. got it wrong." ADF promptly rewrote its press releases but did not issue corrections on either of them.

In the update, *The Nation* reported that ADF claimed in its email about Francisco that "its allied attorneys are not required to agree to the statement of faith [*The Nation*] found linked to within ADF's FAQs about applying to the program." The update continued:

That statement of faith includes a commitment to believing in the divinity of Jesus Christ, that God designed marriage for one man and one woman, and that homosexual behavior is "sinful and offensive to God." Later in the day, that FAQ

page, too, was changed. It had read, “The application requires affirmation of agreement with our statement of faith,” linking to the statement we quoted in the story [see screenshot here]. ADF’s website now omits that clause, reading only, “You become a part of the ADF Attorney Network by formally applying and being accepted as an Allied Attorney.” But the link on the web page, before it was changed yesterday, took one to the same statement of faith that employees must agree to.

The actual application page, however, still states that you can become an allied attorney by “filling out an application online and agreeing to a statement of faith.”

These discrepancies underscore the opacity surrounding both ADF’s network of allied attorneys and the process involved in becoming one. Testimony from a recent judicial nominee only adds to this confusion. In submitted answers to the U.S. Senate Committee on the Judiciary, federal judge nominee Jeremy Kernodle stated that he was an allied attorney with ADF on a 2017 case. In response to follow-up questions, Kernodle clarified that he “did not apply or request to be an ‘allied attorney’ with ADF”; “discovered that ADF had listed [him] as an ‘allied attorney’” when he began preparing responses to the questionnaire; and was “not certain when that first occurred.”

ADF’s lack of transparency around its allied attorney program is particularly troubling given the group’s widespread influence. *Media Matters* has compiled a list of nearly 300 allied attorneys identified in various places on ADF’s website – but this is only a small fraction of the 3,300 allied attorneys whom ADF claims are in its network. It is unclear whether ADF’s allied attorneys remain as such for life or whether the 3,300 number includes former allied attorneys, some of whom could have cut their official ties with the group with no public record. It is imperative that media include this context when reporting about these attorneys or their involvement in LGBTQ issues and other human rights matters.

There are several notable allied attorneys on this list, including multiple state attorneys general, lawyers at major firms, and legislators

Allied attorneys are serving in positions across all three branches of the federal government and within state governments:

- In Congress, allied attorney and former ADF lawyer Mike Johnson currently represents the 4th District of Louisiana in the U.S. House of Representatives.

Johnson was previously a state representative and sponsored a religious exemptions bill that would have made it easier to discriminate against LGBTQ people.

- Trump-appointed federal Judge Kyle Duncan, the former general counsel for Becket Law, has also been labeled an allied attorney and has a history of opposing LGBTQ equality. While at Becket, which has represented anti-LGBTQ clients in the past, Duncan authored an amicus brief for the Supreme Court opposing marriage equality and was counsel in a case almost heard by the Supreme Court supporting a school's discriminatory anti-trans bathroom policy.
- Kerri Kupec, former ADF legal counsel and director of communications, currently serves in the executive branch as director of the Office of Public Affairs at the Department of Justice and has defended the Trump administration's policy of prohibiting transgender people from serving in the military.
- ADF allied attorneys also serve as attorneys general -- or in their offices -- in states across the country, including Alaska, Arizona, Montana, Nevada, and Texas. In particular, allied attorneys Kevin Clarkson and Timothy Fox serve as the attorneys general of Alaska and Montana, respectively. ADF has also labeled Nevada Solicitor General Lawrence VanDyke an allied attorney.

ADF's allied attorney network also extends to influential private law firms:

- Allied attorney Tim Swickard is a shareholder at Greenberg Traurig. Greenberg Traurig "placed 14th on The American Lawyer's 2018 Am Law 200 ranking" according to law.com, and "ranked as the 19th highest grossing law firm in the world" on the 2018 Global 200 Survey, bringing in \$1,477,180,000 in gross revenue. According to the firm's website, it also "received the most overall first-tier rankings in the *U.S. News* – Best Lawyers 'Best Law Firms' report" for eight years in a row. In 2011, Swickard worked with ADF in a case against University of California-Davis, with ADF claiming the university's religious nondiscrimination policy explicitly discriminated against Christian students because it focused on "institutionalized oppressions toward those who are not Christian" and "to those who do not practice the dominant culture's religion."
- Allied attorney Jay T. Thompson is a partner at Nelson Mullins, which "placed 87th on The American Lawyer's 2018 Am Law 200 ranking" according to law.com, and "ranked as the 110th highest grossing law firm in the world" with \$405,426,000 in gross revenue. According to Nelson Mullins, Thompson "devotes time in his legal practice to the protection of religious liberties" which is consistent with Thompson sending letters on behalf of ADF supporting prayer

before public meetings in South Carolina after some organizations complained that the prayers violated the rights of non-religious attendees and others.

- Allied attorney Rob McCully is a partner at Shook, Hardy & Bacon, which “placed 99th on The American Lawyer's 2018 Am Law 200 ranking” and “ranked as the 130th highest grossing law firm in the world” with \$350,700,000 in gross revenue. McCully has experience with litigation involving “government enforcement matters,” and he co-wrote an amicus brief for ADF arguing that the Federal Communications Commission should have been able to censure “indecent language broadcast during Fox’s televised Billboard Music Awards” after an appellate court overturned the censure.

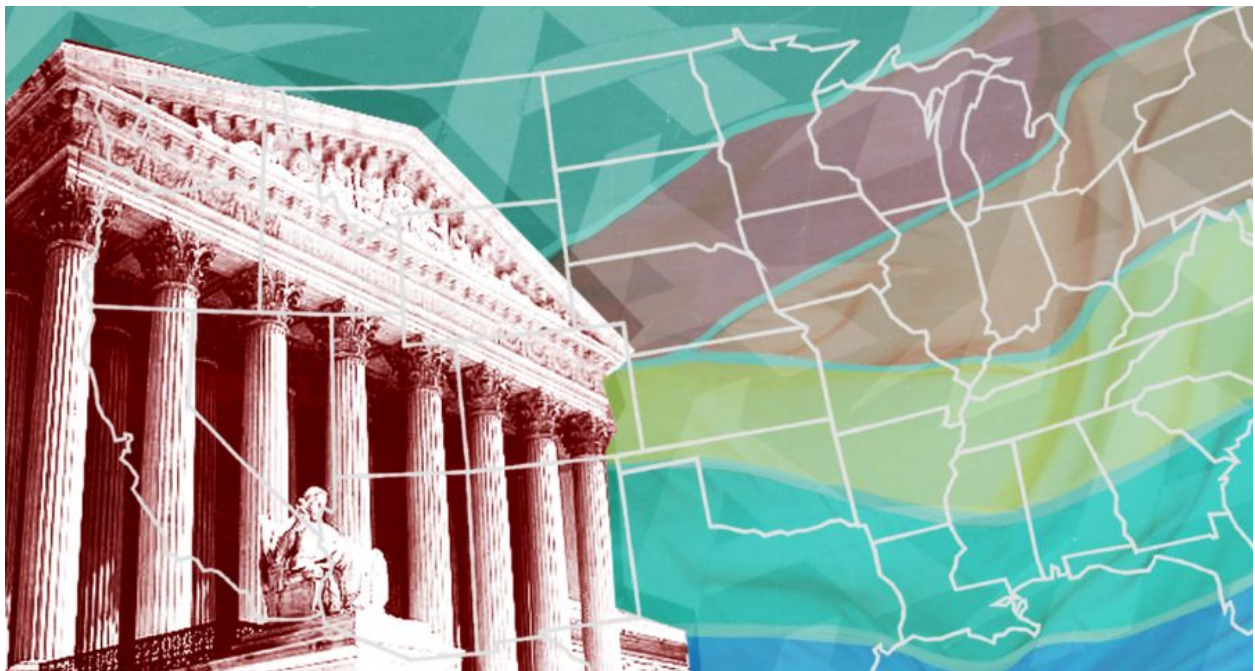
Editor's note (3/26/19): An earlier version of the post identified Nathan Adams IV, partner at law firm Holland & Knight, as an ADF allied attorney. After publication, Holland & Knight reached out to tell Media Matters that that was not the case. The firm noted that there is a typo in an ADF press release that identified Adams as an allied attorney. The press release is still live on at least one page of ADF's website, while another link to it is now defunct (the archived version can be found [here](#)). This is not the first time that ADF has inaccurately labeled its allied attorneys in a press release.

It's not just Masterpiece Cakeshop: Alliance Defending Freedom is attacking nearly every aspect of LGBTQ equality



mediamatters.org/new-york-times/its-not-just-masterpiece-cakeshop-alliance-defending-freedom-attacking-nearly-every

Written by Brennan Suen



ADF will argue the Masterpiece Cakeshop case before the Supreme Court on December 5

On December 5, ADF is arguing on behalf of the plaintiff -- a Christian baker who refused to make a cake for a same-sex wedding -- in the Masterpiece Cakeshop Supreme Court case. On December 5, ADF will argue before the Supreme Court on behalf of plaintiff Jack Phillips in the Masterpiece Cakeshop v. Colorado Civil Rights Commission case. A gay couple sued Phillips, a Christian baker, after he refused to bake a cake for their

wedding, and the Colorado Court of Appeals has ruled against Phillips and ADF's arguments that his First Amendment rights were violated. The case may determine whether businesses serving the public have the right to discriminate against LGBTQ people using religious exemptions. According to The New York Times, LGBTQ advocates contend that a Supreme Court ruling in favor of Phillips "would mark the marriages of gay couples as second-class unions unworthy of legal protection" and could "amount to a broad mandate for discrimination" against LGBTQ people. [The New York Times, 9/16/17; C-SPAN, 12/5/17]

In this report, Media Matters looks at the ways ADF's work affected LGBTQ rights in 2017

ADF led the effort to prevent transgender students from using the restrooms that align with their gender identity

ADF sent a model "Physical Privacy Policy" to "public school districts nationwide" advocating for anti-trans bathroom policies in schools and sent targeted letters to multiple school districts. ADF sent its model "Physical Privacy Policy" to "public school districts nationwide" in August, which advocated that transgender students use "restrooms, locker rooms, showers, similar school facilities, and school-related overnight accommodations" that match the "sex as listed on the person's original birth certificate." At least eight states have proposed policies mirroring ADF's over the last year. In addition, ADF sent letters to specific school districts and all districts in the state of Minnesota that often included veiled threats of litigation. [Media Matters, 11/27/17]

ADF and its allied attorneys participated in at least five lawsuits against or on behalf of school districts involving their restroom policies. ADF and its allied attorneys directly inserted themselves into at least five lawsuits involving schools across the country, either filing briefs in support of schools that implemented discriminatory policies or suing school districts in order to overturn trans-inclusive restroom policies. [Media Matters, 11/27/17]

ADF-allied attorneys testified at school meetings in at least three states against trans-inclusive school district policies. ADF lawyers and allied attorneys testified in at least three school board meetings against trans-inclusive policies in Georgia, Minnesota, and Pennsylvania school districts. [Media Matters, 11/27/17]

At least 10 proposed statewide “bathroom bills” in 8 different states, as well as a few school policies, had language resembling ADF’s model policy. The ACLU reported that 28 anti-trans “bathroom bills” were introduced or were active in 2017, and an analysis by Media Matters found that at least 10 of those bills had language resembling ADF’s model policy. At least two school district policies also had language mirroring ADF’s. In one example, the introduced bill – Arkansas Physical Privacy And Safety Act – was nearly identical to ADF’s model policy. Montana’s ballot Initiative 183, a “proposed 2018 ballot initiative that would force transgender people to use only those restrooms or locker rooms that match their biological sex as listed on their original birth certificate,” also mirrored language from ADF’s policy. [Media Matters, 11/27/17]

ADF filed lawsuits and worked with lawmakers and government officials to broadly legalize discrimination against LGBTQ people

ADF advised Jeff Sessions on Justice Department guidance that made it easier to discriminate against LGBTQ people under the guise of “religious freedom.” According to ABC News, ADF advised Attorney General Jeff Sessions on Justice Department guidance released in October that makes it easier for people, businesses, and government employees to discriminate against LGBTQ people under the guise of “religious freedom.” ADF met with Sessions in a series of “listening sessions.” According to NBC News, Sessions had promised a new guidance in a July speech to the group, saying President Donald Trump “directed me to issue guidance on how to apply federal religious liberty protections. The department is finalizing this guidance, and I will soon issue it.” The guidance gives license for religious employers to discriminate against LGBTQ individuals, single mothers, divorced persons, and other groups, including saying that they can “employ only persons whose beliefs and conduct are consistent with the employers’ religious precepts.” From ABC News’ October 6 report:

Attorney General Jeff Sessions consulted Alliance Defending Freedom, a legal advocacy group that champions conservative Christian causes, ahead of issuing controversial guidance to government agencies and departments on Friday about how to interpret federal religious liberty protections.

Alliance Defending Freedom (ADF), a group whose stated mission is to “keep the doors open for the Gospel by advocating for religious liberty, the sanctity of life, and marriage and family,” hailed Sessions’ announcement, while a number of leading

LGBT advocacy groups condemned the move for effectively offering a religious exemption for sexual orientation discrimination.

In a call with reporters, ADF senior counsel Greg Baylor confirmed to ABC News that Sessions met with the group during a series of so-called “listening sessions” convened by the Attorney General, who says he was “seeking suggestions regarding the areas of federal protection for religious liberty most in need of clarification or guidance.”

[...]

On Friday, Sessions outlined 20 broad “principles” designed to ensure that “to the greatest extent practicable and permitted by law, religious observance and practice should be accommodated in all government activity,” including a decree that “a governmental action substantially burdens an exercise of religion ... if it compels an act inconsistent with that observance or practice, or substantially pressures the adherent to modify such observance or practice.”

For several leading LGBT advocates, the new guidance was an alarming effort to undermine sexual orientation discrimination protections, under the guise of affirming religious liberty, that could have far-reaching implications. [ABC News, 10/6/17; NBC News, 7/13/17; Media Matters, 10/6/17]

In Mississippi, ADF helped write, justify, and defend the “most sweeping and devastating state law to be enacted against LGBTQ people in the country,” which went into effect in October. After more than a year of court challenges, Mississippi’s anti-LGBTQ religious exemptions law (HB 1523) went into effect on October 10. The law allows businesses, individuals, and others to discriminate against LGBTQ people under the guise of “religious freedom.” Human Rights Campaign (HRC) has called it “by far the most sweeping and devastating state law to be enacted against LGBTQ people in the country.”

According to The Washington Post, ADF “played a key role in helping Mississippi’s legislature and governor write, promote and legally justify HB 1523.” The group started its work on the bill before the United States Supreme Court legalized same-sex marriage in 2015, the Post reported. ADF lawyer Austin R. Nimocks first emailed a lawyer in the office of Mississippi Republican Gov. Phil Bryant on June 24, 2015; in one of his emails, Nimocks attached what he called a “model executive order that would prevent state governments from discriminating against their citizens because of their views or actions concerning marriage.” Mississippi’s bill “adopted many of the identical

passages,” according to a brief filed by an attorney leading one of the challenges against it. In March 2016, ADF attorney Kellie Fiedorek sent Bryant two drafts of a signing statement, which is “the final step in the legislative process,” saying, “We looked through a number of Gov. Bryant’s signing statements and tried to use his voice.” Fiedorek continued, “Please feel free to pull from either one that is most helpful to you and your boss. ... we’re here to serve.”

ADF has also provided legal support to Bryant and other Mississippi officials. The group represented Bryant and John Davis, executive director of the Mississippi Department of Human Services, after a federal judge blocked the entire bill from taking effect on June 30, 2016. When the case reached the U.S. Court of Appeals for the 5th Circuit, ADF attorneys joined Bryant in issuing a brief in favor of the law and were a part of his legal team. [Human Rights Campaign, 10/3/17; The Washington Post, 7/21/16; Media Matters, 10/11/17]

ADF is representing a client in Michigan who fired an employee for coming out as transgender. According to WXYZ Detroit, ADF attorney Doug Wardlow is representing the owner of a Michigan funeral home who fired a woman after she came out as transgender “and planned to start dressing in appropriate business attire for a woman.” Wardlow argued the case before the U.S. Court of Appeals for the 6th Circuit on October 4. Wardlow told WXYZ that the fired transgender employee “violated the company’s sex specific dress code,” that her appearance would not be sensitive “to grieving families,” and that the funeral home owner “runs his business according to his Christian principles” which include “the belief that a person’s sex is a gift from God that can’t and should not be changed.” [WXYZ Detroit, 10/3/17]

ADF worked with an Iowa state lawmaker to propose a failed religious exemptions bill that would have made it easier to discriminate against LGBTQ people. According to The Des Moines Register, ADF worked with Republican Iowa state Sen. Dennis Guth on a religious exemptions bill. LGBTQ advocates noted that the bill would make it easier to discriminate against queer people, with one calling the proposal “about as extreme as it could get.” The ACLU of Iowa successfully worked with “business groups and partner organizations” to prevent the bill’s introduction. [The Des Moines Register, 1/15/17; ACLU Iowa, 6/1/17]

ADF unsuccessfully challenged a Phoenix, AZ, nondiscrimination ordinance that protected LGBTQ people and plans to appeal the case. ADF represented the owners of a calligraphy studio, Brush & Nib, in Phoenix, AZ, who filed a lawsuit in 2016 against the city’s nondiscrimination ordinance “that prohibits discrimination based on sexual orientation and gender identity,” according to the Associated Press. The owners wanted

to be able to refuse to serve same-sex weddings. An Arizona judge ruled against ADF's clients in October, confirming "that the city's ordinance does not violate the state's free speech and free exercise of religion laws." On November 21, ADF filed an appeal. [The Associated Press, 10/27/17; Alliance Defending Freedom, 11/21/17]

ADF represented the owners of a videography business who want to refuse service to LGBTQ customers and filed an appeal after a federal appeals court ruled against its client. ADF represented a Minnesota couple, Carl and Angel Larsen, who sued the state in December 2016, "arguing that a provision of the Minnesota Human Rights Act unconstitutionally prohibited them from refusing service" to same-sex couples, according to St. Cloud Times. In September, a federal court rejected ADF's arguments in favor of the state's Human Rights Act. The couple filed an appeal in October. [St. Cloud Times, 10/20/17]

ADF filed an appeal for a graphic designer who had unsuccessfully challenged Colorado's Anti-Discrimination Act because she wanted to discriminate against same-sex couples. ADF attorneys and allied attorneys represented graphic designer Lorie Smith in Colorado, who had sued the state over its Anti-Discrimination Act that prohibited her business from discriminating against same-sex couples. In September, a federal judge ruled against Smith on a technicality. According to ADF's press release, the court said that Smith could not sue "because a request sent to Smith by a couple, self-identified as 'Stewart' and 'Mike,' isn't formal enough to prove that a same-sex couple has asked her" to serve them. ADF attorneys filed an appeal on her behalf. [Alliance Defending Freedom, 9/28/17]

ADF represented a photographer in Wisconsin in a lawsuit against the city of Madison over its nondiscrimination ordinance. ADF represented a Madison, WI, photographer in a case against the city's nondiscrimination ordinance that prohibits "public places of accommodation from discriminating against people on the basis of their sexual orientation, among other reasons." The photographer had not been charged with breaking the law, but was "seeking a pre-emptive ruling from the court about whether she could be." On August 1, ADF and "government lawyers agreed at a hearing that her business isn't subject to the laws that she was challenging as unconstitutional" because her studio is located in her home rather than a physical location, thus not falling "under the [city's] definition of 'public place of accommodation or amusement.'" According to Wisconsin State Journal, the case was ruled in the photographer's favor but did not address "the constitutional issues that [she] had highlighted in her lawsuit" and thus did not have wider ramifications beyond the photographer. [Wisconsin State Journal, 8/1/17]

ADF attorneys filed a petition to the Supreme Court to hear a case regarding a florist who was sued for refusing to serve at a gay wedding. In February, the Washington state Supreme Court ruled against an ADF client, a florist who was sued for refusing to serve at a gay wedding. ADF filed a petition with the Supreme Court asking it to review the decision in July and also asked whether it could consolidate the case with the Masterpiece case. [Tri-City Herald, 7/14/17; Alliance Defending Freedom, 7/14/17]

ADF represented a Michigan man who put anti-LGBTQ materials in his meatpacking company's break room, violating a U.S. Department of Agriculture anti-harassment policy. ADF and allied attorney James Wierenga represented a Michigan man who put anti-LGBTQ materials in his meatpacking business' break room, at the time violating a U.S. Department of Agriculture (USDA) anti-harassment policy. According to MLive, "A USDA inspector removed the literature and complained to his supervisor, who threatened to pull all USDA inspectors out of the facility if the literature reappeared." Those inspectors are necessary for meatpacking companies to operate. In February, ADF's President Michael Farris wrote to Trump advocating for the client. In November, the USDA issued new policy guidelines that would allow "workers at USDA-inspected facilities to express their viewpoints through 'oral discussion, the display or distribution of literature, or other means.'" [Alliance Defending Freedom, 11/6/17; MLive, 11/8/17]

ADF supported legislative efforts aimed to prevent transgender service members from receiving medically necessary health care

ADF advocated for an amendment to the 2018 defense spending bill to prohibit government spending on medically necessary treatment for trans service members. Foreign Policy reported that ADF, along with anti-LGBTQ hate group Family Research Council, had worked "on the Hill to convince members to support" an amendment "that would prohibit the Pentagon from using government money to 'provide medical treatment related to gender transition.'" The American Medical Association passed a resolution in 2008 recognizing "the effectiveness and medical necessity of mental health care, hormone therapy, and gender-affirming surgery as forms of therapeutic treatment." During these efforts, Trump announced that he would reinstate the ban on transgender people serving in the military. From Foreign Policy's July 25 report:

Vice President Mike Pence and his staff have been working quietly to get Congress to roll back the Defense Department's year-old policy covering medical procedures for transitioning service members, according to sources.

In a flurry of last-minute activity, House Republicans have submitted three separate but identical amendments to the 2018 defense spending bill this week that would prohibit the Pentagon from using government money to "provide medical treatment related to gender transition."

[...]

Conservative groups like the Family Research Council, Heritage Action for America, and Alliance Defending Freedom have been working on the Hill to convince members to support the measure, and with votes coming this week, it's unclear which way the vote will fall. [Foreign Policy, 7/25/17; Lambda Legal, accessed 11/27/17; The New York Times, 7/26/17]

ADF collaborated with international anti-LGBTQ groups and figures to export its agenda abroad

ADF asked the Spanish parliament to reject an LGBTQ anti-discrimination law. ADF has been "heavily involved in working against an anti-discrimination law in Spain that deals expressly with sexual orientation and gender identity," according to Southern Poverty Law Center (SPLC). ADF asked Spain's parliament to reject the law, calling it "the most harmful and damaging we have seen so far" in Europe. ADF also released a 14-page memo urging the bill's rejection. From SPLC's September 13 report:

The Alliance Defending Freedom (ADF) is heavily involved in working against an anti-discrimination law in Spain that deals expressly with sexual orientation and gender identity. ADF recently called on the Spanish parliament to reject the law, saying that it would likely have "a significant and detrimental impact on citizens' fundamental freedoms." ADF went on to say that the bill is "the most harmful and damaging we have seen so far" in Europe.

ADF released a memo Aug. 17 regarding the Spanish bill, in which it claims that the bill is too wide in scope, infringes on freedom of expression and takes exception to an alleged overstepping of "parental rights" by allowing children 16 or older to pursue treatment and affirmation for gender dysphoria.

The proposed law, which will be discussed in the Spanish parliament this month, seeks to welcome LGBTI (I for Intersex) people as full members of Spanish society, after a history of persecution that included criminalization. [Southern Poverty Law Center, 9/13/17]

ADF submitted a legal opinion supporting a constitutional amendment banning same-sex marriage in Romania. ADF submitted a legal opinion to Romania's Constitutional Court in support of an upcoming "referendum to amend the constitution to prohibit gay marriage." The country already does not allow same-sex marriage or civil partnerships, but according to Politico, Romania's "constitution's gender-neutral formulation on marriage, which defines it as a union 'between spouses,' has left the legislative door open to legalizing gay marriage." Both ADF and anti-LGBTQ hate group Liberty Counsel also provided legal assistance to Romania's "Coalition for Family," a network of conservative groups that collected signatures in order to send the referendum for a vote. From Politico's October 6 report:

Romania is gearing up to hold a referendum to amend the constitution to prohibit gay marriage, a move that civil rights groups warn could put the country on an "illiberal" path alongside the likes of Hungary and Poland.

Romania's civil code forbids same-sex marriage, and civil partnerships — whether between heterosexual or gay partners — are not legal. But the constitution's gender-neutral formulation on marriage, which defines it as a union "between spouses," has left the legislative door open to legalizing gay marriage.

[...]

Romania's Coalition received legal assistance from the international chapters of several U.S.-based conservative Christian groups, including the Alliance Defending Freedom (ADF) and Liberty Counsel. In the U.S., both have been designated as anti-LGBTQ hate groups by the Southern Poverty Law Center. The international chapters of both organizations submitted pro-referendum legal opinions to Romania's Constitutional Court while the body assessed whether the civic initiative could be considered by parliament.

In response to repeated requests for comment for this article, the Coalition responded with three internet links — one to an article about alleged attacks on pro-lifers, another to a video of a kink festival, and another to an article about propaganda. It gave no further information.

Liberty Counsel's vice president of legal affairs, Horatio Mihet, said his organization "provided legal support and shared lessons we have learned while advocating for natural marriage in the United States and elsewhere." Andreas Thonhauser, a spokesman for ADF International, said that the group also gave legal expertise to other countries in the region that requested help. [Politico, 10/6/17]

ADF defended "European laws requiring the sterilization of transgender citizens seeking administrative recognition of their preferred gender." SPLC reported that ADF unsuccessfully defended "European laws requiring the sterilization of transgender citizens seeking administrative recognition of their preferred gender" by filing an intervention to the European Court of Human Rights (ECtHR) in 2015.

Historically, some European laws, such as the sterilization law in France, came at a time "when the medical and psychological fields had only just started to grapple with the rights of transgender people." Thus, the state required that trans people go "through a very specific medical setting, leading to genital surgery and sterilization" in order to change gender on identification documents, according to the Transgender EuroStudy. In April 2017, the ECtHR ruled in favor of three transgender petitioners against the sterilization requirement. ADF's intervention argued against the petitioners, saying "that anti-discrimination protections and rights to privacy outlined in the ECHR do not extend to the LGBT community and, in this case specifically, transgender Europeans." It also said that "equal dignity does not mean that every sexual orientation warrants equal respect" and thus European states should be able to determine the types of medical treatments and diagnoses required for new documentation for transgender citizens, including sterilization. [Southern Poverty Law Center, 7/27/17; Transgender EuroStudy, April 2008]

ADF hosted a speech by anti-gay former Australian Prime Minister Tony Abbott ahead of the country's postal survey on same-sex marriage support. In October, ADF hosted former Australian Prime Minister Tony Abbott, who campaigned against same-sex marriage ahead of the country's postal survey surveying public opinion on marriage equality. Abbott told ADF that 40 percent of the country voting no in the survey would be a "moral victory" and declared that the "no campaign was a 'nucleus of an organisation' that could represent 40% of Australians and become a counterweight to the progressive campaign organisation GetUp." In a decisive win for equality, 61 percent of voters in the survey voted in favor of same-sex equality. [The Guardian, 11/1/17; CNN, 11/14/17]

ADF worked with more than a dozen anti-LGBTQ groups and hate groups to mainstream hate and discredit the “hate group” label

ADF has worked with more than a dozen anti-LGBTQ groups and hate groups to attack the “hate group” designation conferred by SPLC. ADF coordinated with more than a dozen hate and right-wing groups to attempt to discredit SPLC and its “hate group” label and mainstream anti-LGBTQ hate. The Nation’s Sarah Posner noted that “ADF has redoubled its efforts to portray its views as mainstream” as it has become “increasingly wary of being called discriminatory” after SPLC’s designation. ADF and other groups co-signed two letters opposing the designation, one of which asked the media to stop using the label altogether in their reporting, and formally joined an “SPLCexposed campaign.” [Media Matters, 9/28/17; The Nation, 11/28/17]

Liberty Counsel is using right-wing evangelical media to amplify its fights against conversion therapy protections



mediamatters.org/american-family-association/liberty-counsel-using-right-wing-evangelical-media-amplify-its-fights

Written by Kayla Gogarty



Extreme anti-LGBTQ group Liberty Counsel has turned to and shaped right-wing evangelical media coverage of conversion therapy, pushing misinformation about the practice as it lobbies against and pursues legal challenges to policies protecting LGBTQ people from it.

Conversion therapy seeks to change the sexual orientation or gender identity of LGBTQ people. All forms of the practice, from talk therapy-like sessions to shock and aversive treatments, have been thoroughly discredited, and all major medical associations agree that sexuality and gender identity cannot be forcibly changed. According to the American Psychological Association, negative side effects of conversion therapy can include anger, anxiety, depression, and suicidal ideation. *Media Matters* has created a

guide explaining how media and journalists can avoid spreading misinformation about the practice.

Liberty Counsel has used right-wing evangelical media to spread misinformation about conversion therapy

Liberty Counsel has used right-wing evangelical media such as the Christian Broadcasting Network (CBN) and American Family Association's radio network, American Family Radio, to promote its conversion therapy court cases and policy positions and spread misinformation.

Liberty Counsel regularly uses CBN News to disseminate its messaging. CBN is a large and established conservative evangelical media empire that includes web content, radio stations, TV programming, and others. CBN's TV shows have featured figures associated with Liberty Counsel such as founder and chairman Mat Staver. Its website CBNNews.com regularly quotes him as well, including regarding his advocacy against conversion therapy protections. When referring to a California bill that would have categorized conversion therapy as fraud, Staver told CBN News that "Jesus Christ can change anybody" and that the bill would "allow someone to go down a road that is dangerous or even harmful."

In June, CBN program *CBN News* featured Liberty Counsel Assistant Vice President of Legal Affairs Roger Gannam, who CBN News has quoted in the past and featured on its TV programming. During the interview, Gannam claimed that "the term conversion therapy" is a "political term" and "a euphemism that's intended to evoke images of involuntary shock treatment in a church basement or something ridiculous like that." He also questioned whether shock treatment was ever used in conversion therapy. But conversion therapy survivors have given firsthand accounts of physical aversion therapy like shock therapy.

From the June 27 edition of *CBN News*:

ROGER GANNAM (LIBERTY COUNSEL): Some of the signatories on that letter are our own clients who are Christian counselors who have helped thousands of people overcome and reduce unwanted same-sex attractions and gender confusion. And the point that they're trying to make is that, look, we have a track record. We have actual patients and clients who have benefited from therapy to help them with their

unwanted attractions. We've helped them change their lives. We've helped them to live heterosexual lifestyles with strong and healthy marriages.

And so it's really a slander against them to say that this practice is somehow unethical or harmful. And what we have to be aware of is this use of the term conversion therapy. It's a political term, and it's really a euphemism that's intended to evoke images of involuntary shock treatment in a church basement or something ridiculous like that. That even if it ever happened, which is doubtful, it certainly isn't happening in 2019. So the whole idea here is to make illegal the very idea that change is possible, and that's what's so dangerous about a resolution like this. Because even though it doesn't have the force of law, it lays a foundation for future laws to come which ultimately could make it illegal to even have these conversations in the counseling room with someone who really wants to change.

Additionally, Liberty Counsel has collaborated with extreme anti-LGBTQ group Amercian Family Association (AFA) before and uses AFA's radio network American Family Radio to amplify its work. AFA fights against LGBTQ equality and visibility in media and elsewhere. Together, Liberty Counsel and AFA have co-signed letters to the media, organizations, and legislators expressing opposition to LGBTQ equality or whitewashing their extreme work. The two groups have also worked together on a campaign to help parents opt out their children from receiving sex education in schools. Right-wing groups and media regularly demonize crucial sex education and fearmonger about LGBTQ-inclusive conversations in classrooms.

AFA runs a substantial right-wing evangelical media apparatus, including its American Family Radio network (AFR) and news website OneNewsNow. AFR hosts such as Janet Mefferd and Bryan Fischer have a history of pushing anti-LGBTQ narratives and misinformation. Mefferd has linked homosexuality to child sexual abuse, suggested that LGBTQ-inclusive Christianity will destroy churches, and advocated in favor of conversion therap. Mat Staver has joined Mefferd numerous times on both of her radio programs to discuss his anti-LGBTQ policy positions.

On June 27, Liberty Counsel senior litigation counsel Mary McAlister appeared on Mefferd's AFR program, where, like Gannam, she spread misinformation about conversion therapy. In the interview, McAlister claimed that harmful conversion therapy is "not going on anyway" and that such claims are a "red herring" because "what they engage in is talk therapy."

And on July 8, Staver appeared on a separate right-wing evangelical radio show, *Crosstalk*, to attack a California resolution condemning conversion therapy. The

resolution did not expand any protections from the practice and is nonbinding but instead asked faith leaders to acknowledge that conversion therapy is harmful and embrace the acceptance of LGBTQ people.

In addition to using evangelical media outlets, Liberty Counsel has its own podcast where it has spread similar misinformation downplaying the dangers of conversion therapy. On Liberty Counsel's podcast, host Matt Barber has said, "It's not this parade of horrors. This -- the way that change therapy is misrepresented. Some of these horror camps, electroshock therapy, and lobotomies. That's just sensationalism. It's nonsense."

Adding to the power of right-wing evangelical media outlets like CBN and AFR, larger right-wing platforms like Fox News sometimes help amplify these groups to an even wider audience: Staver has even appeared on *Fox News at Night with Shannon Bream* and on right-wing host Todd Starnes' show on Fox's video streaming platform Fox Nation.

The expansive right-wing evangelical media ecosystem -- which includes a wide variety of platforms including video, TV, websites, and radio -- is a key tool for extreme anti-LGBTQ groups like Liberty Counsel to disseminate messaging and misinformation. The symbiotic relationship between these groups and this ecosystem allows them to reach a broad audience and spread misinformation about topics such as conversion therapy with little accountability and with unchecked rhetoric.

Liberty Counsel is engaged in several court cases against conversion therapy protections

Liberty Counsel regularly lobbies against and pursues legal challenges to policies promoting LGBTQ equality, including protections for LGBTQ youth against conversion therapy. It is engaged in at least three active court cases in Florida and Maryland against local and statewide policies.

Currently, 18 states, Puerto Rico, and Washington, D.C., have laws banning conversion therapy for minors, and many localities across the country have similar protections. As these policies have made their way through state and local decision-making bodies, Liberty Counsel has submitted testimony or sent letters urging lawmakers to oppose such legislation in places such as Massachusetts, New Jersey, Washington, D.C., and California.

In the last three months, the U.S. Supreme Court declined to hear two of Liberty Counsel's challenges seeking to overturn conversion therapy protections in New Jersey and California; Liberty Counsel has said it plans to refile the cases in lower courts. The anti-LGBTQ group has also said it intends to get one of its three other lawsuits in Florida and Maryland to the Supreme Court.

Liberty Counsel filed its case in Maryland on behalf of Christopher Doyle, a prominent conversion therapy proponent who identifies as "ex-gay" and who runs multiple pro-conversion therapy organizations. The group also filed two lawsuits against local ordinances in Florida: one against the City of Tampa and the other against the City of Boca Raton and Palm Beach County. Doyle and two of Liberty Counsel's clients in Florida, Julie Hamilton and David Pickup, have previously appeared on local news outlets, where they spread misinformation about conversion therapy.

Clarification (8/29/19): This article originally stated Gannam's title as "vice president of legal affairs" at Liberty Counsel. Though that is how he was introduced by CBN, his correct title is "assistant vice president of legal affairs." The piece has been updated to reflect this.