



Windham speaks to media on the steps of the U.S. Supreme Court following the presentation of Hobby Lobby's case on March 25.

Windham argues Hobby Lobby's religious freedom case before U.S. Supreme Court

Attorney **Lori (Halstead '01) Windham** has represented Amish builders penalized for their traditional construction practices, a Santeria priest prohibited from conducting animal sacrifice, and public school districts sued for accommodating religious expression.

But one of her most significant, and certainly most publicized, cases won before the U.S. Supreme Court in June. Windham was a member of the legal team representing Hobby Lobby's challenge of the Affordable Care Act contraception mandate.

In a 5-4 decision, the court ruled that closely held companies – including those owned by a family with religious convictions – cannot be required to cover some types of contraceptives for their employees.

"I'm thrilled by the decision," Windham said shortly after the ruling was announced. "As a student at ACU, I hoped that one day I might be able to take a case to the Supreme Court. But it's still hard to believe that it happened. I guess I will have to slow down a bit to let it sink in."

Windham, who is senior counsel for the Becket Fund for Religious Liberty in Washington, D.C., says the case is important because it asks whether people give up their religious freedom when they open a family business.

Two other alumni, April (Ward '06) Farris and Matthew Kacsmayk ('00), filed friend-of-the-court briefs supporting Hobby Lobby, Windham said. "April is a fellow ACU and Harvard Law School alumna, and is now with the Texas Solicitor General's office. Matthew is with Liberty Institute, where he focuses on religious freedom work," she said. "ACU does a great job of preparing students to think about the intersection between faith and the law, and to carry their beliefs into their professional lives."

This is the second U.S. Supreme Court case in which Windham has played a role, and she has written a number of friend-of-the-court briefs. Though her firm relies on well-known Supreme Court advocates for oral arguments, simply being in the courtroom when her case is being presented is a remarkable experience, she said.

"The court has a sense of pomp and circumstance that's different from other places, even here in Washington, D.C.," she said. "There's excitement in the air when the buzzer rings and the justices start to file in. You're reminded of how many important issues have been decided in this same room."

Although the Hobby Lobby case has attracted national attention, she says her most controversial case to date involved a Santeria priest in the Texas town of Euless, who sacrificed goats in his garage as part of a religious ceremony.

"The question was how far a city could go in restricting religious exercise in a person's own home," Windham said. "We relied on a Texas religious freedom law that had never been interpreted by the courts. We won, and since that time, the same law has been used to protect other religious groups, including a child wearing a religious symbol in public school and Christian ministries housing the homeless."

Windham takes satisfaction in arguing precedent-setting law, but her favorite moments come when she enters into the everyday lives of her clients, hearing their stories firsthand.

In one instance, an Amish community in upstate New York ran into problems with a local building code that didn't accommodate their way of life.

"The Amish were actually facing jail time for following their religious practices," Windham said. Through her efforts, the town eventually dismissed all charges.

"I spent a lot of time in lamplit farmhouses talking to Amish men and women about their way of life, how they understand the Bible, and the steps they take to protect their communities from modern society," she said. "The first time I stepped into an Amish home, it was like stepping back in time. I'm grateful to be part of cases that allow me to meet and learn about communities so different from my own."

Windham, who graduated from Abilene Christian with a B.A. degree in political science, earned her Juris Doctor from Harvard Law School in 2005. She has served as a member of the political science Visiting Committee and was named 2009 Young Alumnus of the Year.

She is grateful for her time at ACU.

"Christian education, especially higher education, is critically important because it wrestles with tough questions about faith and how it applies to and interacts with many different areas of study," she said. "After I graduated and went on to a secular law school, I realized how much I missed studying our laws through the lens of a rich faith tradition. ACU is doing God's work, and I'm blessed to be part of that community."▲

– ROBIN SAYLOR