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AFLC Files Emergency Motion in Sixth Circuit Asking Court to Halt Michigan Election Law that Discriminates against Religion

Cincinnati, Ohio (November 1, 2012) — Today, the American Freedom Law Center (AFLC), a national nonprofit Judeo-Christian law firm, filed a 32-page, emergency motion for an injunction in the U.S. Court of Appeals for the Sixth Circuit, which, if granted, would halt the enforcement of a provision of Michigan’s election law that prohibits religious leaders from “influencing a voter at an election” by advising the voter “under pain of religious disapproval.” A violation of this Michigan criminal law subjects the offender to a fine or imprisonment.

On Tuesday, AFLC Co-Founder and Senior Counsel Robert Muise presented oral argument during a hearing before the Honorable Gerald E. Rosen in the U.S. District Court for the Eastern District of Michigan, in which Muise argued that this law clearly violated the First Amendment to the U.S. Constitution. Yesterday, Judge Rosen refused to issue the requested injunction and instead dismissed the case on “standing” grounds, finding that there was no imminent threat of prosecution under the law. Judge Rosen’s ruling was immediately appealed to the Sixth Circuit. And in their motion filed today with the circuit court, AFLC argued that the “chilling” effect that this criminal law has on speech is a sufficient “injury-in-fact” to confer standing to advance a First Amendment challenge.

At issue is § 168.931(1)(e) of the Michigan Compiled Laws (MCL), which states, “A priest, pastor, curate, or other officer of a religious society shall not for the purpose of influencing a voter at an election, impose or threaten to impose upon the voter a penalty of excommunication, dismissal, or expulsion, or command or advise the voter, under pain of religious disapproval.” Anyone who violates this statute “is guilty of a misdemeanor.”

AFLC’s lawsuit was brought on behalf of Pastor Levon Yuille, the pastor of The Bible Church in Ypsilanti, Michigan. Pastor Yuille is also the National Director of the National Black

Pro-life Congress, the former Chairman of the Michigan Black Republican Council of Southern Michigan, and the host of *Joshua Trail*, a popular Christian radio talk show.

The ***American Freedom Law Center*** is a Judeo-Christian law firm that fights for faith and freedom. It accomplishes its mission through litigation, public policy initiatives, and related activities. It does not charge for its services. The Law Center is supported by contributions from individuals, corporations, and foundations, and is recognized by the IRS as a section 501(c)(3) organization. Visit us at www.americanfreedomlawcenter.org.

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