

No. 17-547

IN THE

Supreme Court of the United States

RIMS BARBER, ET AL.,

Petitioners,

—v.—

GOVERNOR PHIL BRYANT, ET AL.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIFTH CIRCUIT

**BRIEF OF *AMICI CURIAE* THE CENTRAL CONFERENCE
OF AMERICAN RABBIS; THE GENERAL SYNOD OF THE
UNITED CHURCH OF CHRIST; THE RECONSTRUCTIONIST
RABBINICAL ASSOCIATION; THE UNION FOR REFORM
JUDAISM; UNITARIAN UNIVERSALIST ASSOCIATION;
COVENANT NETWORK OF PRESBYTERIANS; FRIENDS
FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND
QUEER CONCERNS; METHODIST FEDERATION FOR
SOCIAL ACTION; MORE LIGHT PRESBYTERIANS;
MUSLIMS FOR PROGRESSIVE VALUES; THE OPEN
AND AFFIRMING COALITION OF THE UNITED CHURCH
OF CHRIST; RECONCILING MINISTRIES NETWORK;
RECONCILINGWORKS: LUTHERANS FOR FULL
PARTICIPATION; RELIGIOUS INSTITUTE, INC.;
AND WOMEN OF REFORM JUDAISM
IN SUPPORT OF PETITIONERS**

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INTERESTS OF *AMICI CURIAE*¹

Amici curiae (“*Amici*”) represent a broad range of religious stakeholders that affirm and cherish human dignity, freedom of religion and conscience, and equal rights. *Amici* represent diverse faith traditions that have addressed social and religious questions affecting lesbian, gay, bisexual, and transgender (“LGBT”) people and their families in different ways over time. But *Amici* unite in believing it is wrong and unconstitutional for Mississippi, through HB 1523, to sanction discrimination based on the religious beliefs of only *some* citizens with respect to the dignity and place in civic life of LGBT persons and their families. *Amici* believe that it is important for people of faith and religious organizations that will be harmed by HB 1523 to have standing to challenge its constitutionality and for the courts to have the opportunity to rule on the merits of this important dispute.

The individual interests of each of the *Amici* are listed in Addendum A to this brief.

INTRODUCTION AND SUMMARY OF ARGUMENT

Certain of the undersigned *Amici* filed a brief before the Fifth Circuit² to demonstrate that HB 1523 puts

¹ All parties have consented to the filing of this *amicus curiae* brief. No counsel for a party authored this brief in whole or in part, and no person or entity besides undersigned *Amici* and their counsel made a monetary contribution intended to fund the preparation or submission of this brief.

² See Brief for *Amici Curiae* The Bishop of the Episcopal Diocese of Mississippi, *et al.*, In Support of Plaintiffs-Appellees, *Barber v. Bryant*, Nos. 16-60477, 16-60478 (5th Cir. Dec. 23, 2016) (hereinafter “Fifth Circuit Religious *Amici* Brief”).

the weight of government behind certain religious views that a large and growing segment of the American religious community finds offensive, hurtful, and anathema to core tenets of faith. Among other things, HB 1523 makes it the official policy of Mississippi to deny the fundamental dignity and equality of same-sex couples who exercise their constitutional right to enter into lawful civil marriages and, indeed, to deny the very existence—let alone dignity and equality—of transgender Mississippians. As faiths that, to the contrary, preach love and acceptance for LGBT individuals; urge respect for their relationships and families; and support equal dignity and equality for all persons before the law, *Amici* affirm that Mississippi does not speak for them.

HB 1523 inflicts direct injury upon religious organizations and individuals within the State whose religious beliefs Mississippi officially denigrates and devalues. To *Amici*, the governmental neutrality towards religion built into our nation's very DNA is not a matter of abstract or academic interest. Rather, our confidence that we may live and worship freely as Presbyterians, Lutherans, Jews, Muslims, Quakers, or members of other faiths depends, in a real sense, on that neutrality. When government not only attempts to enact religious principles as civil law, but expressly endorses the religious values of some citizens while rejecting the contrary views of others and inflicting harm on our members, friends, and neighbors, our freedom is threatened.

Amici respectfully urge the Court to grant the Petition for a Writ of Certiorari (the "Petition") for two related reasons:

First, it is important that religious individuals and institutions like Petitioners here have standing to challenge laws that violate neutrality by casting the government's lot with certain religious viewpoints at the expense of others. The decision below conflicts with those of at least three other circuits recognizing that the dignitary and stigmatic harm caused by the government expressly endorsing some religious views and denigrating others is sufficiently concrete to bestow standing on those at the receiving end of official state disapproval. The message of displaying a crèche on public property may not injure non-Christians until they actually confront it. But the message of the legislature and governor of a State overtly embracing one set of sectarian religious views about LGBT individuals and families—and legally empowering members of the favored faiths to harm other citizens with legal impunity—is clear to all. Mississippi's actions are conceptually no different than declaring a particular faith or sect to be the official State religion—a blatant Establishment Clause violation that all non-adherents would by definition have to have standing to challenge.

Second, certiorari is warranted in light of the significant underlying issue: the constitutionality of a highly unusual and suspect law targeting LGBT people and giving express state endorsement to specific religious beliefs. Permitting HB 1523 to go unchallenged will invite other states to enact laws “protecting” favored religious views and inflicting harm on disfavored faith groups and will inevitably enmesh government in a host of controversial religious issues as to which every American has the right to demand that it remain neutral. Such laws are not necessary to protect core religious doctrine or

practice. Each religion or religious congregation is already free to determine who satisfies its requisites for faith profession and to conceptualize marriage and gender identity in keeping with its religious tenets. On the other hand, free exercise does not relieve citizens of the obligation to follow laws of general applicability—including public accommodation laws. Because existing legal rules provide the framework to harmonize religious exercise rights and the duties imposed on all by neutral laws, *Amici* submit that the best way to ensure that *all* people retain the First Amendment right to speak, preach, pray, and practice their religious beliefs with respect to gender and sexual orientation is by keeping the State neutral with respect to such beliefs. HB 1523 undercuts this neutrality by placing a thumb—and, more specifically, a government-sanctioned *religious* thumb—on the scale of contemporary cultural debate involving gender identity and sexual orientation, even to the point of interfering with rights protected by the Constitution. Such government favoritism for one set of religious views further offends the First Amendment by demeaning and rendering second-class the beliefs of religious actors who do not adhere to the government-blessed doctrine. Granting certiorari here is the first step towards permitting the courts to assess this misguided enactment on the merits.

ARGUMENT

The vast and diverse American religious landscape includes religious bodies and individuals with sharply divergent, often evolving, views on political and social issues such as civil rights, marriage, and LGBT

rights.³ With a growing cross-section of mainstream religions embracing the equal dignity and place in civic life of LGBT persons and their families, no one view on marriage, gender identity, or sexual orientation may be elevated above all others as the mainstream “religious” view. But HB 1523 chooses a single viewpoint to endorse and empower—in violation of the core Constitutional bar against privileging certain religious views over others. See *Larson v. Valente*, 456 U.S. 228, 244 (1982). This injures both the disfavored groups and religious actors holding views disfavored by the government. While “political debate and division, however vigorous or even partisan, are normal and healthy manifestations of our democratic system of government,” such “division *along religious lines* was one of the principal evils against which the First Amendment was intended to protect.” *Lemon v. Kurtzman*, 403 U.S. 602, 622 (1971) (emphasis added). It is crucially important that this Court recognize standing for injured religious actors to challenge laws that violate these long-settled Constitutional norms so that the courts may ultimately reach the merits and affirm the striking down of this injurious, needlessly divisive law.

³ See Brief for *Amici Curiae* President of the House of Deputies of the Episcopal Church, *et al.*, Supporting Petitioners, *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015) (“*Obergefell* Religious *Amici* Brief”), notes 7-8 and accompanying text (describing wide array of religious orientations and evolving views on such issues as usury, women’s rights, and racial justice).

**I. It Is Important For the Court to Resolve
The Current Conflict in Favor of Standing
For Religious Actors Stigmatized By Express
Government Endorsement of Sectarian
Religious Views**

The decision below runs counter to longstanding authority—including decisions from at least three other circuits—recognizing that when government stamps its imprimatur on a particular religious viewpoint and implicitly denigrates dissenting religious views, those holding the disfavored views suffer cognizable dignitary and stigmatic injury and have standing to challenge the law that causes it. Plaintiffs are among a wide range of religious actors, including *Amici*, whose views HB 1523 rejects and stigmatizes. It is important for this Court to grant certiorari, resolve the conflict created by the decision below, and vindicate plaintiffs’ standing to challenge plainly unconstitutional laws like this one.

The broad range of religious *amici* supporting plaintiffs in this case in both this Court and the Fifth Circuit demonstrates the diversity of religious belief regarding LGBT individuals and families and makes clear that HB 1523 is not a benign measure “accommodating” uncontroversial religious views but an active endorsement by Mississippi of a particular set of beliefs that offends and harms a growing proportion of American society. Religious Americans increasingly embrace the equal dignity and equality of LGBT persons and their families—building on the core premise, common to many faiths, that all persons have inherent dignity. This growing acceptance has manifested in a wide range of ways that have changed American religion and society.

Many Christian, Jewish, and other faith traditions have adopted official policies of LGBT non-discrimination⁴, and a number have opened clergy ordination and leadership positions to LGBT individuals.⁵ More recently, as some legislatures have debated or enacted measures targeting transgender persons, religious bodies as diverse as the First Parish Church in Plymouth, Massachusetts—tracing its roots to the Pilgrims—and the Rabbinical Assembly’s Committee on Jewish Laws and Standards have affirmed the rights of transgender and gender non-conforming persons.⁶ And a wide range of faiths—including the Unitarian Universalist Association, the United Church of Christ, the Episcopal Church, the Presbyterian Church, the Evangelical Lutheran Church, and Conservative, Reform, and Reconstructionist Judaism—embrace and bless in various ways the relationships of same-sex couples.⁷

Religious individuals, too, have demonstrated an increasingly positive view of LGBT Americans. Four years *before* the *Obergefell* decision, a notable study found that a majority of Americans *from most major religious groups* had positive moral and theological views of gay and lesbian people, including 62% of Roman Catholics, 63% of white Mainline Protestants, and 69% of non-Christian, religiously affiliated

⁴ See *Obergefell* Religious *Amici* Brief at 9-11.

⁵ See *Obergefell* Religious *Amici* Brief at notes 21-22 and accompanying text (describing emergence in various U.S. faith traditions, beginning in late 1970s, of policies and norms governing lesbian and gay individuals in ministry roles).

⁶ Brief for *Amici Curiae* Presiding Bishop of the Episcopal Church, *et al.*, *Gloucester County School Board v. G.G.* (No. 16-273) (Mar. 2, 2017), at notes 10, 12 and accompanying text.

⁷ See *Obergefell* Religious *Amici* Brief at 14-19.

Americans.⁸ Today, post-*Obergefell*, little over four out of ten Americans state that same-sex marriage runs counter to their religious beliefs.⁹ Meanwhile, a majority of Mississippians (52%) *oppose* “allowing a small business owner in [their] state to refuse to provide services to gay or lesbian people, [even] if doing so violates their religious beliefs”—an opinion shared by an even larger majority nationally (61%).¹⁰ Notwithstanding enactment of HB 1523, a majority of Mississippians (54%) in 2015 *supported* “laws that would protect [LGBT] people against discrimination in jobs, public accommodations, and housing”—an opinion shared by a 71% majority nationally.¹¹ Indeed, a range of religious individuals, including Jewish and Episcopal leaders who signed the Fifth Circuit Religious *Amici* Brief, expressly opposed HB 1523.¹²

⁸ Robert P. Jones, Daniel Cox & Elizabeth Cook, Public Religion Research Institute, *Generations at Odds: The Millennial Generation and the Future of Gay and Lesbian Rights*, 18-20 (Aug. 29, 2011), <http://publicreligion.org/site/wp-content/uploads/2011/09/PRRI-Report-on-Millennials-Religion-Gay-and-Lesbian-Issues-Survey.pdf>.

⁹ Betsy Cooper, *et al.*, *Majority of Americans Oppose Laws Requiring Transgender Individuals to Use Bathrooms Corresponding to Sex at Birth Rather than Gender Identity*, Public Religion Research Institute (Aug. 25, 2016), <http://www.prrri.org/research/lgbt-2016-presidential-election/>.

¹⁰ Joanna Piacenza & Robert P. Jones, *A Majority of Mississippi Residents Oppose Religiously Based Service Refusals of Gays and Lesbians*, Public Religion Research Institute (June 23, 2017), <https://www.prrri.org/spotlight/majority-mississippi-residents-oppose-religiously-based-service-refusals-gays-lesbians/>.

¹¹ *American Values Atlas*, Public Religion Research Institute (2015), <http://ava.publicreligion.org/#lgbt/2015/States/lgbtdis/m/national> (last visited Oct. 26, 2017).

¹² See Fifth Circuit Religious *Amici* Brief at 13-14.

In short, millions of people of faith hold religious principles directly contrary to those expressly endorsed by HB 1523. Those who live and work in Mississippi, and the religious organizations there that represent them, are directly injured by HB 1523, because it constitutes an official endorsement by their State government of views they find hateful and offensive—rejecting the equal dignity of LGBT persons, the legitimacy of their marriages, and the very existence of transgender individuals. HB 1523 expressly endorses these views on its face, and the dignitary and stigmatic injury to people holding opposite views is immediate and apparent.

A core principle of the Establishment Clause is that a State “may not aid, foster, or promote one religion or religious theory against another.” *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968). Indeed, the Court has recognized that “the *mere passage* by the [government] of a policy that has the purpose and perception of government establishment of religion” through state “sponsorship of a religious message” harms those with different beliefs by sending the “ancillary message . . . that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 292, 309-10 (2000) (emphasis added) (internal quotation marks omitted).

It follows that religious groups and individuals whose beliefs are rejected and denigrated by express government action suffer immediate, cognizable injury and may sue to challenge the unconstitutional government action. Decisions from at least three other circuits have so held, setting up a direct conflict with the decision below. *See, e.g., Moss v. Spartanburg*

Cty. Sch. Dist. Seven, 683 F.3d 599, 605, 607 (4th Cir. 2012) (non-Christian student and parent had standing to challenge policy awarding academic credit for private, off-campus Christian religious instruction despite lack of harassment for non-participation, based on “spiritual and value-laden” harm of being made to “feel like outsiders in their own community”) (internal quotation marks omitted); *Awad v. Ziriax*, 670 F.3d 1111, 1121-23 (10th Cir. 2012) (Muslim plaintiff had standing to challenge proposed amendment to Oklahoma Constitution banning courts from considering Sharia law based on stigmatic injury of simply becoming aware of proposed enactment “that would target his religion for disfavored treatment”); *Catholic League for Religious & Cultural Rights v. City of San Francisco*, 624 F.3d 1043, 1048-53 (9th Cir. 2010) (en banc) (Catholic organization and individuals had standing to challenge city resolution expressing disapproval of Catholic Church’s religiously based policy against adoption by same-sex parents, based solely on psychological harm caused by “government condemnation of one’s own religion or endorsement of another’s in one’s own community”).

The decision below is inconsistent with *Epperson*, *Santa Fe*, and other decisions of this Court recognizing the powerful stigmatic injury caused by government endorsement of specific religious views. And it directly conflicts with *Moss*, *Awad*, and *Catholic League*, for reasons cogently explained in the Petition at 14-18. This, alone, warrants granting the Petition.

Based on their own experience and outlook, *Amici* take particular issue with the Fifth Circuit’s premise that religious actors are not directly injured by government adoption of antithetical religious doctrine unless they are somehow personally “confronted”

with it in the manner of coming upon a religious display in a public park. As decisions from other circuits uniformly recognize, this simply ignores the reality that express government endorsement of sectarian religious views is *inherently* injurious—the injury flows from public knowledge that government has thrown its weight behind one religious sect or viewpoint and, by obvious implication, is rejecting and denigrating inconsistent religious values and beliefs. Knowledge of a government policy applying in one’s own community is itself sufficient “confrontation.” And while not everyone may stumble upon a public park display, modern day government’s presence is ubiquitous and widely perceived.

Surely if Mississippi declared any particular denomination to be the “official” State religion, anyone not part of that faith would have standing to challenge that direct neutrality violation, without having to first wait to “confront” some physical manifestation of the new policy. *See Catholic League*, 624 F.3d at 1048 (failure to recognize standing based on spiritual injury of coming into contact with government resolution condemning one’s religious views would mean that “a resolution declaring Catholicism to be the official religion of the municipality would be effectively unchallengeable”).

The current situation is directly parallel. Here, government has expressly endorsed certain religious views and granted special rights to those holding them. By necessary implication it has rejected and denigrated the differing religious views of plaintiffs, shared by *Amici* here. This injury exists today, without any need for further public display or confrontation. It is unthinkable that such blatant religious favoritism by government can be immune to challenge by the very groups and individuals it harms. *Amici* thus

believe that it is critically important for this Court to grant certiorari, eliminate the conflict and confusion engendered by the decision below, and recognize standing for religious actors injured by government endorsement and empowerment of certain religious viewpoints at the expense of others.

II. Certiorari Should Be Granted as Well Given the Importance of This Case Challenging the Constitutionality of a Highly Unusual Law Endorsing Specific Religious Views and Targeting LGBT Individuals for Legalized Discrimination

The Court should grant the Petition as well because the underlying issues in this case make it all the more important to decide the threshold standing questions presented. HB 1523 is a highly unusual, unnecessary, and constitutionally suspect enactment singling out specific religious views for endorsement and legitimizing discrimination against same-sex couples and transgender individuals. If permitted to remain in place, it will not only cause injury of a constitutional dimension to LGBT and other Mississippians—it also will likely be emulated by other states seeking to provide special rights to religiously motivated individuals to deny the equal dignity and equality of LGBT individuals and families, and perhaps others, before the law. In areas politically dominated by secular voters, such enactments could take the form of exhibited hostility to religion in general or specific disfavored religious views, as was alleged in *Catholic League*.

As an initial matter, any purported concern that *Obergefell* rendered HB 1523 necessary in order to protect *religious exercise* from state interference in Mississippi is illusory. However government defines

civil marriage or determines who has a constitutional right to participate in it, existing constitutional principles protect the autonomy of religious entities to teach *religious* principles concerning gender and sexuality and to define *religious* marriages to comport with their respective tenets. See *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 132 S. Ct. 694, 709 (2012) (affirming principle that certain “matter[s are] ‘strictly ecclesiastical,’” meaning they are “the church’s alone”) (citation omitted). This Court explicitly affirmed this premise with respect to marriage in *Obergefell* itself. See 135 S. Ct. at 2607.

Nor is HB 1523 necessary to protect the free exercise rights of religious individuals opposed to gender identity diversity or same-sex couples’ marriage rights in the civic and commercial realms. The law recognizes a critical distinction between religious exercise in its own right—which is protected without any need for help from HB 1523—and scenarios where religious convictions may inform a private actor’s conduct in the public marketplace. Compare *Hosanna-Tabor*, 132 S. Ct. at 707, 709 (employment discrimination claim by former employee of religious institution must yield to employer’s First Amendment right to determine who qualifies as a minister under its *religious* understanding of that term), with *Emp’t Div., Dept. of Human Res. of Oregon v. Smith*, 494 U.S. 872, 890 (1990) (holding state may deny unemployment benefits to person fired for unlawful use of peyote, even where drug was used for religious ritual), and *Gillette v. United States*, 401 U.S. 437, 461 (1971) (sustaining military selective service against free exercise claim by those opposing particular war on religious grounds, rejecting idea that “a stance of conscientious

opposition relieves an objector from any colliding duty fixed by a democratic government”).

The question of when, if ever, laws of neutral application not intended to burden religious practice must nevertheless give way to religiously based exemptions is thus addressed by an existing body of law—which may be clarified by the currently pending case of *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission* (No. 16-111). But HB 1523’s wholesale exemption from such laws for those who hold particular religious views is not necessary to protect religious freedom. To the contrary, it creates a host of constitutional problems that correctly led the District Court in this case to declare it unconstitutional.

Since this Nation’s founding, the concept of religious liberty has included the equal treatment of all faiths without discrimination or preference. *See Larson*, 456 U.S. at 244 (“The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.”). HB 1523 violates this fundamental rule by expressly endorsing the religious beliefs enumerated in the bill and thereby deeming second-class the beliefs of religious individuals and entities such as are represented by *Amici* here.

Worse, it does so in a blunt and unnuanced way—simply empowering anyone holding the protected views, for example, to refuse to provide commercial goods or services for the wedding of a same-sex couple “in a manner consistent with” those views, regardless of whether that is necessary to avoid a legitimate threat to free speech or religious exercise, and without mandating any balancing of harm to others. Such unbridled license to discriminate harms individual LGBT people simply trying to exercise their basic

rights in civil society, in violation of *Estate of Thornton v. Caldor, Inc.*, 472 U.S. 703 (1985), and *Cutter v. Wilkinson*, 544 U.S. 709 (2005), which forbid accommodations that shift unreasonable hardship to third parties. It also injures religious entities and individuals who see the force of law placed behind religious ideas antithetical to their own—implicitly rejecting and disapproving of religions that preach acceptance, respect, dignity, and inclusion for LGBT individuals and that engage in religious exercise that expressly endorses those values. *See Town of Greece v. Galloway*, 134 S. Ct. 1811, 1823 (2014) (government may not “denigrate nonbelievers or religious minorities”).

Permitting HB 1523 to remain in place also threatens to foment the very social and political division along religious lines that the Establishment Clause was meant to prevent, *see Lemon*, 403 U.S. at 622, and to mire government in an ever-lengthening list of divisive religious issues as emboldened state legislatures seek to privilege and empower religious actors holding divisive views on such matters as abortion, contraception, women’s equality, treatment of individuals with HIV, climate change, and more.

In view of these serious constitutional issues, *Amici* respectfully urge the Court to grant the Petition, resolve the current circuit conflict, recognize Plaintiffs’ standing, and permit the Fifth Circuit (and eventually, if necessary, this Court) to assess HB 1523 on the merits.

CONCLUSION

For the foregoing reasons, *Amici* respectfully submit that the Court should grant the Petition and reverse the decision below.

Respectfully submitted,

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Add. 1

**ADDENDUM A:
STATEMENTS OF INTEREST
OF *AMICI CURIAE***

Amicus curiae The Central Conference of American Rabbis (“CCAR”), whose membership includes more than 2,000 Reform rabbis, opposes discrimination against all individuals, including gays and lesbians, for the stamp of the Divine is present in each and every human being.

Amicus curiae The General Synod of the United Church of Christ is the representative body of the denomination of the United Church of Christ, a Protestant denomination with more than 900,000 members and more than 5,000 churches. The General Synod has consistently spoken on issues of religious liberty and the separation of church and state, resolving to “share the blessings of our heritage of religious freedom, and to sustain that precious heritage by extending the right of religious freedom to groups with which we are not in theological agreement,” as well as urging the restoration of religious liberty for all, recognizing that “the United Church of Christ, a denomination devoted to religious liberty” must “raise its voice in protest” when religious freedom is abrogated.

Amicus curiae The Reconstructionist Rabbinical Association (“RRA”), established in 1974, is the professional association of Reconstructionist rabbis. Comprised of over 300 rabbis, the RRA represents the rabbinic voice within the Reconstructionist movement.

Amicus curiae The Union for Reform Judaism, whose 900 congregations across North America include 1.5 million Reform Jews, is committed to

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ensuring equality for all of God's children, regardless of sexual orientation.

Amicus curiae Unitarian Universalist Association was founded in 1961 and has nurtured a heritage of providing a strong voice for social justice and liberal religion. Unitarian Universalism is a caring, open-minded faith community that traces its roots in North America back to the Pilgrims and the Puritans.

Amicus curiae Covenant Network of Presbyterians, a broad-based, national group of clergy and lay leaders, seeks to support the mission and unity of the Presbyterian Church (USA), articulate and act on the church's historic, progressive vision, work for a fully inclusive church, and find ways to live out the graciously hospitable gospel by living together with all our fellow members in the Presbyterian Church (USA).

Amicus curiae Friends for Lesbian, Gay, Bisexual, Transgender, and Queer Concerns ("FLGBTQC") is a faith community within the Religious Society of Friends. FLGBTQC deeply honors, affirms, and upholds that of God in all people.

Amicus curiae Methodist Federation for Social Action mobilizes clergy and laity within The United Methodist Church to take action on issues of peace, poverty and people's rights within the church, the nation, and the world.

Amicus curiae More Light Presbyterians represents lesbian, gay, bisexual, and transgender people in the life, ministry, and witness of the Presbyterian Church (USA) and in society.

Amicus curiae Muslims for Progressive Values is guided by the following ten principles, each of which is rooted in Islam: collective identity, equality,

Add. 3

separation of religious and state authorities, freedom of speech, universal human rights, gender equality, LGBTQ inclusion, critical analysis and interpretation, compassion, and diversity.

Amicus curiae The Open and Affirming Coalition of the United Church of Christ represents 1,200 congregations in the UCC with nearly 250,000 members that, after a period of study, dialogue and prayer, have adopted a covenant, of welcome to lesbian, gay, bisexual and transgender Christians. Open and Affirming churches support the relationships of their LGBT members, recognize their marriages, and advocate for their LGBT neighbors when their rights or dignity are under attack.

Amicus curiae Reconciling Ministries Network serves lesbian, gay, bisexual, and transgender United Methodists and their allies to transform their world into the full expression of Christ's inclusive love. Reconciling Ministries Network envisions a vibrant Wesleyan movement that is biblically and theologically centered in the full inclusion of God's children.

Amicus curiae ReconcilingWorks: Lutherans For Full Participation embodies, inspires, advocates and organizes for the acceptance and full participation of people of all sexual orientations and gender identities within the Lutheran communion, its ecumenical and global partners, and society at large.

Amicus curiae Religious Institute, Inc. is a multi-faith organization whose thousands of supporters include clergy and other religious leaders from more than 50 faith traditions. The Religious Institute partners with the leading mainstream and progressive religious institutions in the United States.

Add. 4

Amicus curiae Women of Reform Judaism represents more than 65,000 women in nearly 500 women's groups in North America and around the world and comes to this issue rooted in a commitment to speaking and acting forcefully against discrimination.