

APPENDIX

STATEMENT OF INTEREST OF *AMICI CURIAE*

Advocates for Faith & Freedom

Advocates for Faith & Freedom is a non-profit public interest law firm that is dedicated to the preservation, promotion, and defense of religious liberty. Its counsel has been involved in numerous past and present cases that concern the right of persons and entities to be free to exercise their faith through speech and conduct. Advocates for Faith & Freedom is presently counsel of record in three cases before the Ninth Circuit Court of Appeal that concern religious speech and exercise. Advocates for Faith & Freedom is also involved in numerous cases that concern the application of the strict scrutiny standard as implicated by the federal Religious Land Use and Institutionalized Persons Act and the First Amendment to the United States Constitution. Therefore, Advocates for Faith & Freedom has a particular interest in the Court's interpretation and application of the strict scrutiny standard.

Agudath Israel of America

Agudath Israel of America is a national Orthodox Jewish organization. Among its other activities, Agudath Israel advocates for the rights and interests of religiously-observant Jews. Agudath Israel has been an active member of the Coalition for the Free Exercise of Religion, and has been a strong supporter of RFRA and other similar legislative initiatives designed to provide broad free exercise protection. Religiously observant Jews across the country have a direct stake in ensuring that RFRA remains a potent protection for religious liberty.

The American Civil Liberties Union

The American Civil Liberties Union (ACLU) is a nationwide, nonprofit, nonpartisan organization with more than 400,000 members dedicated to the principles of liberty and equality embodied in the Constitution and this nation's civil rights laws. Since its founding in 1920, the ACLU has sought to preserve religious freedom through its defense of both the Free Exercise and Establishment Clauses. In furtherance of that goal, the ACLU has appeared before this Court in numerous religion cases, both as direct counsel and as *amicus curiae*. The ACLU also supported enactment of RFRA, whose proper interpretation is at issue in this case.

Americans for Religious Liberty

Americans for Religious Liberty (ARL) is a nonprofit, public interest, educational organization founded in 1982. ARL is dedicated to defending religious freedom, freedom of conscience, and the constitutional principle of separation of church and state. To preserve these values, ARL's supporters believe RFRA's compelling interest test should be applied by its terms in the statute. ARL has participated as an *amicus* in a number of cases before this Court.

The Baptist Joint Committee

The Baptist Joint Committee (BJC) is a religious liberty organization serving fourteen cooperating Baptist conventions and conferences in the United States. BJC deals exclusively with religious liberty and church-state separation issues and believes that vigorous enforcement of both the Establishment and Free Exercise Clauses is essential to religious liberty for all Americans. Since BJC strongly supported its enactment in 1993, RFRA has become a lynchpin of protection for religious liberty from federal interference. The Government's position threatens to seriously weaken that protection.

The Christian Legal Society

The Christian Legal Society, founded in 1961, is a nonprofit interdenominational association of Christian attorneys, law students, judges, and law professors with chapters in nearly every state and at over 140 accredited law schools. Since 1975, the Society's legal advocacy and information division the Center for Law and Religious Freedom, has worked for the protection of religious belief and practice, as well as for the autonomy from the government of religion and religious organizations, in the Supreme Court of the United States and in state and federal courts throughout this nation.

The Center strives to preserve religious freedom in order that men and women might be free to do God's will. Using a network of volunteer attorneys and law professors, the Center provides information to the public and the political branches of government concerning the interrelation of law and religion. Since 1980, the Center has filed briefs *amicus curiae* in defense of individuals, Christian and non-Christian, and on behalf of religious organizations in virtually every case before the Supreme Court involving church/state relations.

The Society is committed to religious liberty because the founding instrument of this Nation acknowledges as a "self-evident truth" that all persons are divinely endowed with rights that no government may abridge nor any citizen waive, Declaration of Independence (1776). Among such inalienable rights are those enumerated in (but not conferred by) the First Amendment, the first and foremost of which is religious liberty. The right sought to be upheld here inheres in all persons by virtue of its endowment by the Creator, Who is acknowledged in the Declaration. It is also a "constitutional right," but only in the sense that it is recognized in and

protected by the U.S. Constitution. Because the source of religious liberty, according to our Nation's charter, is the Creator, not a constitutional amendment, statute or executive order, it is not merely one of many policy interests to be weighed against others by any of the several branches of state or federal government. Rather, it is foundational to the framers' notion of human freedom. The State has no higher duty than to protect inviolate its full and free exercise. Hence, the unequivocal and non-negotiable prohibition attached to this, our First Freedom, is "Congress shall make no law..."

The Christian Legal Society's national membership, years of experience, and available professional resources enable it to speak with authority upon religious freedom matters before this Court.

The First Church of Christ, Scientist, in Boston, Massachusetts

The First Church of Christ, Scientist, in Boston, Massachusetts was founded by Mary Baker Eddy in 1879 with a healing mission that embraces humanity by promoting the religion of Christian Science throughout the world. Local Christian Science branch churches exist throughout the United States and in almost 90 other countries. Although The First Church of Christ, Scientist supports the legal arguments made in this amicus brief, neither the Church nor the theology of Christian Science supports the use of drugs or any other material substances as an aid or pathway to spirituality or a greater understanding of God.

The General Assembly of the Presbyterian Church (U.S.A.)

Clifton Kirkpatrick, as Stated Clerk of the General Assembly, is the senior continuing officer of the Presbyterian Church (U.S.A.). The Presbyterian Church (U.S.A.) is a national Christian denomination with nearly 2.5 million

members in more than 11,500 congregations, organized into 173 presbyteries under the jurisdiction of 16 synods. Through its antecedent religious bodies, it has existed as an organized religious denomination within the current boundaries of the United States since 1706. The General Assembly is the highest legislative and interpretive body of the denomination and the final point of decision in all disputes. As such, its statements are considered worthy of the respect and prayerful consideration of all the denomination's members. The General Assembly does not claim to speak for all Presbyterians, nor are its deliverances and policy statements binding on the membership of the Presbyterian Church.

The General Assembly of the Presbyterian Church (U.S.A.) has, since the effective date of the Religious Freedom and Restoration Act, vigorously supported the protections of the religious freedom afforded by the Act. It urges this Court to continue to protect religious freedom in the United States by applying the Religious Freedom Restoration Act requirement that the government prove that application of a substantial burden on religious exercise furthers a compelling governmental interest and does so by the least restrictive means. The Stated Clerk does not make any claim to determine whether or not the facts in this case involve a compelling governmental interest promoted by the least restrictive means.

*The Holy Spirit Association for Unification of World
Christianity (HSA)*

The Holy Spirit Association for Unification of World Christianity (HSA), commonly known as the Unification Church, is a religious organization active throughout the United States. HSA seeks to preserve the fullest constitutional and statutory religious freedoms of its members. It desires that the Religious Freedom Restoration (RFRA) Act be interpreted to provide the broadest protection of freedom

possible. As this case involves the interpretation of the RFRA and the standards of strict scrutiny, HSA's interests are directly affected.

Institute on Religion and Public Policy

The Institute on Religion and Public Policy is a non-profit, non-partisan organization dedicated to researching and promoting cooperation between adherents of diverse religions, ethical norms, and political commitments. The Institute seeks to provide a trusted, balanced forum where Democrats and Republicans, liberals and conservatives, Protestants and Catholics, Jews and Muslims -- in short, people of all faiths and beliefs -- can come to an understanding and plan of action on issues of common concern.

The Institute operates on the premise that all people have the right to express their religious beliefs immune from public or private coercion. Accordingly, the Institute is committed to preserving a safe sphere for religious expression, and therefore opposes the Government's effort to weaken RFRA's compelling interest test in this case.

Liberty Counsel

Liberty Counsel has a keen interest in the preservation and protection of the free exercise of religion as an organization whose mission is to provide pro bono legal defense to those whose free exercise rights have been violated. Founded in 1989, Liberty Counsel has offices in Florida and Virginia and hundreds of affiliates in all fifty states. Liberty Counsel has argued before the United States Supreme Court on significant constitutional issues and has filed numerous briefs and represented many houses of worship under the Religious Land Use and Institutionalized Persons Act, which parallels in many ways the federal RFRA. Liberty Counsel has also

represented many individuals who have had their freedom of religion infringed upon and receives calls daily from such individuals seeking pro bono representation to protect the free exercise of their religion. As part of the original coalition urging passage of RFRA, Liberty Counsel has an interest in seeing an expansive definition and application of RFRA.

Minaret of Freedom Institute

The Minaret of Freedom Institute (MFI) is a Muslim policy research organization with a four-fold mission: to counter distortions about Islam, to show the origins of modern values that emerged from Islamic civilization, to educate both Muslims and non-Muslims on the importance of liberty and free markets, and to advance the status of Muslims worldwide. MFI's interest in the instant case stems from our commitment to the cause of liberty and from our concern for the religious freedom and status of Muslims.

MFI is concerned that the position advocated by the Government will set a precedent that, if followed, will emasculate the concept of religious liberty. One of the first casualties of a watered down compelling interest test will be the religious freedom of Muslims. Muslim prisoners, for example, may be forced to choose between eating pork products and starving. Practices culturally offensive to Muslims but inoffensive to non-Muslims, such as partial nudity, may be imposed not only on prisoners but on applicants for federal identification cards. If the Government prevails, all of this may be accomplished without any showing of a compelling governmental interest and with no effort to satisfy the government's interest in the least restrictive manner.

The National Association of Evangelicals

The National Association of Evangelicals (NAE) is a nonprofit association of evangelical Christian denominations, local churches, organizations, institutions, and individuals that includes more than 50,000 local churches from 51 denominations, as well as over 250 other religious ministries. NAE serves a constituency of over twenty million people. The Association believes that religious freedom is a gift of God and vital to the limited government which is our American constitutional republic. NAE believes the Government's position in this case would render RFRA largely impotent to protect sincere religious practice from federal interference.

The Peyote Way Church of God

The Peyote Way Church is a diverse organization whose sacrament is the endangered cactus species, peyote (botanical name *lophophora williamsii*). This plant is on the controlled substances list, and its religious use is federally restricted to Native American members of the Native American Church. As federal restrictions of sacramental plants intimately affect our church, we support the Respondents in this argument. The Peyote Way Church maintains that the government has no right to interfere with an individual's spiritual development, yet the emasculating of RFRA that the Government asks this Court to effect would allow precisely that result.

Queens Federation of Churches

The Queens Federation of Churches, Inc., was organized in 1931 and is an ecumenical association of Christian churches located in the Borough of Queens, City of New York. It is governed by a Board of Directors composed of equal number of clergy and lay members elected by the delegates of member congregations at an annual assembly meeting. Over 390 local churches representing every major Christian

denomination and many independent congregations participate in the Federation's ministry. The Queens Federation of Churches has appeared as amicus curiae previously in a variety of actions for the purpose of defending religious liberty. The Queens Federation of Churches and its member congregations are vitally concerned for the protection of the principle and practice of religious liberty. Accordingly, the Federation supports RFRA's purpose of requiring the federal government to establish a compelling governmental interest, and no less restrictive alternative, when it wishes to apply a law or regulation substantially to interfere with religious practice.

Sikh Coalition

Representing the interests of the North American Sikh community, the Sikh Coalition seeks to safeguard the civil and human rights of all citizens as well as to promote the Sikh identity and to communicate the collective interests of Sikhs to civil society. The Coalition serves as source of information on Sikhs and Sikh concerns for governments, organizations, and individuals. Ensuring the free exercise of religion for all people is a key tenet of the Sikh faith and is strongly promoted by the Coalition. The Coalition regards RFRA as a hedge of protection for Sikhs, one that would be largely destroyed if the Court adopts the Government's position.

Union For Reform Judaism

The Union for Reform Judaism (URJ) is the congregational arm of Reform Jewry, comprising 850 synagogues with a membership of over 1.5 million Jews in the United States. For the over one hundred years of its existence, the URJ has been a passionate advocate for protecting and strengthening the religion clauses of the First Amendment as the indispensable tools for preserving religious liberty. As Jews, we have long shared in and

benefited from America's unparalleled tradition of religious freedom. After centuries of harassment and persecution in every corner of the globe, we understand and appreciate that for more than two centuries, America's tradition of religious freedom has been a tremendous gift to people of faith. For us, and so much of American Jewry, the struggle to protect religious liberty, to ensure that we, and our neighbors, are free to follow the dictates of our conscience, is a core issue. We have, therefore, participated as amicus in nearly every major religious liberty case before the Court.