Nos. 24-394, 24-396

In the Supreme Court of the United States

OKLAHOMA STATEWIDE CHARTER SCHOOL BOARD, *ET AL.*,
Petitioners,

v.

GENTNER DRUMMOND, ATTORNEY GENERAL OF OKLAHOMA, EX REL. OKLAHOMA,
Respondent.

ST. ISIDORE OF SEVILLE CATHOLIC VIRTUAL SCHOOL,
Petitioner,

v.

GENTNER DRUMMOND, ATTORNEY GENERAL OF OKLAHOMA, EX REL. OKLAHOMA,
Respondent.

On Writs of Certiorari to the Supreme Court of Oklahoma

BRIEF OF BAPTIST JOINT COMMITTEE FOR RELIGIOUS LIBERTY; CENTRAL CONFERENCE OF AMERICAN RABBIS; COOPERATING BAPTIST FELLOWSHIP OF OKLAHOMA; COOPERATIVE BAPTIST FELLOWSHIP; EVANGELICAL LUTHERAN CHURCH IN AMERICA; GENERAL SYNOD OF THE UNITED CHURCH OF CHRIST; INTERFAITH ALLIANCE; THE MOST REVEREND SEAN W. ROWE, PRESIDING BISHOP OF THE EPISCOPAL CHURCH; MUSLIM PUBLIC AFFAIRS COUNCIL; NATIONAL COUNCIL OF JEWISH WOMEN; AND UNION FOR REFORM JUDAISM AS *AMICI CURIAE* IN SUPPORT OF RESPONDENT

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INTERESTS OF THE *AMICI CURIAE*

Amici—the Baptist Joint Committee for Religious Liberty; Central Conference of American Rabbis; Cooperating Baptist Fellowship of Oklahoma; Cooperative Baptist Fellowship; Evangelical Lutheran Church in America; General Synod of the United Church of Christ; Interfaith Alliance; The Most Reverend Sean W. Rowe, Presiding Bishop of The Episcopal Church; Muslim Public Affairs Council; National Council of Jewish Women; and Union for Reform Judaism—are religious organizations and other organizations grounded in religious experience whose members believe that religious freedom depends on non-establishment.[1] A full description of the *amici* is contained in the Appendix.

Though they represent different faith traditions, *amici* all believe that government sponsorship of religion endangers, rather than enhances, religious liberty. In *amici*'s view, religion flourishes best when it is supported voluntarily and privately—not sponsored by the state with public funds.

Amici thus have a strong interest in preserving the constitutional principle that religious and civil institutions must remain distinct. That structural boundary—rooted in the Founding and reaffirmed across generations—safeguards both the integrity of religious communities and the legitimacy of the state.

Amici are especially concerned about the risks that accompany government selection and funding of religious schools. History shows that government

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[1] No counsel for a party authored this brief in whole or part, and no person or entity other than *amici* and their counsel made a monetary contribution to the preparation or submission of this brief.

sponsorship of religious education inevitably results in promotion of particular religious doctrines—placing minority faiths at a disadvantage and betraying the constitutional promise of religious equality. When funding decisions turn on theology or religious affiliation and lack neutral, judicially manageable standards, disfavored religions are likely to be excluded or subordinated.

Amici are equally troubled by the fusion of religious instruction with civil authority. When a religious institution is tasked with performing a core governmental function—such as operating a publicly funded school—there is a serious risk that its religious mission will be experienced as state-sponsored, or that its theology will be presented as civic obligation. That is precisely the sort of church-state entanglement the Establishment Clause forbids.

Amici therefore oppose Petitioners' effort to require the government to fund religious education through the charter school system. A ruling in Petitioners' favor would erode the constitutional separation essential to preserving religious liberty for people of all faiths.

INTRODUCTION AND SUMMARY OF ARGUMENT

This Court should affirm the Oklahoma Supreme Court's decision holding unconstitutional the Oklahoma Statewide Charter School Board's establishment, operation, and financing of religious charter schools.

Though Petitioners insist the Court must determine whether the charter school at issue is a "state actor," that is, in the end, irrelevant to the actual question presented here: Whether the First

Amendment requires the State of Oklahoma to establish, fund and oversee *religious* public charter schools because it establishes, funds, and oversees *nonreligious* public charter schools. The Constitution's answer—rooted in text, history, and precedent—is no. Not only does the Constitution not require this; it does not permit it. And no matter what label is applied to St. Isidore—public, private, charter—the answer is the same.

Nor is this a Free Exercise case, despite Petitioners' styling. Oklahoma's decision not to establish the nation's first religious public charter school does not "prohibit the free exercise" of the Catholic (or any other) faith. Oklahoma has not "forced" any believer to choose between freely practicing their religion and receiving the benefits of state-provided free education. Oklahoma has not discriminated against any religion. Rather, Oklahoma rightly followed the Constitution's mandate not to "make [a] law respecting an establishment of religion." U.S. Const. amend. I.

Upholding Petitioners' religious charter school scheme would mark a radical break from the Establishment Clause principles this Court has embraced for more than 75 years. This Court has always maintained a firm constitutional boundary: Government must not adopt an "official" religious voice or sponsor religious indoctrination. That principle reflects the Founders' conviction that religious belief must be voluntary and that failing to maintain a distinction between the roles of government and religion threatens both religion and the state.

Petitioners would require Oklahoma to fund a school whose core mission is religious education—a

school that will teach Catholic doctrine, require religious observance, and condition employment on adherence to faith tenets. This is not, as Petitioners argue, a neutral benefit program with indirect aid flowing through private choice. It is direct state sponsorship of a specific religion. This would set a dangerous precedent and depart sharply from foundational constitutional principles. Those principles—designed to ensure the state does not favor any particular faith tradition—guarantee vital religious liberty protections that benefit religious institutions and adherents of all faiths (or none).

The state may fund roads and libraries, police and parks. But it may not fund religious schools.

The Court should affirm.

ARGUMENT

I. Petitioners' Effort To Require The State To Establish And Fund A Religious School Defies Essential Non-Establishment Norms Rooted In History.

The Constitution draws a firm line: The State may not intertwine its authority with religion. Petitioners now ask the Court to erase that line—inviting, for the first time in our Nation's history, direct public funding for religious instruction in a state-established school. The Establishment Clause forbids it.

A. To safeguard religious liberty, the Framers opposed state alignment with any particular faith.

The principle that church and government should occupy distinct spheres has its roots in the earliest days of the Republic.

The Virginia story of disestablishment is better known than most—and for good reason. It informed this Court's early Establishment Clause decision in *Everson* v. *Board of Education*, 330 U.S. 1 (1947), and it crystallized a core principle: Civil government may not use its power to direct or enforce religious belief. The story goes like this.

Nearly 250 years ago, Patrick Henry introduced in the Virginia legislature an assessment bill that would have taxed citizens to pay a salary to "teachers of the Christian religion." Patrick Henry, *A Bill Establishing a Provision for Teachers of the Christian Religion* (1784), *reprinted in Everson*, 330 U.S. at 72-74. James Madison opposed it. In his *Memorial and Remonstrance*, Madison advanced a vision of religious liberty defined by separation—between church and state, belief and power, private conviction and public obligation. In his view, the "Religion * * * of every man must be left to the conviction and conscience of every man." James Madison, *A Memorial and Remonstrance Against Religious Assessments* ¶ 1 (1785), *reprinted in Selected Writings of James Madison* 21-27 (Ralph Ketcham ed., 2006).

Thomas Jefferson's alternative to Henry's bill—which Madison supported—took the same view. It condemned as "sinful and tyrannical" compelling anyone "to furnish contributions of money for the propagation of opinions which he disbelieves." Thomas Jefferson, *The Virginia Statute for Establishing Religious Freedom* 95 (1786), *reprinted in Founding the Republic: A Documentary History* (John J. Patrick ed., 1995). To require a taxpayer "to support this or that teacher," even "of his own religious persuasion," was, in Jefferson's view, to deprive him of the "comfortable liberty" of choosing

the teacher his own faith would have him support. *Ibid.*

Madison also warned that Henry's bill endangered religion itself. Permitting "the Civil Magistrate" to "employ Religion as an engine of Civil policy," he wrote, threatened a dangerous arrogation of authority over the divine. Madison, *Memorial* ¶ 5. The state, he cautioned, is not "a competent Judge of Religious Truth." *Ibid.*

That vision—of a government restrained not just to protect conscience, but to preserve faith from state distortion—prevailed. Henry's bill was rejected; Jefferson's *Virginia Statute* enacted. And the latter's promise—"no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever"—would echo in the constitutional tradition that followed. See Douglas Laycock, *"Nonpreferential" Aid to Religion: A False Claim About Original Intent*, 27 Wm. & Mary L. Rev. 875, 899 (1986).

And that vision was not Virginia's alone. Pennsylvania's 1776 Constitution prohibited compulsory support for any religious ministry and declared that "no man can of right be compelled to attend, erect, or support any place of worship." Steven K. Green, *Separating Church and State: A History* 49-50 (2022). Steeped in Quaker ideals of liberty of conscience, Pennsylvania's framers understood that government sponsorship of religion threatened both liberty of conscience and integrity of faith. *Ibid.*

At the time of the First Amendment's ratification in 1791, the states reflected a range of views about the church-state relationship. *Id.* at 50-64. But by century's end, many had followed the path charted by

Virginia and Pennsylvania—prohibiting public support for religious ministries and schools. *Id.* at 76-77. To be sure, disestablishment unfolded more gradually in some areas. Yet even in New England, where religious assessments lingered, dissenting Protestant groups were often permitted to redirect their contributions to churches of their choosing—a tacit recognition that government may not exercise authority in matters of faith. *Id.* at 92-94. By 1833, when Massachusetts became the final state to end public religious funding, a national consensus had taken hold. *Id.* at 95-97. The arc was clear: The trajectory bent toward separation. And the line between church and state—first sketched at the Founding—had, at last, been drawn.

B. Nineteenth-century adoption of common schooling generally reflected the Framers' opposition to state sponsorship of religion.

1. Common schools did not exist in the early days of the Nation; publicly funded common schools existed in only a few urban centers and a handful of rural communities. See Carl F. Kaestle, *Pillars of the Republic: Common Schools and American Society 1780-1860* 62-81, 104-135 (1983). By the time they became widespread in the latter half of the 19th century, however, a core principle had taken root: publicly funded education should not include religious indoctrination.

Between 1830 and 1868, the common school movement dramatically reshaped American education. *Ibid.* These new public schools were styled "nonsectarian"—a term that, in practice, meant they did not endorse any single Protestant denomination, but often included Bible reading without commentary.

Steven K. Green, *The Second Disestablishment: Church and State in Nineteenth-Century America* 256 (2010). The idea, their advocates claimed, was to provide a baseline civic education while leaving specific religious instruction to families and faith communities after hours. Green, *Separating* at 125-127; Kaestle, *Pillars* at 13-29, 98. The principle had begun to take hold by then that the classroom should serve civic education, not religious formation, and the state should fund not institutions that teach the creed of a particular faith, but those that advance the civic-focused nonsectarianism of the common schools. Green, *Separating* at 125.

2. Petitioners ignore this history even as they claim fidelity to historical practice. They cite scattered episodes of government support for religious schools—most notably the Indian missionary boarding schools and the Freedmen's Bureau schools for formerly enslaved children—as exemplifying a benign tradition of "early federal funding for religious schools" that purportedly supports their position. Board. Br. 4-6. But those episodes are no constitutional model. Quite the opposite: Petitioners ask this Court to reorient First Amendment doctrine around practices rooted in what sociologist Eve L. Ewing has called our country's twin "original sins." See Eve L. Ewing, *Original Sins: The (Mis)education of Black and Native Children and the Construction of American Racism* 4 (2025). In any event, those episodes were exceptions to, not exemplars of, the constitutional norms that would come to define Establishment Clause jurisprudence—norms grounded in voluntarism, religious liberty, and the structural separation of church and state.

Few episodes in our history cut more sharply against this Nation's values—including the values the

Establishment Clause protects—than the Indian boarding school system. In reality, these schools were central to a broader federal project of territorial dispossession and forced assimilation, including of religious belief. Bryan Newland, Bureau of Indian Affairs, U.S. Dep't of Interior, *Federal Indian Boarding School Initiative Investigative Report* 7 (May 2022), https://perma.cc/2ZLC-AZFL.

In this system, religious organizations secured "civilization" contracts from the federal government to "educate" Native American children in residential schools. Rebecca Tsosie, *Accountability for the Harms of Indigenous Boarding Schools: The Challenge of "Healing the Persisting Wounds" of "Historic Injustice,"* 52 Sw. L. Rev. 20, 20-21 (2023). Native children were forcibly removed from their families and sent to the schools, where they were systematically isolated from their languages, cultures, and communities. Many suffered severe abuse at the hands of those charged with their "education." *Id.* at 21, 24-25. Some died of disease, abuse, or neglect, and were buried in unmarked graves far from home. *Id.* at 25; see also Newland, *Investigative Report* at 86.

Religious instruction was a key instrument of this coercive project. The Department of the Interior has confirmed that the "Federal Indian boarding school system deployed systematic militarized and identity-alteration methodologies" to forcibly assimilate Native children, including by stripping them of their Native "languages, religions, and cultural practices." Newland, *Investigative Report* at 7. Children were required to attend Christian services and were punished for practicing their own spiritual traditions. Bryan Newland, Bureau of Indian Affairs, U.S. Dep't

of Interior, *Federal Indian Boarding School Initiative Investigative Report Vol. II* 46-49, 59, 87-89 (July 2024), https://perma.cc/VYP4-D63J (recounting religious abuses at mission-run schools). In 2024, the President formally apologized for the federal government's role in the Indian boarding school system, calling it "a significant mark of shame, a blot on American history."[2]

Nor do the Freedmen's Bureau schools offer a model worthy of emulation. Established in 1865 to assist formerly enslaved people in the aftermath of the Civil War, the Bureau supported a range of educational efforts in the South—most staffed by Northern missionaries. In many cases, these schools did not merely include religious content—they imposed it. As Henry Lee Swint documents, Bible reading and Protestant moral instruction were daily features of the classroom, embedded in a curriculum that treated religious conformity as a precondition for literacy and advancement—and as a tool of social and political control. Henry Lee Swint, *The Northern Teacher in the South, 1862–1870* 35-44, 56-62, 87, 138-39 (1967).

Not all educators in these schools were equally doctrinaire, and many believed sincerely in both the redemptive power of education and the humanitarian mission of uplifting formerly enslaved people. But their project was shaped by a prevailing view of formerly enslaved people as uncivilized "barbarians" and the belief that Christianity offered the primary means of their moral uplift. In these schools, religion was not merely present in the classroom—it was

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[2] Joe Biden, Remarks by President Biden (Oct. 25, 2024), https://perma.cc/DER9-DNXT.

deployed in service of a white Protestant ideal that sought to erase the identity and experience of the formerly enslaved. See Robert C. Morris, *Reading, 'Riting, and Reconstruction: The Education of Freedmen in the South, 1861-1870* 151 (2010).

Drawing on archival records and historical accounts, Professor Eve Ewing illustrates how white reformers used the classroom to enforce a vision of citizenship defined by Christian piety, obedience, and social deference. Ewing, *Original Sins* at 58-73. These schools were built not to liberate, she writes, but to "reform"—extracting obedience and so-called Christian respectability as the price of civic belonging. *Id.* at 61.

That legacy is not a blueprint. It is a warning.

When the state involves itself in religious instruction, it transfers public authority to private religious actors. That delegation alters the role of education itself: Instruction no longer purports to cultivate knowledge and respect religious differences, but to mold conscience according to the dictates of a particular sect whose teachings conform to government goals. In the Indian schools, that meant using religious education to extinguish Native identity and force assimilation, spiritual and otherwise. In the Freedmen's Bureau schools, it meant conditioning access to literacy, employment, and civic belonging on conformity to white Protestant religious tenets. The Establishment Clause bars the fusion of state power with sectarian authority not because all religious education is coercive, but because once the state adopts it as its own, coercion too easily follows—by structure, if not by design.

3. Nor does Petitioners' appeal to other early funding practices withstand scrutiny. The argument rests on a distorted originalism.

Petitioners point out that, before the rise of common schools, some state and local governments "sometimes helped shoulder the costs" of education provided in religious institutions. Board. Br. 4. But such funding, almost exclusively benefitted Protestant denominations. Life in pre-Revolutionary and 18th-century America was religiously intertwined, yes—but intertwined almost exclusively with the Protestant faith. Laycock, *"Nonpreferential" Aid*, 27 Wm. & Mary L. Rev. at 878; see also Peter J. Smith & Robert W. Tuttle, *Establishment Clause Mythology*, __ Case W. Rsrv. L. Rev. __ (forthcoming 2025), at 63-64.[3]

These examples do not support Petitioners' claim to government funding for *their* religious school. Rather, it is Petitioners who urge an "ahistorical approach," see *Kennedy* v. *Bremerton School District*, 597 U.S. 507, 534 (2022), by suggesting that the Founders would have embraced a state-funded *Catholic* charter school. The Founders' "historical practices and understandings," see *id.* at 535, simply would not have contemplated Establishment or Free Exercise Clauses suited to today's religiously pluralistic society because that was not the society in which they lived. See Laycock, *"Nonpreferential" Aid*, 27 Wm. & Mary L. Rev. at 878.

4. In any event, these historical anomalies cannot obscure the broader constitutional trajectory—a deliberate and consistent move toward separation.

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[3] https://ssrn.com/abstract=4576120.

The movement toward disestablishment began in the states even prior to ratification of the First Amendment in 1791, gained broad traction by 1800—as reflected in the election of Thomas Jefferson—and was nearly complete by 1820. Green, *Separating* at 75-77, 90-94. This shift coincided with early efforts to establish publicly funded "nonsectarian" schools—meaning, at the time, generically Protestant ones. *Id.* at 125-128; Kaestle, *Pillars* at 13-29.

As Professor Steven Green explains, the 1830s brought a new generation of educational reformers who aimed to strip education of its sectarian traces. Green, *Separating* at 125-28. Newly adopted constitutional provisions banning public funding for religious schools reflected the growing consensus that education should serve civic, not religious, ends. *Id.* at 126-28. By the time of widespread common schooling—and certainly by the ratification of the Fourteenth Amendment in 1868—state-sponsored religious education was broadly considered unconstitutional. See, *e.g.*, *Everson*, 330 U.S. at 11-13 (discussing the development of nonsectarian public education and the rejection of taxpayer support for religion); see also Green, *Separating* at 130; Smith & Tuttle, *Mythology* at 64. Petitioners can point to no history or tradition of state-operated or state-financed religious schools after the rise of the common schools, and certainly none after 1868.

As Professor Thomas Curry notes, "[t]he belief that government assistance to religion, especially in the form of taxes, violated religious liberty had a long history" by the time of constitutional formation. Thomas J. Curry, *The First Freedoms: Church and State in America to the Passage of the First Amendment* 105-133 (1986). And by the mid-19th

century, state courts "uniformly" recognized that "spending tax dollars on parochial school education would violate principles of church-state separation." Steven K. Green, *Private School Vouchers and the Confusion Over "Direct" Aid*, 10 Geo. Mason U. Civ. Rts. L.J. 47, 51 (2000) (collecting cases). That consensus, rooted in both history and principle, remains the law today.

C. This Court has consistently prohibited direct government funding of religious instruction.

As this Court's Religion Clause jurisprudence developed, it too recognized this core constitutional prohibition on direct aid to religious activity.

1. This Court has consistently drawn a bright line: Government may not use public funds to directly sponsor religious instruction or institutions. In *Bradfield* v. *Roberts*, 175 U.S. 291 (1899), this Court's first decision under the Establishment Clause, the Court upheld a federal grant to construct a hospital wing operated by a Catholic order—but only because the hospital was legally incorporated as a "nonsectarian and secular corporation" with a strictly medical mission. *Id.* at 298. The religious affiliation of its individual staff members, the Court made clear, did not convert a secular hospital into a religious institution. *Id.* at 298-300. The Court distinguished between government aid to a secular body offering secular services that happen to be provided by adherents of a particular faith—which is generally permissible—and government aid to a religious body offering religious indoctrination—which is not. *Id.* at 299.

Though the Court addressed few Establishment Clause cases in the following decades, by mid-century it had reaffirmed the prohibition against government funding of religious education. In *Everson*, the Court considered whether reimbursing parents for bus transportation to religious schools in addition to public schools violated the Establishment Clause. A divided Court upheld this aid on the ground that it reflected a public benefit available to all students, but every Justice agreed on a bedrock principle: "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." *Everson*, 330 U.S. at 16.

The very next year, *McCollum* gave this principle sharper teeth, striking down a program that allowed religious instructors to teach in public school classrooms during "released time" within the school day. *McCollum* v. *Bd. of Educ. of Sch. Dist. No. 71*, 333 U.S. 203 (1948). Drawing directly on *Everson*'s prohibition against taxpayer funding of religious instruction, the Court held that the program constituted "a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith"—a clear establishment problem. *Id.* at 210.

2. Building on these core principles, the School Prayer cases reinforced the rule that the government may neither directly fund nor facilitate religious teaching, no matter how benign the motive or minimal the intrusion. In *Engel* v. *Vitale*, 370 U.S. 421 (1962), the Court held that a state-composed prayer, though brief and non-denominational, was unconstitutional because the Establishment Clause "must at least mean" that government may not "compose official

prayers" for schoolchildren. *Id.* at 425. The following year, in *School District of Abington Township* v. *Schempp*, 374 U.S. 203 (1963), the Court struck down Bible readings and recitation of the Lord's Prayer in public schools. Rejecting assurances that the religious exercises served a secular educational purpose, the Court held that—regardless of the state's asserted secular intent—the primary and inevitable *effect* of these practices was the religious formation of students. *Id.* at 210.

The Court again rejected a purportedly secular justification for state-sponsored religious expression in *Stone* v. *Graham*, 449 U.S. 39 (1980). There, the Court held unconstitutional a Kentucky statute requiring the posting of the Ten Commandments in public school classrooms. The Court looked beyond the state's purported secular justification to the "pre-eminent purpose for posting," which was "plainly religious in nature." *Id.* at 41. "The Ten Commandments are undeniably a sacred text in the Jewish and Christian faiths," the Court reasoned, and "no legislative recitation of a supposed secular purpose can blind us to that fact." *Ibid.*

Similarly, in *Edwards* v. *Aguillard*, 482 U.S. 578 (1987), the Court invalidated a Louisiana law requiring that creation science be taught alongside evolution, reaffirming that "the First Amendment does not permit the State to require that teaching and learning must be tailored to the principles or prohibitions of any religious sect or dogma." *Id.* at 591 (citation omitted). Though the state invoked academic freedom, the Court determined the law's true aim was religious: to advance a sectarian doctrine through the public school system. *Ibid.*

3. This Court's funding cases also reinforce the bedrock principles set out in *Everson* and *McCollum*. In *Tilton* v. *Richardson*, 403 U.S. 672 (1971), for example, the Court invalidated a provision in a federal higher education grant program for the construction of non-religious school facilities by religious higher education institutions. The invalidated provision would have allowed religious institutions to use the government-funded buildings for religious instruction after 20 years. The Court reasoned that the program amounted to government subsidies for religious education and activity because the buildings were expected to last far longer than that. *Id.* at 683.

Similarly, while the Court in *Bowen* v. *Kendrick*, 487 U.S. 589 (1988), upheld a statute that authorized grants to both religious and non-religious organizations for abstinence-based teenage sexual education, the Court stressed that such funding demands vigilant oversight to ensure funds are spent in the non-religious manner Congress intended. As the Court explained, "[t]here is no doubt that the monitoring of [the] grants is necessary" to ensure public money is not diverted to religious use. *Id.* at 615; see also *Agostini* v. *Felton*, 521 U.S. 203, 234 (1997) (discussing monitoring requirement).

* * * * *

These cases together mark a constitutional boundary the Court has never crossed. As Justice Souter once explained, the irreducible core of the Establishment Clause is this: "Using public funds for the direct subsidization of preaching the word is categorically forbidden." *Rosenberger* v. *Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 868 (1995) (Souter, J., dissenting). "[I]f the Clause was meant to

accomplish nothing else, it was meant to bar this use of public money." *Id.*; see also *id.* at 840 (Kennedy, J.) (majority) (affirming that "direct support of a church" would "of course * * * run contrary to Establishment Clause concerns dating from the earliest days of the Republic"); *id.* at 852 (O'Connor, J., concurring) (confirming that nothing in *Rosenberger* "signals the demise of the funding prohibition in Establishment Clause jurisprudence").

That prohibition resolves the core issue in this case.

D. Petitioners misread *Kennedy*.

Petitioners rely heavily on *Kennedy*'s statement that the *Lemon* test has been "abandoned." *Kennedy*, 597 U.S. at 534; see *Lemon* v. *Kurtzman*, 403 U.S. 602 (1971). According to them, *Kennedy* swept aside the traditional Establishment Clause framework and replaced it with an exclusive focus on historical practice. But that reading overstates *Kennedy* and misconstrues the foundations of Establishment Clause doctrine. *Kennedy* neither upheld government funding of religious instruction nor disturbed the longstanding prohibition against it. The bar on direct state funding of religious education remains both doctrinally intact and constitutionally essential.

In fact, *Kennedy* had nothing to do with government funding of religion. The issue there was whether a public school football coach could offer what the Court characterized as a "personal" prayer after a game. See 597 U.S. at 515. The Court held that the coach's prayer was private religious expression protected by the Free Exercise and Free Speech Clauses. *Id.* at 539-40. The Establishment Clause arose only indirectly—raised not by the plaintiffs, but

by the school district as a defense—and the only portion of the traditional *Lemon* test implicated was the "endorsement test" gloss on the second prong, which the Court rejected as atextual and ahistorical. *Id.* at 535-37.

Justice Gorsuch, writing for the majority, stated that the Court had "long ago abandoned *Lemon* and its endorsement test offshoot." *Id.* at 534. But while the *Lemon* test *as such* may be no more, the two decisions Justice Gorsuch cited as proof of *Lemon*'s abandonment—*Town of Greece* v. *Galloway*, 572 U.S. 565 (2014), and *American Legion* v. *American Humanist Association*, 588 U.S. 29 (2019)—nonetheless affirmed traditional Establishment Clause *principles* embodied in the *Lemon* factors. Although the Court concluded those principles were not offended in those particular cases, neither case suggested in any way that the Court has "abandoned" the core principles that constrain government sponsorship of religion.

Town of Greece upheld the longstanding practice of legislative prayer in the context of town board meetings. See 572 U.S. at 578. Justice Kennedy's controlling opinion emphasized that the prayers in question were addressed to legislators, not children; were observed by adults, not students; and did not proselytize or disparage other faiths. *Id.* at 582-83, 585-86. These features placed the practice within, not outside, the Court's traditional Establishment Clause framework. Nothing in that case licensed the government to underwrite religious education with public funds. Instead, *Town of Greece* reiterated that government may not "prescribe a religious orthodoxy," *id.* at 581, citing *Lee* v. *Weisman*, 505 U.S. 577 (1992),

where the Court held unconstitutional clergy-led prayers recited at public school graduations.

American Legion followed a similar course. There, the Court held constitutional a century-old Latin cross memorial commemorating World War I veterans, reasoning that the monument had come to embody a predominantly civic meaning over time. 588 U.S. at 52. While a plurality of the Court criticized the *Lemon* test, *id.* at 48-57, the Court confined its reasoning to the specific context of "religious references or imagery in public monuments, symbols, mottos, displays, and ceremonies," and acknowledged that different Establishment Clause rules apply in other contexts—including, critically, "religious expression in public schools." *Id.* at 51 n.16. The Court did not suggest that government may fund religious instruction or operate religious schools. To the contrary, it reaffirmed that longstanding constitutional principles remain in force, even as it concluded that this particular display did not represent government embrace of a particular religious symbol.

These decisions do not mark departures from Establishment Clause doctrine; they apply long-settled principles to distinct factual settings. Those principles control, whether referred to as part of a test, or simply the enduring mandates of the Establishment Clause. In actual substance, *Town of Greece*, *American Legion*, and *Kennedy* object only to the "endorsement test"—Justice O'Connor's oft-maligned gloss on *Lemon*—not to the basic Establishment Clause inquiry articulated in *Lemon*.

Indeed, the "main evils" the Establishment Clause sought to prevent—"sponsorship, financial support, and active involvement of the sovereign in religious activity"—remain as valid today as when they were

articulated in *Lemon*. See *Lemon*, 403 U.S. at 612. Although *Kennedy* abandoned *Lemon* as such, the Court did not disavow the long line of cases prohibiting direct government funding of religious activity. Nor did it cast doubt on the continuing force of *Everson*, *McCollum*, *Tilton*, and their progeny—all of which reinforce the bar on direct financing of religious instruction. *See Am. Legion*, 588 U.S. at 51 n.16 (approving *Schempp* and *Lee*). That core Establishment Clause principle remains untouched.

The core Establishment Clause concern with excessive entanglement between church and state likewise remains intact. That principle traces its most explicit formulation not to *Lemon* but to *Walz* v. *Tax Commission of New York*, 397 U.S. 664, 670 (1970)—though its roots reach back a full century before that to *Watson* v. *Jones*, 80 U.S. (13 Wall.) 679 (1871).

In *Watson*, the Court emphasized that civil courts must not intervene in disputes over "questions of discipline, or of faith, or ecclesiastical rule, custom, or law," *id.* at 727, warning that government attempts to resolve such controversies would necessarily entangle the state in "strictly and purely ecclesiastical" matters that the government is incompetent to resolve. *Id.* at 733. *Watson* was decided as a matter of federal common law. In *Kedroff* v. *St. Nicholas Cathedral*, 344 U.S. 94, 111-16 (1952), the Supreme Court adopted *Watson* as the rule of First Amendment law. There, the Court held that civil authorities lack the power to substitute their judgment for that of religious authorities exercising the powers granted in their church doctrines or membership agreements. *Id.* at 115 n.20.

The Court further developed this principle of "ecclesiastical abstention" in *Serbian Eastern*

Orthodox Diocese v. *Milivojevich*, 426 U.S. 696 (1976). Although the Illinois Supreme Court claimed that it had undertaken only a "'minimal' review under the umbrella of 'arbitrariness,'" this Court disagreed, holding that the Illinois court had "unconstitutionally undertaken the resolution of quintessentially religious controversies whose resolution the First Amendment commits exclusively to the highest ecclesiastical tribunals of this hierarchical church." *Id*. at 720.

And that same entanglement concern pervades this Court's more recent Religion Clause decisions. *Hosanna-Tabor Evangelical Lutheran Church & School* v. *EEOC*, 565 U.S. 171 (2012), highlighted the entanglement risks inherent in state interference with religious institutions' selection and retention of ministers. *Id.* at 184-89. And in *Our Lady of Guadalupe School* v. *Morrissey-Berru*, 591 U.S. 732 (2020), Justice Alito's opinion for the Court remarked that deciding who qualifies as a co-religionist in a religious school "would risk judicial entanglement in religious issues." *Id.* at 761. In a separate concurrence, Justice Thomas, joined by Justice Gorsuch, argued that the same concern should extend to the determination of which positions are ministerial. And Justice Thomas in fact cited *Lemon* on the hazards of state entanglement with religion. *Id.* at 764.

This doctrinal throughline shows the danger of embroiling the state in questions of religious identity and doctrine. Authorizing religious charter schools would plunge government into precisely that terrain.

II. The Establishment Clause Categorically Bars Direct Government Funding Of Religious Charter Schools.

Petitioners focus their argument on whether St. Isidore is engaged in "state action," since the court below held that it was. Board. Br. 23-44. They spend twenty pages arguing that St. Isidore should be labeled a "private" entity, and that it is not engaged in "state action" in the same manner as a "public" school. But the Establishment Clause's bar on direct funding for religious activity applies regardless of whether St. Isidore is labeled a "public school." *Id*. at 26; Pet.App.15a. Direct government financing of religious education is constitutionally impermissible, period. While *amici* agree with the Oklahoma Supreme Court and Respondent that charter schools, at bottom, are state-run public schools under Oklahoma law, the constitutional prohibition applies with equal force even if St. Isidore is deemed a completely "private" school.

A. If St. Isidore is classified as a public school, funding it through the charter school program violates the Establishment Clause.

If St. Isidore is functionally a public school, as the Oklahoma Supreme Court held, then it is flatly unconstitutional for the state to fund its religious mission. That result follows inevitably from the *McCollum* line of cases, where the Court made clear that the use of the "tax-established and tax-supported public school system to aid religious groups to spread their faith" is a paradigmatic Establishment Clause violation. *McCollum*, 333 U.S. at 210; see also *Levitt* v. *Comm. for Pub. Educ. & Religious Liberty*, 413 U.S. 472, 482 (1973) (declaring unconstitutional a state

law offering lump-sum reimbursements directly to schools).

As this Court explained in *Engel* v. *Vitale*, even a short nondenominational prayer composed by the state for schoolchildren to recite violates the Constitution—not because it is coercive, but because it enlists the machinery of the state to promote religion. 370 U.S. at 425. That prohibition applies with even more force when the state charters a school whose purpose is to deliver a religious education. If the Establishment Clause bars public schools from composing a prayer, it surely forbids public schools from promulgating religious doctrine as curriculum.

In limited contexts, to be sure, the Court has held that government may constitutionally speak with a religious voice. See, e.g., *Lynch* v. *Donnelly*, 465 U.S. 668, 684-85 (1984) (upholding a nativity scene in a broader civic holiday display); *Van Orden* v. *Perry*, 545 U.S. 677, 686 (2005) (plurality opinion) (upholding Ten Commandments monument based on its historical and moral significance); *Marsh* v. *Chambers*, 463 U.S. 783, 792 (1983) (sustaining the tradition of opening legislative sessions with prayer). But those cases arose in civic spaces, not classrooms. As the Court recognized in *Lee* v. *Weisman*, the classroom is not a public park or legislative hall; it is a setting where the state speaks to a captive audience of children. 505 U.S. at 592. In that environment, *Lee* explained, the state's use of religion carries a unique risk of coercion—not by explicit threat, but by the subtle force of government endorsement. *Id.*

Unresolvable entanglements necessarily arise when a public school is also a vector for indoctrinating the faithful. The state oversees—or directly dictates—public schools' curriculum and testing standards,

personnel policies, decisions about hiring and termination, and more. If St. Isidore were chartered by Oklahoma, at least some doctrinal decisions would necessarily be subject to state control.

Similarly, if St. Isidore is classified as a public school while maintaining its religious character under the auspices of the Diocese of Tulsa and the Archdiocese of Oklahoma City, an impossible conflict emerges between the Establishment Clause and the ministerial exception to anti-discrimination laws.

This Court has recognized that religious institutions, including schools, must have autonomy to select those who perform religious ("ministerial") functions, without government interference—including through application of anti-discrimination in employment laws. *Hosanna-Tabor*, 565 U.S. at 188-89. The ministerial exception is grounded in both Religion Clauses. *Hosanna-Tabor*, 565 U.S. at 188-89.

As a public entity, St. Isidore would be bound by anti-discrimination laws and the constitutional protections that apply to government employers. But as a religious institution, it would simultaneously claim the right to make employment decisions based on religious criteria—to hire only Catholic teachers, for instance, or to dismiss employees who do not adhere to Catholic teachings. No court could resolve this contradiction without either depriving the school of its claim to religious autonomy, or exempting a public entity from constitutional constraints that bind all government actors. Indeed, this Court has recognized that even limited governmental oversight of religious school operations "presents a significant risk" of impermissible entanglement with religious questions. *NLRB* v. *Catholic Bishop of Chicago*, 440 U.S. 490, 502 (1979); see also *Our Lady*, 591 U.S. at

746 (explaining that under the ministerial exception "courts are bound to stay out of employment disputes involving those holding certain important positions with churches and other religious institutions").

The law would be hard-pressed to sustain such a contradiction, simultaneously requiring that a public school be subject to anti-discrimination rules while permitting it to fire "ministerial" teachers on otherwise prohibited bases. The Constitution offers up a simpler solution—one that avoids an unworkable government entanglement in what should be religious decisions: Public schools may not teach religion, and government may not directly fund religious schools.

B. If St. Isidore is classified as a private institution, funding it nonetheless contravenes the Constitution.

It makes no constitutional difference whether the state directly funds an entity called a "religious public school" or a "religious private school," as St. Isidore argues it is. If anything, impermissible entanglements are exacerbated when the school is considered "private" yet receives direct public funding not mediated by individual choice. In either case, the Establishment Clause forbids it.

1. The Establishment Clause proscribes direct government funding for religious instruction. That is true regardless of the recipient's public or private character; St. Isidore's classification is beside the point. The key issue is that Petitioners seek to require Oklahoma to fund religious instruction with public money, bypassing the private-choice mechanisms essential to constitutional neutrality and religious liberty.

This Court has never blessed such an arrangement. To be sure, the Court has upheld certain programs in which public funds do ultimately reach religious schools. But in each of those cases, the constitutionality of the arrangement turned on the presence or absence of genuine private choice mediating the flow of government funds to religious institutions. Petitioners elide the difference between indirect aid programs, in which government funds reach religious institutions solely through the private choices of individuals, and direct funding schemes, in which the state itself selects and subsidizes religious entities. But that distinction is critical.

In *Witters* v. *Washington Department of Services for the Blind*, 474 U.S. 481 (1986), for example, the Court upheld a blind student's use of vocational rehabilitation aid at a Christian college because the funds reached the school "only as a result of the genuinely independent and private choices of aid recipients." *Id.* at 488. The rehabilitation aid program offered no financial incentives for sectarian education and distributed aid neutrally, without regard to religious content. *Ibid.*

Similarly, in *Zelman* v. *Simmons-Harris*, 536 U.S. 639 (2002), the Court upheld Cleveland's school voucher program because it provided aid to religious schools only through "genuine and independent private choice." *Id.* at 652. The Court emphasized that the funds flowed to the school only after the parents chose that school. *See ibid.* Such programs do not offend the Establishment Clause, the Court held, because the power of individuals to control where the funds are directed breaks the "circuit between government and religion." *Id.* at 652-53.

Here, by contrast, the decision to create and fund the charter school is governmental, not parental. While parents may choose the school for their child, the choice does not come bundled with parental control of funding allocation. Rather, the government itself decides whether to fund particular charter schools based on its own assessment of their value, without the intervening private-choice architecture that justified aid to religious schools in *Witters* and *Zelman*.

Petitioners conflate enrollment-based public funding with private choice. But a funding formula based in part on enrollment numbers is not private direction. It is how the State funds all public schools—based on averaged and anticipated enrollment in a government-selected institution. There is no per-pupil formula based on exact enrollment each school year, tied to specific students who have specifically chosen a specific school and then individually directed the State to send funds to that school. See generally Resp. Br. 47-49. Nor is that the lesson of *Zelman*. Rather, the distinction between the private-choice programs upheld in *Zelman* and *Witters*, on the one hand, and the direct funding scheme Petitioners seek here, on the other, is not who ends up receiving the money; it is *who makes the call*.

That distinction is rooted in fundamental Establishment Clause principles. When individuals choose where their education benefits go, the government remains neutral among religious and nonreligious options. But when the state itself decides which religious schools to license and authorize to participate in the charter school program, it crosses the line from neutrality to preference. It necessarily decides which faiths deserve public support—which

fit best within the state's political agenda or its leaders' faith commitments. That act of selection—of favoring one faith over another—violates the structural separation the Constitution demands.

2. Petitioners lean heavily on a trio of recent Free Exercise decisions—*Trinity Lutheran*, *Espinoza*, and *Carson*—that address whether religious institutions may be excluded from generally available public benefit programs. But those cases addressed whether a state that funds private schools may *exclude* religious ones *because* they are religious. That is a very different question from the one presented here. There, parents chose the school. Here, the state chooses which schools *exist*.

In each of those cases, the Court held that when a state opens a funding program to private schools generally, it cannot single out religious schools for disqualification based on religious status. That principle rests on the Free Exercise Clause's prohibition against religious discrimination in neutral programs of private choice. *See, e.g.*, *Trinity Lutheran Church* v. *Comer*, 582 U.S. 449, 465 & n.3 (2017); *Espinoza* v. *Montana Dep't of Revenue*, 591 U.S. 464, 484 (2020).

The most recent of the trilogy, *Carson* v. *Makin*, 596 U.S. 767 (2022), reaffirmed that rule. There, Maine funded tuition at private schools of the parents' choosing—so long as those schools were not religious. The Court struck down that exclusion as discriminatory. *Id.* at 781. But *Carson*, like *Witters* and *Zelman*, involved *private individuals* directing state aid to schools of their choosing. *Ibid.* The Court emphasized that what made the program constitutional was the intervening private choice. *See ibid.* ("[A] neutral benefit program in which *public*

funds flow to religious organizations *through the independent choices* of private benefit recipients does not offend the Establishment Clause.") (emphasis added). Nothing in *Carson* remotely suggests that the state may *itself* select and fund religious schools. On the contrary, the decision assumes private direction as a constitutional prerequisite.

This case is fundamentally different. *Carson* turned on private choice; this case turns on public power. The question is not whether religious schools may access public funding on equal terms—it is whether the state may directly *sponsor* a religious school. That question is not answered by *Trinity Lutheran*, *Espinoza*, or *Carson*. Petitioners seek to convert those Free Exercise holdings into a constitutional entitlement to public funding for religious education. But that is not what the Constitution permits—and it is certainly not what it *requires*.

Petitioners also attempt to recast Oklahoma's constitutional fidelity as religious discrimination. They invoke the supposedly pervasive anti-Catholic sentiment that led to Oklahoma's (and other states') 19th-century Blaine Amendments, Board. Br. 45-46, and point to the unvarnished animosity toward Islam reflected in the Oklahoma Attorney General's opposition to chartering any faith-based school. *Id*. at 46. Yet from that troubling history, Petitioners draw a remarkable conclusion—that Oklahoma has shown "special hostility" to Catholics by refusing to divert taxpayer funds to finance a first-of-its-kind public Catholic charter school. *Id*. at 48-49.

The Court need not tangle with such strained logic. The far greater risk of faith-based discrimination arises from Petitioners' own proposed

regime. If the state is permitted to authorize religious charter schools, it will be forced to choose among competing faith-based applicants—embroiling the government in exactly the kind of sectarian favoritism the Establishment Clause forbids. See *Larson* v. *Valente*, 456 U.S. 228, 244 (1982) ("The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another."). The state cannot fund every religious school that seeks a charter. Every future decision—who gets funded, who gets denied—will drag government deeper into questions it is unfit to answer: What counts as doctrine? What qualifies as a church? Who speaks for a tradition? That is not neutrality. That is religious preference repackaged as educational choice.

The risk is not hypothetical: As Petitioners note, Oklahoma has already signaled its hostility to the idea of a Muslim charter school. Pet.App.174a (24-396). But the Establishment Clause does not permit government to play favorites. In *Board of Education of Kiryas Joel Village School District* v. *Grumet*, 512 U.S. 687 (1994), the Court struck down the creation of a public school district tailored to a single religious community. *Id.* at 703. That arrangement, the Court held, violated the Establishment Clause's core prohibition on denominational preference—particularly because, as here, there was "no assurance that the next similarly situated group seeking a school district of its own will receive one." *Ibid.*

The same concern animated *Larkin* v. *Grendel's Den, Inc.*, 459 U.S. 116 (1982), where the Court invalidated a law delegating zoning authority to churches. That delegation, the Court held, impermissibly allowed religious groups to wield civic

power, inviting favoritism and state endorsement. *Id.* at 125. And in *Thomas* v. *Review Board*, 450 U.S. 707 (1981), the Court made clear that civil authorities cannot adjudicate religious questions: "Courts are not arbiters of scriptural interpretation," and it is not within their competence to "inquire whether the petitioner or his fellow worker more correctly perceived the commands of their common faith." *Id.* at 716.

Authorizing religious charter schools would resurrect all of these hazards. The state would be forced to decide which faith-based schools merit official recognition, and thus which religious doctrines are compatible with public funding. The Constitution avoids these intractable dilemmas by drawing a bright line: The state may not directly fund religious instruction. That line has long preserved both faith and freedom. It should be respected here.

* * * * *

The State may not deliver catechism as curriculum. That prohibition safeguards both religion and the integrity of civil government. As the Founders understood, religious liberty thrives when faith is sustained by the voluntary support of its adherents—not compelled by the state, and not buoyed by public funds.

The Establishment Clause bars the government from engaging in or directly funding religious education. It does so not merely to protect the conscience rights of dissenters, but to preserve the institutional integrity of both church and state. Once the government selects, funds, or endorses a particular religious school, it forfeits neutrality. It risks becoming the patron of favored sects and the arbiter of faith's civic worth. That path would forsake

a foundational constitutional commitment for fleeting preference—and unleash the very favoritism and division the Establishment Clause exists to prevent.

CONCLUSION

The judgment of the Oklahoma Supreme Court should be affirmed.

Respectfully submitted,

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APRIL 7, 2025

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APPENDIX: DESCRIPTION OF *AMICI*

The Baptist Joint Committee for Religious Liberty (BJC) serves more than a dozen supporting organizations, including national and state Baptist conventions and conferences. It is the only denomination-based organization dedicated to religious liberty and church-state separation issues. It believes that strong enforcement of the First Amendment is essential to religious liberty for all Americans.

The Central Conference of American Rabbis and **Union for Reform Judaism** have, throughout their history, steadfastly maintained the principle of separation of church and state, believing that the First Amendment to the Constitution is the bulwark of religious freedom and interfaith amity.

The Cooperating Baptist Fellowship of Oklahoma (CBF Oklahoma) is a community of churches and individuals building partnerships on mission with Christ and sustaining conversations of faith, well-being, and Baptist identity. Founded in 1992, CBF Oklahoma cooperates in the areas of evangelism, anti-poverty initiatives, disaster relief, support of theological institutions, religious journalism, new church starts, peer learning groups, missions, pastoral support, search committee consultation, Christian coaching, and fellowship.

The Cooperative Baptist Fellowship (CBF) is a global community that bears witness to the Gospel in partnership with Christians across the nation and around the world. CBF is a network of churches, individuals and partners inviting each other into deeper community, equipping each other for ministry

and seeking the transformation of God's world. Our understanding of Baptist faith and practice is expressed by our emphasis on freedom in biblical interpretation and congregational governance, the participation of women and men in all aspects of church leadership and Christian ministry, and religious liberty for all people. Since our founding in 1991, CBF has been a supporting denomination of BJC.

The Evangelical Lutheran Church in America (ELCA) is the largest Lutheran denomination in North America and is the fourth-largest Protestant body in the United States. Formed in 1988 by the merger of the Lutheran Church in America, The American Lutheran Church, and the Association of Evangelical Lutheran Churches, the ELCA has over 8,000 member congregations which, in turn, have approximately three million individual members. These congregations are grouped into and affiliated with 65 synods that serve as the regional organizations of this church body. In 2017, the Church Council of the ELCA adopted a social message on Human Rights, in which it states that the ELCA will "advocate for the U.S. government to protect and promote the equal rights of all people, as enshrined in the U.S. Constitution and Bill of Rights," which include the First Amendment rights of freedom of religion and to be free from government establishment of religion.

The General Synod of the United Church of Christ (UCC) is the representative body of the National Setting of the United Church of Christ. The UCC was formed in 1957, by the union of the Evangelical and Reformed Church and The General Council of the Congregational Christian Churches of

the United States in order to express more fully the oneness in Christ of the churches composing it, to make more effective their common witness in Christ, and to serve God's people in the world. The UCC has over 4,800 churches in the United States, with a membership of approximately 825,000. The General Synod of the UCC, various settings of the UCC, and its predecessor denominations, have a rich heritage of promoting religious freedom and tolerance. Believing that churches are strengthened, not weakened, by the principle of the separation of church and state, the UCC has long acknowledged its responsibility to protect the right of all to believe and worship voluntarily as conscience dictates, and to oppose efforts to have government at any level support or promote the views of one faith community more than another.

Interfaith Alliance is a national interfaith organization dedicated to protecting the integrity of both religion and democracy in America. Interfaith Alliance was founded in 1994 by a broad coalition of mainstream religious leaders who wanted to challenge the outsized impact of religious extremists in our country. For more than 30 years, Interfaith Alliance has advocated at all levels of government for an equitable and just America where the freedoms of belief and religious practice are protected, and where all persons are treated with dignity and have the opportunity to thrive.

The Most Reverend Sean W. Rowe is the 28th **Presiding Bishop of the Episcopal Church,** a hierarchical religious denomination in the United States and 17 other countries. Under the Church's polity, the Presiding Bishop is charged with "speak[ing] God's words to the Church and to the

world, as the representative of [the] Church." The Episcopal Church has consistently supported religious freedom for all in a variety of contexts. In 1994, the Church urged State Legislatures considering "moment of silence" statutes for public schools to "assure Constitutional balance" in their treatment of the issue by "carefully considering the First Amendment's Free Exercise clause as well as its Establishment clause."

The Muslim Public Affairs Council (MPAC), a nonprofit, has worked since its 1988 founding to enhance American pluralism, improve understanding of American Muslims, and speak out on policies that affect American Muslims and other marginalized groups. MPAC collaborates with other faith-based organizations to encourage civic engagement and preserve democratic ideals enshrined in the Constitution.

National Council of Jewish Women (NCJW) is a grassroots organization composed of volunteers and advocates dedicated to the pursuit of equity and justice through a powerful combination of community organizing, education, direct service, and advocacy. NCJW carries the tradition of safeguarding the individual rights of freedoms for women, children, and families. United by our Jewish values, we mobilize our network of 50 local sections and over 225,000 advocates to make this vision a reality at all levels of government and in communities across the United States.