

No. 19-123

---

---

*In the Supreme Court of the United States*

SHARONELL FULTON, ET AL.,  
*Petitioners,*

v.

CITY OF PHILADELPHIA, ET AL.,  
*Respondents.*

ON WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE  
THIRD CIRCUIT

BRIEF OF JAMES AND GAIL BLAIS AND THE  
GENERAL CONFERENCE OF SEVENTH-DAY  
ADVENTISTS AS  
*AMICI CURIAE*  
IN SUPPORT OF PETITIONERS

TODD MCFARLAND  
*Counsel of Record*  
Associate General Counsel  
Office of General Counsel  
*General Conference of  
Seventh-day Adventists*  
12501 Old Columbia Pike  
Silver Spring, MD 20904  
301-680-6321  
mcfarlandt@gc.adventist.org

ANDREW G. SCHULTZ  
*Rodey, Dickason, Sloan,  
Akin & Robb, P.A.*  
201 Third Street, NW  
Albuquerque, NM 87102

*Counsel for Amici Curiae*

---

---

## **QUESTION PRESENTED**

Whether a government violates the First Amendment by conditioning a religious individual's ability to participate in the foster care system on taking actions and making statements that directly contradict the individual's religious beliefs?

## TABLE OF CONTENTS

	<b>Page</b>
QUESTION PRESENTED .....	i
TABLE OF CONTENTS.....	ii
TABLE OF AUTHORITIES .....	iv
INTEREST OF <i>AMICI CURIAE</i> .....	1
INTRODUCTION AND SUMMARY OF THE ARGUMENT .....	5
ARGUMENT .....	6
I. Christian individuals who are more likely to serve as foster parents may not be permitted to perform this critically-needed function in the nation’s foster system .....	6
II. The Free Exercise Clause protects individuals from being compelled to disavow their sincerely-held	

religious beliefs in order to secure a state foster license .....	18
CONCLUSION.....	26

## TABLE OF AUTHORITIES

	Page(s)
<b>Cases</b>	
<i>Blais v. Hunter</i> , No. 2:20-CV-00187-SMJ (E.D. WA filed May 22, 2020) .....	17
<i>Corporation of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos</i> , 483 U.S. 327 (1987) .....	19
<i>Gonzales v. O Centro Espirita Beneficente Uniao Do Vegetal</i> , 546 U.S. 418 (2006) .....	20
<i>Hobbie v. Unemployment Appeals Commission of Florida</i> , 480 U.S. 136 (1987) .....	19
<i>Holt v. Hobbs</i> , 574 U.S. 352 (2015) .....	20
<i>Korte v. Sebelius</i> , 735 F.3d 654 (7th Cir. 2013) .....	19

<i>McDaniel v. Paty</i> , 435 U.S. 618 (1978) .....	21
<i>National Institute of Family &amp; Life Advocates v. Becerra</i> , 138 S. Ct. 2361 (2018) .....	21
<i>Sherbert v. Verner</i> , 374 U.S. 398 (1963) .....	19, 21, 24
<i>Thomas v. Review Board</i> , 450 U.S. 707 (1981) .....	20
<i>Trinity Lutheran Church of Columbia, Inc. v. Comer</i> , 137 S. Ct. 2012 (2017) .....	6, 21, 22, 23, 25
<i>Wisconsin v. Yoder</i> , 406 U.S. 205 (1972) .....	19, 20, 21

## Other Authorities

- The AFCARS Report #26,  
Admin. For Children and Families,  
U.S. Department of Health and  
Human Services, Children’s Bureau..... 7
- Barna Group: Research, Family & Kids,  
“5 Things You Need to Know About  
Adoption” (Nov. 4, 2013) ..... 8
- Ron Haskins et al., Brookings  
Institution, “Keeping up with the  
caseload: How to recruit and retain  
retain foster parents” (April 24, 2019) ..... 7
- Mark 12:31 ..... 9
- Michael W. McConnell, *Accommodation  
of Religion*, 1985 Sup. Ct. Rev. 1 ..... 18, 19
- Jedd Medefind, Christian Alliance for  
Orphans, “New Barna Research  
Highlights Christian Adoption and  
Foster Care Among 3 Most Notable

Vocational Trends” (Feb. 12, 2014) .....	8
Non-relative Foster Homes 2012-2019, WHO CARES: A National Count of Foster Homes and Families, Chronicle of Social Change .....	7
Seventh-day Adventist Church Manual (19th ed. 2015).....	9
“Supporting LGBTQ+ Identified Children and Youth”, Policy 6900, Washington State Department of Children, Youth and Families (July 1, 2018) .....	11
2 Tim 3:16.....	10



**INTERESTS OF AMICI CURIAE<sup>1</sup>**

James Blais and Gail Blais reside in Washington State. They both are observant members of the Seventh-day Adventist faith. The Blaises have submitted an application to become state licensed foster parents in the hopes that they will be able to adopt Gail's eight-month old biological great-granddaughter, H.V. The Washington State Department of Children, Youth and Families, however, has declined to make a decision on the Blaises' application because the Department disagrees with the Blaises' sincerely-held religious beliefs. In particular, because the Blaises have a religious opposition to allowing hormone therapy in the unlikely event H.V. may develop gender dysphoria as a teenager, the Department has stated that their position is inconsistent with its policy to support foster children who develop or identify as lesbian, gay, bisexual,

---

<sup>1</sup> Rule 37 statements: All parties consented or filed blanket consents to the filing of *amicus* briefs. No counsel for any party authored any part of this brief and no person or entity other than *amici* funded its preparation or submission.

transgender and questioning (“LGBTQ+”) and thus has refused to act on the Blaises’ foster parent application.

A ruling in favor of Respondents will allow a government permissibly to exclude religious individuals like the Blaises from a government-operated foster care system unless the individuals affirmatively act in a manner inconsistent with their sincerely-held religious beliefs. Religious individuals should not be forced to choose between securing a State foster parent license or acting in accord with the dictates of their sincerely-held religious beliefs.

The General Conference of Seventh-day Adventists is the highest administrative level of the Seventh-day Adventist Church and represents over 75,000 congregations with more than 21 million members worldwide. In the United States, the North American Division of the General Conference oversees the work of more than 5,600 congregations with more than 1.2 million members.

Since its founding, the Seventh-day Adventist Church has a long commitment to religious liberty. From its earliest days, the

Adventist Church experienced conflicts between its values and the requirements of governments. Through its own programs and the work of the International Religious Liberty Association founded in 1893, the Adventist Church has worked to guarantee religious liberty for all people in the United States and around the world. In the United States the Adventist Church has been a long-standing advocate including working in coalitions supporting the Religious Freedom Restoration Act, the Workplace Religious Freedom Act, and the Fairness For All Act.

A central tenet of the Seventh-day Adventist faith is to treat all people with dignity and respect, including people of all sexual orientations and those with gender dysphoria. At the same time, from a biblical perspective an individual's gender identity is, in the main, determined by that person's birth sex with God being the author of gender identity. God created humanity as two persons who are respectively identified as male and female in terms of gender. The Bible inextricably ties gender to biological sex and does not make a distinction between the

two. The Word of God affirms complementarity as well as clear distinctions between male and female in creation.

The Adventist Church and its members' biblically-based stance on this issue will not change regardless of this Court's ruling. The Church's ultimate view on this question will be based upon its obligation to be obedient to the Bible and God's commands. Nonetheless, the Church's position is that its faithful members should be free to act in accordance with their beliefs and not be required to conform to contrary state policy. *Amici* urge the Court consider the significant impact its ruling can have on the ability of religious individuals to become foster parents without having to renounce their religious beliefs.

## **INTRODUCTION AND SUMMARY OF THE ARGUMENT**

The Free Exercise questions before the Court relate to a government's ability to require a religious agency to endorse certain social policies in contravention of its beliefs as a condition to participate in a foster care system. But the Court's decision in this case will have unavoidable and far-ranging implications for the religious liberty of individuals.

If this Court endorses the government's action in requiring a religious agency to affirm same-sex marriage as the price of continuing its religious ministry, then tensions between similar state policies and the religious beliefs of individuals will result in future conflicts that will reach this Court.

As vividly shown by the experience of amici James and Gail Blais, a State can prevent well-qualified individuals from serving as foster parents, even for infants, solely because their religious beliefs relating to potential medical therapy of LGBTQ+ teenagers does not coincide with the State's policies. Despite the Blaises' ability and

willingness to provide a loving home for children, the State's unwarranted insistence on not granting a foster parent license is based solely on the Blaises' sincerely-held religious beliefs.

Just like the Church in *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017), religious individuals must be shielded from facing an unconscionable dilemma: acting one way in order to secure a State foster parent license or following the dictates of their sincerely-held religious beliefs. No other result can satisfy the Free Exercise Clause.

## ARGUMENT

- I. **Christian individuals who are more likely to serve as foster parents may not be permitted to perform this critically-needed function in the nation's foster system.**

There is a foster care crisis in America. By the end of 2018, there were over 435,000

children in foster care in the United States.<sup>2</sup> At the same time, the number of foster homes available to care for these vulnerable children is dropping. Between 2018 and 2019, 14 states saw a decline in the number of foster homes,<sup>3</sup> and nationwide at least one-third of foster parents leave the system each year.<sup>4</sup>

There is thus a clear need for qualified, caring foster parents. And Christians tend to be more likely to consider fostering to help fill

---

<sup>2</sup> *The AFCARS Report #26, Admin. For Children and Families, U.S. Dept of Health and Human Servs., Children's Bureau,* <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport26.pdf>.

<sup>3</sup> *Non-relative Foster Homes 2012-2019, WHO CARES: A National Count of Foster Homes and Families, Chronicle of Social Change,* <https://www.fostercarecapacity.com/data/non-relative-homes> (last visited May 27, 2020).

<sup>4</sup> Ron Haskins et al., Brookings Institution, "Keeping up with the caseload: How to recruit and retain foster parents" (April 24, 2019), <https://perma.cc/Z4G7-65XA>.

this gap. A recent Barna Group survey found that 5 percent of practicing U.S. Christians – compared to 2 percent of all U.S. adults – have adopted children. The same survey also found that 3 percent of practicing U.S. Christians are foster parents and 31 percent have seriously considered fostering a child. By comparison, 2 percent of all U.S. adults are foster parents while 11 percent seriously considered fostering a child.<sup>5</sup>

Yet individuals with sincerely-held religious views may not be able to serve as foster parents when their religious beliefs clash with government policies. Consider, for example, amici James and Gail Blais.

---

<sup>5</sup>See Jedd Medefind, Christian Alliance for Orphans, “New Barna Research Highlights Christian Adoption and Foster Care Among 3 Most Notable Vocational Trends” (Feb. 12, 2014), <https://cafo.org/2014/02/12/new-barna-research-highlights-christian-adoption-foster-care-among-3-most-notable-vocational-trends>; see also Barna Group: Research, Family & Kids, “5 Things You Need to Know About Adoption” (Nov. 4, 2013), <https://perma.cc/J26E-P629>.



James and Gail Blais are observant members of the Seventh-day Adventist Church. The Seventh-day Adventist faith places a strong emphasis on family life. Seventh-day Adventists believe that parents “must gain a sympathetic understanding of their [children’s] problems, seek to provide for them a Christian social environment, and spiritually draw near them so [they] can impart the ideals, inspiration, and power of Christianity.” *Seventh-day Adventist Church Manual* 152 (19th ed. 2015).

As followers of Jesus, the Church strives to treat all people with dignity and respect as they are created in the image of God. This includes people of all sexual orientations – heterosexual, homosexual, or those with gender dysphoria. The Bible commands “You shall love your neighbor as yourself.” Mark 12:31.

Seventh-day Adventists believe that Scripture provides principles for guidance to those who experience incongruity or uncertainty between their biological sex and gender identity. As with all facets of daily existence, Seventh-day Adventists seek

guidance from God through Scripture to determine what is in their best interest and to live according to His will. 2 Tim 3:16.

Consistent with their faith, James and Gail Blais wish to become foster parents in order to provide a loving and caring home for children. They also hope to be able to adopt Gail's biological great-granddaughter, H.V., which first requires them to be licensed foster parents.

In September 2019, shortly after H.V.'s birth and while she still was in the hospital, H.V. was removed from her biological parents and placed in foster care in Idaho based on concerns for her welfare in the care of her biological mother. Within a few months, the Blaises expressed an interest in caring for H.V. by becoming her foster parents with the goal of adoption if reunion with her mother was not possible. Gail and James are the only biological relatives who have expressed an interest and ability in fostering and adopting H.V.

The Department administers the State's foster licensing and placement program. The particular requirements for becoming a foster

parent are laid out in detail in Washington law.

In July 2018, the Department enacted Policy 6900, entitled “Supporting LGBTQ+ Identified Children and Youth.” That policy is designed to address the needs of children and youth who are developing, discovering, or identifying themselves as LGBTQ+ and to “provide guidance to assist CA staff in identifying and referring LGBTQ+ children and youth to appropriate and culturally responsive services.” The policy requires Department caseworkers to “[c]onsider the child or youth’s LGBTQ+ identity as a factor when making placement decisions,” and mandates that a caseworker “support any youth identifying as transgender and seeking gender affirming medical services.”

Since they first expressed an interest in fostering H.V. with the possibility of adoption in December 2019, the Blaises have participated in Department mandated training and orientation programs and have taken several required certification courses. In addition, the Department performed an inspection of the Blaises’ home.

Department personnel also have interviewed the Blaises on numerous occasions. During all of these interviews, the Department personnel were aware that James and Gail Blais are observant Seventh-day Adventists.

During the first interview in January 2020 (when H.V. was only four months old), the Blaises were extensively questioned about hypothetical issues related to H.V.'s possible future sexual orientation and gender identity. These questions included such things as:

- How would the Blaises react if H.V. was a lesbian?
- Would the Blaises allow H.V. to have a girl spend the night at their home as H.V.'s romantic partner?
- If at 15 years old, H.V. wanted to undergo hormone therapy to change her sexual appearance, would the Blaises support that decision and transport her for those treatments?
- If as a teenager, H.V. wanted to dress like a boy and be called by a boy's name,

would the Blaises accept her decision and allow her to act in that manner?

The Blaises responded to all of the questions openly, honestly and in a manner consistent with their religious beliefs. They made clear that, as Seventh-day Adventists, they believe it is important and part of their Christian obligation to love and support all, particularly youths who may feel isolated or uncomfortable because of who they are, including those youths who are realizing their sexual orientation or identity. The Blaises stated that they would provide a supporting and loving home for any child placed under their care – particularly their own family member – regardless of how that child may identify.

With regard to the specific hypothetical questions relating to possible hormone therapy, the Blaises responded that although they could not support such treatments based on their sincerely-held religious convictions, they absolutely would be loving and supportive of H.V. In the unlikely event H.V. may develop gender dysphoria (or any other medical condition) as a teenager, the Blaises

were clear that they would provide her with loving, medically and therapeutically appropriate care that is consistent with both then-accepted medical principles and their beliefs as Seventh-day Adventists and Christians.

The Department licensor who conducted the interview responded that the Blaises' answers were inconsistent with the Department's policy to support LGBTQ+ youth. The licensor later contacted the Blaises and asked them to review Department materials so that they might "make a more informed decision about supporting LGBTQ+ youth in foster care." The Blaises complied, but again expressed their faith-based conviction that they could not support hormone treatment for transition purposes. They also repeated their commitment to provide H.V. with the best care and most loving home that they can, regardless of her potential sexual orientation or identity. Given their willingness to welcome H.V. into their home and raise her as their own child, the Blaises asked the Department to approve their application to

become foster parents. The licensor said that “this will be discussed further.”

In February 2020 (when H.V. was 5 months old), the Department licensor interviewed James and Gail Blais a second time and asked many of the same kinds of hypothetical questions related to H.V.’s possible sexual orientation and gender identity when she would be a teenager. The Blaises gave similar answers based on their religious convictions. In response, the Department licensor stated that they should drop their request to become licensed foster parents because their views about handling H.V.’s possible future gender identity issues were inconsistent with the Department’s policy. The Blaises refused to change their responses and refused to withdraw their foster parent application.

The Blaises sat for yet a third Department interview in March 2020, this time with the Department licensor and the Department’s LGBTQ+ lead. Once again, the sole focus of the interview questions was on the manner in which the Blaises would respond to H.V.’s possible future sexual orientation and gender

identity when she was a teenager. Once again, the Blaises cooperated fully during the third interview, and again responded to all of the questions honestly and in a manner consistent with their religious beliefs. At the end of this third interview, the Department personnel stated that they were at “an impasse” as how to proceed with the Blaises’ foster parent license application.

H.V. is an infant. At no time during the application process has she exhibited any issues with regard to sexual orientation or gender preference. The Department has ignored this obvious fact and instead, persistently has focused on how the Blaises will interact with their biological family member fifteen years from now if she should develop gender dysphoria.

The result of the Department’s prolonged inaction is that H.V. remains in non-relative foster care in Idaho. Gail and James Blais – her biological family who wish to bring her into their home – are permitted to see her only sporadically during supervised visits.

Under Washington law, if the Department determines that a person pursuing licensing



as a foster parent is not suitable or competent to provide care or have unsupervised access to a child, then it must provide the reasons for its decision in writing with copies of the documents related to its decision to the individual within ten days of making the decision. Despite this requirement, the Department has yet to act on the Blaises' application to become licensed foster parents and has refused to state when it will make a decision.

The Blaises have filed a federal civil rights lawsuit in the Eastern District of Washington challenging the Department's unwarranted intransigence in acting on their foster parent application as violating their First and Fourteenth Amendment rights. *Blais v. Hunter*, No. 2:20-CV-00187-SMJ (E.D. WA filed May 22, 2020). This kind of litigation highlights the need to ensure that religious individuals who want to become foster parents and provide a safe, stable and caring home for children are not denied that opportunity because their religious beliefs are inconsistent with a state agency's policy.

**II. The Free Exercise Clause protects individuals from being compelled to disavow their sincerely-held religious beliefs in order to secure a state foster parent license.**

If this Court finds that the government can deny a religious agency the ability to provide foster care unless the agency certifies foster parents inconsistent with its religious beliefs about sex and marriage, then the religious freedom of individual prospective foster parents will be in peril. Governments will be able to determine which individuals may serve as foster parents based on whether their religious beliefs coincide with particular social policies the State chooses to adopt. Such a result is the antithesis of the right to religious liberty enshrined in the Constitution.

Religion is singled out in the Constitution for the special protections afforded by the Religion Clauses of the First Amendment. As one noted scholar has observed, “religious liberty is the central value and animating purpose of the Religion Clauses.” Michael W.

McConnell, *Accommodation of Religion*, 1985 Sup. Ct. Rev. 1, 1. Indeed, “[t]he values underlying [the Religion Clauses] \* \* \* have been zealously protected, sometimes even at the expense of other interests of admittedly high social importance.” *Wisconsin v. Yoder*, 406 U.S. 205, 214 (1972).

“One obvious and intuitive aspect of religious liberty is the right of conscientious objection to laws and regulations that conflict with conduct prescribed or proscribed by an adherent’s faith.” *Korte v. Sebelius*, 735 F.3d 654, 677 (7th Cir. 2013). For this very reason, “[t]his Court has long recognized that the government may (and sometimes must) accommodate religious practices \* \* \*.” *Corp. of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U.S. 327, 334 (1987) (quoting *Hobbie v. Unemployment Appeals Comm’n of Fla.*, 480 U.S. 136, 144-145 (1987)).

Any number of cases exemplify this doctrine. See, e.g., *Sherbert v. Verner*, 374 U.S. 398 (1963) (granting religious exemption to Seventh-day Adventist who was denied unemployment compensation benefits after

she lost her job for refusing to work on her Sabbath day); *Wisconsin v. Yoder*, 406 U.S. 205 (1972) (allowing religious exemption to Amish families who challenged the application of a state compulsory-education law requiring their children to attend public school through age 16); *Thomas v. Review Bd.*, 450 U.S. 707 (1981) (creating religious exemption for a Jehovah's Witness denied unemployment compensation benefits after he was fired for declining a job transfer to a department that produced war materials); *Gonzales v. O Centro Espirita Beneficente Uniao Do Vegetal*, 546 U.S. 418 (2006) (requiring exception to Controlled Substances Act to allow use of otherwise-banned sacramental tea by members of a Brazilian church). Cf. *Holt v. Hobbs*, 574 U.S. 352, 358 (2015) (explaining that the Religious Land Use and Institutionalized Persons Act of 2000 provides "expansive protection for religious liberty.").

In the specific context of child rearing, this Court has recognized the right of parents to raise their children consistent with their religious beliefs and in contravention of state

educational laws. *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

The protection given by this Court to religious objectors in a wide range of circumstances emphasizes the high value our nation places on religious freedom. This solicitude for religious liberty extends beyond these rulings, and is seen in the specific context of religious individuals having been denied a government-issued license because of their beliefs.

A government does not have “unfettered power to reduce a group’s First Amendment rights by simply imposing a licensing requirement.” *National Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361, 2375 (2018). And specifically with regard to religious liberty, “when the State conditions a benefit in this way, \* \* \* the State has punished the free exercise of religion.” *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2022 (2017) (citing *McDaniel v. Paty*, 435 U.S. 618, 626 (1978) (plurality op.)). See *Sherbert v. Verner*, 374 U.S. 398, 404 (1963) (“It is too late in the day to doubt that the liberties of religion and

expression may be infringed by the denial of or placing of conditions upon a benefit or privilege.”)

This Court’s decision in *Trinity Lutheran Church of Columbia, Inc. v. Comer* serves as a leading example of this Court’s current treatment of claims for religious liberty in the context of government grants of benefits. There, the Trinity Lutheran Church Child Learning Center wanted to obtain a grant from the Scrap Tire Program run by Missouri’s Department of Natural Resources. This program awards reimbursement grants to qualifying nonprofits that upgrade playgrounds, and thereby ease burdens on landfills, using materials made from used tires. Although the church’s application scored well, the State nevertheless denied the grant, “simply because of what it is – a church.” 137 S. Ct. at 2023.

The Court held that the State’s action violated the Free Exercise Clause. The Court rejected the State’s claim that a decision not to grant money that it had no obligation to provide leaves the church free to believe and profess religious truths and imposes no

burden on religious exercise. The Court framed the matter differently: “[T]he Department’s policy puts Trinity Lutheran to a choice: It may participate in an otherwise available benefit program or remain a religious institution.” *Id.* at 2021-2022. This is an impermissible imposition. It is not that the church is “claiming any entitlement to a subsidy” or that the state has “criminalized the way Trinity Lutheran worships”; instead, the “express discrimination against religious exercise here is \* \* \* the refusal to allow the Church—solely because it is a church—to compete with secular organizations for a grant.” *Id.* at 2022. “[T]he exclusion of Trinity Lutheran from a public benefit for which it is otherwise qualified, solely because it is a church, is odious to our Constitution \* \* \* and cannot stand.” *Id.* at 2025.

If this Court upholds the government’s action in the present case, then individuals with sincerely-held religious beliefs contrary to state policy would confront the same unconstitutional conundrum imposed on the Church in *Trinity Lutheran*. In the Blaises’ situation, for example, a State agency’s policy

with regard to serving the needs of LGBTQ+ teenagers puts would-be foster parents to a choice: they may secure a State foster parent license or follow the dictates of their sincerely-held religious beliefs.

Even more egregiously, in order to secure a foster parent license from the State, the Blaises would be compelled affirmatively to act in a manner that their faith rejects. By conditioning the approval of the Blaises' foster parent license application on their adherence to the Department's LGBTQ+ policy, the Department conditions the ability to secure a license upon their "willingness to violate a cardinal principle of [their] religious faith," and thus "effectively penalizes the free exercise of [their] constitutional liberties." *Sherbert v. Verner*, 374 U.S. at 406.

Perhaps most crucially, this requirement that religious individuals must bend a knee to the state's view is not limited to situations where there is an actual conflict between an LGBTQ+ youth and a prospective foster parents' religious beliefs. This case demonstrates that without this Court's protection, states like Washington will be



able to drive people of faith from providing loving homes and being parents for some of society's most vulnerable citizens. Rather than protecting LGBTQ+ youth, these policies will result in far greater harm to foster children most in need of the state's protection.

Although religious individuals remain free to continue to adhere to the beliefs of their Church, "that freedom comes at the cost of automatic and absolute exclusion from the benefits of a public program for which [they are] otherwise fully qualified. And when the State conditions a benefit in this way \* \* \* the State has punished the free exercise of religion." *Trinity Lutheran*, 137 S. Ct. at 2022."

## CONCLUSION

This Court should reverse the judgment of the Third Circuit.

Respectfully submitted,

TODD MCFARLAND  
*Counsel of Record*  
Associate General Counsel  
*Office of General Counsel*  
*General Conference of*  
*Seventh-day Adventists*  
12501 Old Columbia Pike  
Silver Spring, MD 20904  
(301) 680-6321  
mcfarlandt@gc.adventist.org

ANDREW G. SCHULTZ  
*Rodey, Dickason, Sloan,*  
*Akin & Robb, P.A.*  
201 Third Street, NW – Suite 2200  
Albuquerque, NM 87102  
*Counsel for Amici Curiae*

JUNE 2020