



January 3, 2020

Honorable Scott S. Harris  
Clerk  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

*Re: Roman Catholic Archdiocese of San Juan, Puerto Rico, et al. v. Yalí Acevedo Feliciano, et al.*, No. 18-921

Dear Mr. Harris:

We write to raise two brief points. First, Plaintiff-Respondents' Supplemental Brief does not speak for our clients, Academia del Perpetuo Socorro and Academia San José ("Respondent Schools"). Respondent Schools agree with Petitioners that this Court should grant plenary review, or at least summarily reverse the decision below.

Second, Plaintiff-Respondents and the Puerto Rico Supreme Court ignore that the Concordat of 1851 established ecclesiastical independence for Catholic entities under Spanish rule (which, at the time, included those in Puerto Rico) to arrange themselves according to canon law, which governs all Catholic entities and establishes the Church's power to divide itself into autonomous juridic persons subject only to the Holy See.<sup>1</sup> When the Treaty of Paris transferred Puerto Rico from Spain to the United States in 1898, the Treaty's terms preserved this preexisting authority of Catholic entities to govern themselves.<sup>2</sup> Further, the Treaty protected all religious institutions' free exercise of religion, consistent with the U.S. Constitution.<sup>3</sup> And in 1898, this Court already recognized that free exercise of religion protects the ability of religious organizations to determine their own ecclesiastical affairs, organization, and governing structures.<sup>4</sup>

Failing to grant plenary review and resolve this case in favor of Petitioners does violence both to the Constitution and to the promises the United States made to Spain in the Treaty of Paris by allowing the Puerto Rico Supreme Court to dissolve the Treaty's specific guarantee that Catholic entities would continue to exercise the independent juridic governance defined by canon law and recognized by Spain in the Concordat of 1851. Catholic entities in Puerto Rico relied on this guarantee for well over a century, and revoking it carries significant costs, as the effects

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<sup>1</sup> Concordat Concluded Between His Holiness and Her Catholic Majesty, Spain-Vatican, Mar. 16, 1851, 1221 U.N.T.S. 301 art. 1 ("Roman Catholic religion . . . shall be preserved always in the dominions of Her Catholic Majesty, with all the rights and prerogatives which it should enjoy according to the law of God and the provisions of the sacred canons."); see 1983 Code of Canon Law c.113, § 2; c.114, § 1, c.116, § 1, c.120, § 1, c.331, c.373, c.360, c.377.

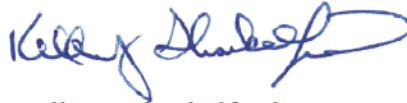
<sup>2</sup> Treaty of Peace, Spain-U.S., art. VIII, Dec. 10, 1898, 1898 U.S.T. 29 ("Treaty of Paris"); *Ponce v. Roman Catholic Apostolic Church*, 210 U.S. 296, 318–20 (1908).

<sup>3</sup> Treaty of Paris art. X.

<sup>4</sup> *Watson v. Jones*, 80 U.S. 679 (1871).

following the Puerto Rico Supreme Court's decision demonstrate.<sup>5</sup> For these reasons, Respondent schools join the Petitioners in urging the Court either to grant plenary review or to summarily reverse the decision below.

Respectfully submitted,



Kelly S. Shackelford  
Chief Counsel  
First Liberty Institute  
2001 W. Plano Pkwy Ste. 1600  
Plano, TX 75075  
kshackelford@firstliberty.org  
*Counsel for Academia del Perpetuo  
Socorro and Academia San José*

CC:

Paul D. Clement  
Kirkland & Ellis LLP  
655 Fifteenth Street, NW  
Washington, DC 20005  
Paul.clement@kirkland.com  
*Counsel for Roman Catholic  
Archdiocese of San Juan, Puerto Rico, et  
al.*

E. Joshua Rosenkranz  
Orrick, Herrington & Sutcliffe LLP  
51 West 52nd Street  
New York, NY 10019  
jrosenkranz@orrick.com  
*Counsel for Yalí Acevedo Feliciano, et  
al.*

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<sup>5</sup> See, e.g., Pet'r's Supp. Br. at 10.