No. 20-1647

In The
Supreme Court of the United States

VALERIE HANEY,

Petitioner,

v.

CHURCH OF SCIENTOLOGY INTERNATIONAL
AND RELIGIOUS TECHNOLOGY CENTER,
DAVID MISCAVIGE, AND DOES 1-25,

Respondents.

On Petition For Writ Of Certiorari
To The Court Of Appeal Of California

MOTION FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE* AND BRIEF OF *AMICI CURIAE* CONSTITUTIONAL LAW, TORTS, AND RELIGION PROFESSORS AND SCHOLARS IN SUPPORT OF PETITIONER

LESLIE C. GRIFFIN, ESQ.
Counsel of Record
UNLV BOYD SCHOOL OF LAW
4505 S. Maryland Parkway
Box 451003
Las Vegas, NV, 89154-1003
(713) 301-3105
leslie.griffin@unlv.edu
Attorney for Amici Curiae

COCKLE LEGAL BRIEFS (800) 225-6964
WWW.COCKLELEGALBRIEFS.COM

No. 20-1647

In The
Supreme Court of the United States

VALERIE HANEY,

Petitioner,

v.

CHURCH OF SCIENTOLOGY INTERNATIONAL AND RELIGIOUS TECHNOLOGY CENTER, DAVID MISCAVIGE, AND DOES 1-25,

Respondents.

On Petition For Writ Of Certiorari To The Court Of Appeal Of California

---

MOTION OF CONSTITUTIONAL LAW, TORTS, AND RELIGION PROFESSORS AND SCHOLARS TO FILE BRIEF AS *AMICI CURIAE* IN SUPPORT OF PETITIONER

Amici curiae Constitutional Law, Torts, and Religion Professors and Scholars respectfully request leave of the Court to file the following brief in this case. Petitioner's attorney has granted its consent to the filing of this brief. Counsel for respondents, however, has not responded to *amici*'s request for consent.

The *amici* believe that sending Valerie Haney's severe torts case to religious arbitration violates her constitutional rights under the First Amendment. We ask this Court to file our brief explaining why Haney's wrongs should be litigated in court and not in religious arbitration.

We therefore ask this Court to grant certiorari in this case and to rule that this particular case, Haney's case, should be tried in court, not limited to religious arbitration.

Respectfully submitted,

LESLIE C. GRIFFIN, ESQ.
Counsel of Record
UNLV BOYD SCHOOL OF LAW
4505 S. Maryland Parkway
Box 451003
Las Vegas, NV, 89154-1003
(713) 301-3105
leslie.griffin@unlv.edu
Attorney for Amici Curiae

TABLE OF CONTENTS

	Page
TABLE OF CONTENTS	i
TABLE OF AUTHORITIES	ii
INTERESTS OF THE *AMICI CURIAE*	1
SUMMARY OF ARGUMENT	3
ARGUMENT	6
I. The Free Exercise Clause Protects the Individual's Right to Exit a Religion	6
II. The Establishment Clause Prevents the Courts from "Subordinating Secular Law to Holy Texts"	10
CONCLUSION	16

TABLE OF AUTHORITIES

Page

CASES

Bastanipour v. INS, 980 F.2d 1129 (1982) 5

Doe v. First Presbyterian Church U.S.A. of Tulsa, 421 P.3d 284 (2017) 9

Emp't Div., Dep't of Human Res. of Or. v. Smith, 494 U.S. 872 (1990) 8

Everson v. Bd. of Educ., 330 U.S. 1 (1947)..................14

Guinn v. Church of Christ of Collinsville, 775 P.2d 766 (Okla. 1989) 9, 13

Hadnot v. Shaw, 826 P.2d 978 (Okla. 1992).................9

Hobbie v. Unemployment Appeals Comm'n of Fla., 480 U.S. 136 (1987) 6

Jones v. Wolf, 443 U.S. 595 (1979) 14, 15

Lemon v. Kurtzman, 408 U.S. 602 (1971)...................14

Roman Catholic Archbishop of Los Angeles v. Superior Court, 131 Cal. App. 4th 417 (2005), as modified on denial of reh'g (Aug. 16, 2005) 7

Sherbert v. Verner, 374 U.S. 398 (1963)........................8

Wallace v. Jaffree, 472 U.S. 38 (1985).........................11

CONSTITUTION

U.S. CONST. amend. I ....*passim*

STATUTES

9 U.S.C. § 10-11 13

TABLE OF AUTHORITIES—Continued

Page

OTHER MATERIALS

Apostasy, Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/apostasy 5

Benjamin P. Edwards, *Arbitration's Dark Shadow*, 18 NEV. L.J. 427 (2018) 10, 11, 13, 15

Brian Hutler, *Religious Arbitration and the Establishment Clause*, 33 OHIO ST. J. ON DISP. RESOL. 337 (2018) 15

Cert. Petition, *Valerie Haney v. Church of Scientology et al.*, May 26, 2021, https://www.supremecourt.gov/DocketPDF/20/20-1647/178763/20210518140339537_40511%20pdf%20Majewski%20br.pdf 4

Christopher C. Lund, *Free Exercise Reconceived: The Logic and Limits of Hosanna-Tabor*, 108 NW. U. L. REV. 1183 (2014) 7, 8

Geoff Mcmaster, Researchers Reveal Patterns of Sexual Abuse in Religious Settings, Folio, Aug. 5, 2020, https://www.ualberta.ca/folio/2020/08/researchers-reveal-patterns-of-sexual-abuse-in-religious-settings.html 5

Jeff Dasteel, *Religious Arbitration Agreements in Contracts of Adhesion*, 8 Y.B. ON ARB. & MEDIATION 45 (2016) 15

Maimon Schwarzschild, *How Much Autonomy Do You Want?*, 51 SAN DIEGO L. REV. 1105 (2014) 12

TABLE OF AUTHORITIES—Continued

Page

Marianne Grano, *Divine Disputes: Why and How Michigan Courts Should Revisit Church Property Law*, 64 WAYNE L. REV. 269 (2018)............8

Memorial and Remonstrance Against Religious Assessments of James Madison 16

Nicholas Walter, *Religious Arbitration in the United States and Canada*, 52 SANTA CLARA L. REV. 501 (2012)..6, 13, 14, 16

The Pew Forum on Religion & Pub. Life, U.S. Religious Landscape Survey (2010), *available at* http://religions.pewforum.org/pdf/report-religious-landscape-study-full.pdf..........................12

Shai Silverman, *Before the Godly: Religious Arbitration and the U.S. Legal System*, 65 DRAKE L. REV. 719 (2017) 12

Sophia Chua-Rubenfeld & Frank J. Costa, Jr., Comment: *The Reverse-Entanglement Principle: Why Religious Arbitration of Federal Rights Is Unconstitutional*, 128 YALE L.J. 2087 (2019)...11, 12, 14

Terrina Lavallee, *Current Developments 2019-2020: The Ethics of Religious Arbitration*, 33 GEO. J. LEGAL ETHICS 629 (2020)......................12, 13

U.S. Department of State, Statement on Blasphemy and Apostasy Laws, July 18, 2019, https://www.state.gov/statement-on-blasphemy-and-apostasy-laws/...15

BRIEF OF *AMICI CURIAE* IN SUPPORT OF PETITIONER

The *amici curiae* respectfully move for this Court to accept our brief, and then ask that the petition for a writ of certiorari be granted.[1]

INTERESTS OF THE *AMICI CURIAE*

Amici are professors and scholars of constitutional law, torts, and religion who understand that some members and former members of religions are subjected to tort harm and suffer serious damages from it, just as other people do. We believe that tort victims will receive due process of law to resolve their injuries in civil courts, and not in arbitration run by the tortfeasors themselves. The tortfeasors' arbitration hearing would not give justice to the injured Petitioner, Valerie Haney, in this case.

We ask this Court to grant certiorari in order to recognize the rights of the Petitioner to have her tort case heard in court. Religious freedom does not require tort injuries to be resolved by the church itself. Instead, the First Amendment protects the right of the individual to leave a religion, as Haney did in this case. We

[1] Counsel for *amici curiae* authored this brief in whole and no other person or entity other than *amici* or their counsel has made a monetary contribution to the preparation or submission of this brief. Petitioner granted consent to file.

ask this court to give Valerie Haney a legal chance at receiving justice.

The *amici* are:

Angela C. Carmella
Professor of Law
Seton Hall University School of Law

Katya Dow
Professor of Practice
University of Houston Law Center

Benjamin Edwards
Associate Professor, Director of the Public Policy Clinic
University of Nevada, Las Vegas Boyd School of Law

Steven K. Green, J.D., Ph.D.
Fred H. Paulus Professor of Law and Director
Center for Religion, Law and Democracy
Willamette University

Angela D. Morrison
Professor of Law
Texas A&M University School of Law

Michael A. Olivas
William B. Bates Distinguished Chair of Law (emeritus)
University of Houston Law Center

Laura Oren
Professor Emerita
University of Houston Law Center

Andrew L. Seidel
Constitutional Attorney
Author of *The Founding Myth: Why Christian Nationalism is Un-American*

Jim Starzynski
Guardian ad Litem and Youth Attorney
Corrales, NM

SUMMARY OF ARGUMENT

The First Amendment protects the religious freedom of individuals to leave any and every religion. It defends their freedom to select the religion or non-religion of their choice. The choice to join or leave a religion is the choice of the individual alone. The church does not make that decision for her or him.

Religious institutions sometimes commit torts against their members and do them real harm. The harm may continue even after the individual leaves the church. Those religious institutions do not argue that the torts are protected religious practice or that they have religious obligation to do harm to others. They know that these torts are against the law.

Nonetheless, these religious institutions, like other tortfeasors, prefer not to pay for those injuries. One way to avoid justice is for the religious institution itself to judge whether it was guilty and harmed its member. This is a particularly odious choice when the individual, like Petitioner Valerie Haney in this case,

left the religion because of its constant harm to her as both member and then as a non-member.

Haney's seven requests to leave Scientology were denied. "On one occasion, [she] was physically restrained and prevented from leaving." She "escaped successfully by hiding in the trunk of another person's car." She returned to Scientology's base because they threatened her with loss of contact with her mother and brother. She was "forcibly held on the base and 'forced to do everything with a "handler," including using the bathroom, showering, and sleeping.' " Post-departure, Scientology "stalked, followed, surveilled, and harassed her." They followed her car and almost ran her off the road. Cert. Petition, *Valerie Haney v. Church of Scientology et al.*, May 26, 2021, https://www.supremecourt.gov/DocketPDF/20/20-1647/178763/20210518140339537_40511%20pdf%20Majewski%20br.pdf, at 4.

And more. *Id.*

Haney wants to bring these terrible claims before courts that obey the laws of the United States and will listen to her stories of serious harm inflicted by members of Scientology.

This Court understands that the courts of the United States exist to bring relief and justice to harmed individuals. If, instead, tort victims who are former members of the religion are subjected to their former church's religious law instead of state tort law, their rights are limited.

If Valerie Haney is subjected to religious arbitration by her former religion, her Free Exercise right to leave a religion is undermined. The Establishment Clause is also violated whenever the courts subject free individuals to religious law instead of to the laws of the states, which are supposed to protect them against harm.

This Court must stand with the courts that learned the lesson that organizations, regardless of religious affiliation, should be punished, not rewarded, for their torts, and rewarded only when they act in the best interests of the individuals they serve, and consistent with the laws of the United States. *See*, *e.g.*, Geoff Mcmaster, Researchers Reveal Patterns of Sexual Abuse in Religious Settings, Folio, Aug. 5, 2020, https://www.ualberta.ca/folio/2020/08/researchers-reveal-patterns-of-sexual-abuse-in-religious-settings.html.

The United States has a proud history of recognizing that apostasy is not a crime. Apostasy is "an act of refusing to continue to follow, obey, or recognize a religious faith." Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/apostasy. Other nations, however, continue to prosecute apostasy, even giving *death sentences* for it. *See*, *e.g.*, *Bastanipour v. INS*, 980 F.2d 1129 (1982).

In arbitration as in apostasy, this Court must clarify for the lower courts that tortfeasors are subject to the laws of the United States, which punish them when they do wrong. Allowing them to determine their own tort liability violates the First Amendment.

Allowing churches to block members from leaving would be just like allowing the government to prosecute individuals for apostasy. This Court must make clear that violations of the law belong in the courts of the United States, not religious courts.

ARGUMENT

I. The Free Exercise Clause Protects the Individual's Right to Exit a Religion

The First Amendment protects an individual's religious freedom right to leave a church as well as to join one. Free exercise protects the right to "convert from one faith to another." *Hobbie v. Unemployment Appeals Comm'n of Fla.*, 480 U.S. 136, 144 (1987). Without such freedom, individuals would be enslaved to their churches in a way that both the Free Exercise Clause and the Establishment Clause prohibit. The courts need to be clear that religious freedom must not end all secular law. Subjecting a former Scientologist to Scientology's religious judgment undermines Haney's free exercise right to leave her church. "The right to believe, or not to believe, in any religion has a necessary corollary: the right to change one's beliefs. It is this right that is endangered in court enforcement of religious arbitration orders." Nicholas Walter, *Religious Arbitration in the United States and Canada*, 52 SANTA CLARA L. REV. 501, 549 (2012).

The First Amendment usually blocks individuals from suing their churches "over matters of significant

religious concern." Christopher C. Lund, *Free Exercise Reconceived: The Logic and Limits of Hosanna-Tabor*, 108 Nw. U. L. Rev. 1183, 1203 (2014). The courts learned from the child abuse cases that such abuse is not a matter of religious concern. No Respondent in this case claims that the right to assault, imprison, and abuse Valerie Haney is a religious duty that Scientology must undertake. As California has held, "*internal* church dispute[s]" are not subject to judicial review, but a "criminal investigation into suspected child molestation allegedly committed by Catholic priest" is. *Roman Catholic Archbishop of Los Angeles v. Superior Court*, 131 Cal. App. 4th 417, 432 (2005), as modified on denial of reh'g (Aug. 16, 2005). This case, like *Roman Catholic Archbishop*, involves investigation of illegal conduct by Respondents, and should be reviewed in court, not dismissed as an internal church matter. Valerie Haney has suffered great damage and, like other victims of abuse, wants justice from the courts to begin to heal those wounds.

This case reminds us that the "Free Exercise Clause is implicated only when the government interferes with religious beliefs or conduct. . . . This is why the regular tort rules apply to someone hit by the church bus or by a falling gargoyle. Those suits threaten no religious practice." Lund, *supra*, at 1204. Haney's harassment, imprisonment, and assault are just like being hit by a church bus or a falling gargoyle. The terrible torts in this case do not threaten any Scientology religious practice. The courts would not be reviewing any religious practice or belief when they

consider the torts committed against Haney. Therefore, the wrongs should be reviewed by the courts, not by the church's own members.

Petitioner asks this Court to remember that everyone, religious and non-religious, must obey "neutral laws of general applicability." *Employment Division, Dep't of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990). A religious arbitration by individuals who must be loyal to Scientology would not protect those laws as neutrally as the courts would. Such an arbitration would not be impartial, as it is expected to be. If this court applied strict scrutiny, the government's "compelling state interest" in protecting individuals from physical and mental harm would far outweigh the need to support Respondents' claim to self-centered arbitration. *Sherbert v. Verner*, 374 U.S. 398 (1963).

"An important free exercise right is the right to exit a religion." Marianne Grano, *Divine Disputes: Why and How Michigan Courts Should Revisit Church Property Law*, 64 WAYNE L. REV. 269, 284 (2018). Valerie Haney is a church outsider, not an insider; outsiders "have constitutional rights to be free from the power of other peoples' churches." Lund, *supra* at 1204. If Haney's case goes to arbitration, she would be subject to the power of other peoples' church. "An important aspect of church autonomy is how every insider has the right to leave, the right to become an outsider. Maybe this is part of the church autonomy principle itself; maybe it describes the limits of church autonomy. But either way, church autonomy implies a

constitutional right of exit from religious organizations." *Id*. at 1203.

States have long recognized the difference between a church outsider and a church insider. In Oklahoma, for example, Marian Guinn left the Church of Christ after they subjected her to discipline. Although Guinn had abandoned her church membership, the church nonetheless read its disparaging remarks about Guinn to church members. Church Elders believed one can *never* withdraw from church membership.

The Oklahoma Supreme Court disagreed, and upheld the jury's verdict for actual and punitive damages for the torts of outrage and invasion of privacy. *Guinn v. Church of Christ of Collinsville*, 775 P.2d 766, 768 (Okla. 1989). The "shield from liability evaporates for claims that arise after a member has separated from the church and is no longer a church member." *Id*. Three years later, the court repeated its recognition that "the church has no power over those who live outside of the spiritual community." *Hadnot v. Shaw*, 826 P.2d 978, 988 (Okla. 1992).

In a 2017 case citing *Guinn*, the court noted "we were *unequivocal*, '[j]ust as freedom to worship is protected by the First Amendment, so also is the liberty to recede from one's religious allegiance.' . . . We went further: 'The First Amendment clearly safeguards the freedom to worship *as well as the freedom not to worship*.' " *Doe v. First Presbyterian Church U.S.A. of Tulsa*, 421 P.3d 284, 290 (2017) (citing *Guinn*, 775 P.2d at 776)

(emphasis added). All courts should be *unequivocal* that the right to exit a church is constitutionally protected, as it must be for the Petitioner here.

This Court should recognize Valerie Haney's constitutionally protected right to exit by allowing her lawsuit to proceed in court. Just like Guinn's church, Scientology cannot take away its members' freedom by asserting their view that membership continues even after the members make numerous efforts to leave. If a non-member must be subjected to religious arbitration, she has lost all the freedom that the Free Exercise Clause is supposed to protect. It is as limiting as if the United States courts allowed her to be prosecuted for apostasy. We ask this Court to clarify that *this case* cannot be subjected to religious arbitration, even when other cases must be.

Now is the time for this Court to make clear, and to reiterate, that the Free Exercise Clause does not protect Scientology's right to assault Valerie Haney, to block and undermine her exit from the church, and then to allow their own agents to decide just how bad the facts are. We ask this Court to grant certiorari so it can state clearly that Haney's lawsuit can proceed in court, not in religious arbitration.

II. The Establishment Clause Prevents the Courts from "Subordinating Secular Law to Holy Texts"

Arbitration is different from court law. *See* Benjamin P. Edwards, *Arbitration's Dark Shadow*, 18 NEV.

L.J. 427, 431 (2018). Although judges, in courts, have an obligation to state the law correctly, arbitrators do not owe the public any such duty. *Id.* at 432. Sending disputes to arbitration often undermines the law itself. "Today, arbitration casts a long, dark shadow that obscures information that would otherwise be available. It now cloaks countless conflicts. Unlike disputes resolved through public courts that allow the public to access information, disputes resolved through arbitration deprive the public of significant information. This absence of information alters behavior and undercuts reputation's critical role in a free economy. Defendants face substantially lower reputational risks for abusive practices when allegations may be resolved through private, secretive arbitration." *Id.* at 427-28.

Some arbitration also violates the Establishment Clause. "[T]he individual freedom of conscience protected by the First Amendment embraces the right to select any religious faith or none at all." *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985). The Establishment Clause blocks the government from preferring religion over non-religion, and from "openly subordinating secular law to holy texts." Sophia Chua-Rubenfeld & Frank J. Costa, Jr., Comment: *The Reverse-Entanglement Principle: Why Religious Arbitration of Federal Rights Is Unconstitutional*, 128 YALE L.J. 2087, 2094 (2019). Forcing a non-member into religious arbitration not only undermines the Free Exercise Clause, but also violates the Establishment Clause. The courts may not force individuals into religious arbitration when they have left a religion behind. These

"arbitrators might be committed to an entirely different legal tradition—one in which religious principles, not secular statutes, reign supreme." *Id*.

Americans frequently change their religions. "The Pew Forum survey summarized that religious affiliation in the United States is both very diverse and extremely fluid. More than one-quarter of American adults (twenty-eight percent) have left the faith in which they were raised in favor of another religion or no religion at all. If change in affiliation from one type of Protestantism to another is included, forty-four percent of adults have either switched religious affiliation or dropped any connection to a specific religious tradition altogether." Maimon Schwarzschild, *How Much Autonomy Do You Want?*, 51 San Diego L. Rev. 1105, 1120 n. 66 (2014) (citing The Pew Forum on Religion & Pub. Life, U.S. Religious Landscape Survey 5 (2010), *available at* http://religions.pewforum.org/pdf/report-religious-landscape-study-full.pdf). *See also* Shai Silverman, *Before the Godly: Religious Arbitration and the U.S. Legal System*, 65 Drake L. Rev. 719, 740-41 (2017) ("The first problem arises from the fact that faith is not immutable—one's relationship to God and one's religious community can change drastically over time."). Changing religions is an American freedom that is undermined whenever the courts allow religious arbitration to block the right to leave a religion.

In 2019, California legislation banned employers from using forced arbitration to settle sexual harassment claims. Terrina Lavallee, *Current Developments 2019-2020: The Ethics of Religious Arbitration*, 33 Geo.

J. LEGAL ETHICS 629 (2020). This law is consistent with Lavallee's analysis that arbitration is not good for everyone and does not protect everyone's civil rights. *Id.*; *see also* Edwards, *supra*. In particular, scholars have concluded arbitration may benefit employers while doing harm to employees. *Id.* The same principle should apply to religious arbitration, which in many circumstances may be forced, as it is in this case. This case involves a mandatory arbitration because, as in the *Guinn* case, it is church punishment that the church wants to impose even when the person is no longer a member of a church.

As Lavallee has argued, civil courts can prevent abuses of the arbitration system. "Yet, parties subject to religious arbitration who would benefit from civil court protection must over-come three hurdles: civil courts' extreme deference to arbitration, the religious question doctrine, and unequal bargaining power in employment contexts. These hurdles eviscerate potential judicial oversight from secular courts of religious arbitration." Lavallee, *supra*, at 637.

Although the Federal Arbitration Act favors arbitration, 9 U.S.C. § 10-11, there is no reason to defer to arbitration on this set of facts. Moreover, there is no reason for the courts to favor religious arbitration in this lawsuit, as there is *no religious question* involved. "[R]eligious arbitration has the effect of limiting freedom of religion, and therefore it should be used only when the dispute has a religious subject matter that civil courts are not equipped to handle." Nicholas Walter, *Religious Arbitration in the United States and*

Canada, 52 SANTA CLARA L. REV. 501, 542-43 (2012). This case is a legal torts matter of a *former* member of Scientology. Haney has raised strictly legal questions of tort law that can be reviewed by the courts. The torts courts will apply legal principles; the religious arbitration conducted by *loyal Scientology members* cannot be trusted to do so. The courts will apply "neutral principles of law" and determine whether harm was done and whether there should be any damages assessed. *Jones v. Wolf*, 443 U.S. 595, 597 (1979).

The Establishment Clause of the First Amendment prohibits the government from encouraging or promoting ("establishing") religion in any way. *Lemon v. Kurtzman*, 408 U.S. 602 (1971). The Establishment Clause bans actions that even Free Exercise may permit. *See* Chua-Rubenfeld, *supra*. In addition to freeing religions from government interference, it "'rescue[s] temporal institutions from religious interference.'" *Id*. at 2107 (citing *Everson v. Bd. of Educ.*, 330 U.S. 1, 15 (1947)). This Court's important case, *Jones v. Wolf*, reminds us that secular legal issues can be reviewed on "purely secular terms." 443 U.S. 595, 604 (1979). The Establishment Clause recognizes "a reverse-entanglement principle, under which courts should not authorize religion-infused adjudication of secular rights." Situations like this case, in which "religious adjudication threatens the integrity of secular law," violate the Establishment Clause. Chua-Rubenfeld, *supra*, at 2110.

This case renews the worry that "judicial enforcement of religious arbitration agreements would allow

religious institutions to acquire effective control over the government's power to enforce the civil law." Brian Hutler, *Religious Arbitration and the Establishment Clause*, 33 OHIO ST. J. ON DISP. RESOL. 337, 340 (2018). *See also* Jeff Dasteel, *Religious Arbitration Agreements in Contracts of Adhesion*, 8 Y.B. ON ARB. & MEDIATION 45 (2016) (use of these agreements also violates the Religious Freedom Restoration Act); Edwards, *supra*, at 431 ("Arbitration and private dispute resolution remove a discovery and broadcast channel for reputational information, making it less likely that non-legal market forces will deter misbehavior."). We ask this Court to grant certiorari to reiterate that courts must follow and enforce secular law when the facts can be reviewed on "purely secular terms." *Jones*, 443 U.S. at 604. That conclusion would not apply to all religious arbitration cases, but should apply to Valerie Haney's specific set of facts.

The holding of the California court permitting the religion to decide Haney's claims is akin to state sanctioned punishment for apostasy, which is forbidden by the Constitution and the United States' agreement with the 2019 Statement on Blasphemy and Apostasy Laws. *See* U.S. Department of State, Statement on Blasphemy and Apostasy Laws, July 18, 2019, https://www.state.gov/statement-on-blasphemy-and-apostasy-laws/ ("We stand in firm opposition to laws that, inconsistent with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, impede the freedom of individuals to choose a faith, practice a faith, change their

religion, not have a religion, tell others about their beliefs and practices, or openly debate and discuss aspects of faith or belief.").

The California court's rule requiring religious arbitration in this case makes it impossible for Haney to leave her religion, just as apostasy laws punish individuals for departing their faith. This Court needs to clarify that the Religion Clauses protect Haney's right to leave her religion. She has a right to submit her secular tort law claims to the courts. The decision below, as it stands now, is like punishing her for apostasy, something that this Court would never tolerate.

CONCLUSION

As this Court well understands, "no person may be obliged to believe in any faith, or not to believe in any faith. This point was made most famously in the Memorial and Remonstrance Against Religious Assessments of James Madison: 'The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right.' " Nicholas Walter, *Religious Arbitration in the United States and Canada*, 52 SANTA CLARA L. REV. 501, 547-48 (2012).

We ask this Court to protect Valerie Haney's unalienable rights. We ask that you hear this case and explain that these terrible tort claims should be heard in

court, where Valery Haney can receive full due process of law.

For the foregoing reasons, *amici* urge the Court to grant certiorari in this case.

Respectfully submitted,

LESLIE C. GRIFFIN, ESQ.
Counsel of Record
UNLV BOYD SCHOOL OF LAW
4505 S. Maryland Parkway
Box 451003
Las Vegas, NV, 89154-1003
(713) 301-3105
leslie.griffin@unlv.edu
Attorney for Amici Curiae