No. 22-1093

In the
Supreme Court of the United States

MARK ANTHONY SPELL, ET AL.,
Petitioners,

v.

JOHN BEL EDWARDS, ET AL.,
Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

BRIEF OF *AMICUS CURIAE* LIBERTY, LIFE AND LAW FOUNDATION IN SUPPORT OF PETITIONERS

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INTEREST OF AMICUS CURIAE[1]

Liberty, Life and Law Foundation ("LLLF"), as *amicus curiae*, respectfully urges this Court to reverse the decision of the Fifth Circuit.

LLLF is a North Carolina nonprofit corporation established to defend religious liberty, sanctity of human life, liberty of conscience, family values, and other moral principles. LLLF is gravely concerned about the growing hostility to religious expression in America and the related threats to liberty and conscience. LLLF's counsel, Deborah J. Dewart, is a graduate of Westminster Seminary, Escondido, CA (M.A.R.) is the author of a book, *Death of a Christian Nation*. She has written many *amicus curiae* briefs in this Court and the federal circuits defending religious liberty, including several that are relevant to this Petition: *Hosanna-Tabor Lutheran v. Perich*, 565 U.S. 171 (2012); *Town of Greece v. Galloway*, 572 U.S. 565 (2014); *American Legion v. American Humanist Assoc.*, 139 S. Ct. 2067 (2019); *Our Lady of Guadalupe School v. Morrissey-Berru,* 140 S. Ct. 2049 (2020); *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407 (2022).

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[1] Counsel of record for all parties received notice at least 10 days prior to the due date of *amicus curiae*'s intention to file this brief. *Amicus curiae* certifies that no counsel for a party authored this brief in whole or in part and no person or entity, other than *amicus*, its members, or its counsel, has made a monetary contribution to its preparation or submission.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

The coronavirus pandemic ushered in an era of extraordinary government edicts bordering on the tyranny the U.S. Constitution was designed to prevent. Some of these demands encroached on the sanctity of the church, warranting this Court's examination under the doctrine of church autonomy. The harm to the church was far more egregious than any ordinary Free Exercise violation.

"Since March 2020, we may have experienced the greatest intrusions on civil liberties in the peacetime history of this country." *Arizona, et al. v. Mayorkas, et al.*, 2023 U.S. LEXIS 2062, *5 (2023) (Gorsuch, J., concurring). In addition to shutting down schools and private businesses, public officials "closed churches even as they allowed casinos and other favored businesses to carry on." *Id.* at 5, citing *Calvary Chapel Dayton Valley v. Sisolak*, 140 S. Ct. 2603 (2020) (Gorsuch, J., dissenting from denial of application for injunctive relief) (slip op., at 1). This unprecedented intrusion on religious worship included surveillance of church parking lots, recording license plate numbers, and "notices warning that attendance at even outdoor services satisfying all state social-distancing and hygiene requirements could amount to criminal conduct." *Id.* at 5-6; *see Roberts v. Neace*, 958 F.3d 409, 412 (6th Cir. 2020) (*per curiam*) ("during the service, the state police placed attendance-is-criminal notices on their cars"). Colored-coded schemes, lacking the neutrality required for laws that discriminate against religion, eventually went down in flames. "Government

is not free to disregard the First Amendment in times of crisis." *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 69 (2020) (Gorsuch, J., concurring). "Even in times of crisis—perhaps *especially* in times of crisis—we have a duty to hold governments to the Constitution." *S. Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716, 718 (2021) (Statement of Gorsuch, J.).

The "tortured procedural history" of *Arizona v. Mayorkas* "illustrates the disruption we have experienced over the last three years in how our laws are made and our freedoms observed." 2023 U.S. LEXIS at *4, 5 (2023) (Gorsuch, J., concurring). The "powerful forces" of "fear and the desire for safety" have led many to acquiesce to "the loss of many cherished civil liberties," including "the right to worship freely . . . or simply to leave our homes." *Id.* at 7.

Cases emerging from the pandemic have centered on the unequal treatment of religious worship, as compared to allegedly "essential" secular activities. But does the state have such broad jurisdiction to dictate a church's decision about if, when, where, and how to meet for worship? The long-established doctrine of church autonomy would answer unequivocally that it does not. The right of the *church itself* to meet for worship is an internal matter of church governance, not an ordinary Free Exercise claim. History and state constitutions testify to the proper separation of church and state as two independent spheres of authority. The state is not at liberty to shut down worship services. Government restriction of religious liberty is warranted only where public peace or safety is jeopardized.

ARGUMENT

I. THE CHURCH'S FUNDAMENTAL RIGHT TO ASSEMBLE AND MEET FOR WORSHIP FITS EASILY INTO THE WELL-ESTABLISHED DOCTRINE OF CHURCH AUTONOMY.

The church is more than the accumulation of its members' individual rights. A careful reading of the First Amendment's text reveals that the church itself, as an entity, enjoys protection drawn from both the Free Exercise and Establishment Clauses. This Court recently recognized the inextricable intertwining in the First Amendment, not only of the two clauses protecting religion, but also the Free Speech Clause. *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2426 (2022). These three are not at war with one another, but complementary. The Religion Clauses are two sides of the same coin, together guarding liberty for both individuals and religious organizations.

This Court has long recognized church autonomy, a legal doctrine that provides structural protection—a legal "sanctuary" for religious organizations, free of government interference even through allegedly neutral laws. This crucial autonomy properly recognizes church and state as separate spheres with separate powers. The Free Exercise Clause protects individual rights while the Establishment Clause guards the appropriate separation of these two centers of power. *See, e.g., McCollum v. Board of Educ.*, 333 U.S. 203, 212 (1948) ("religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere"); *Engel v. Vitale*,

370 U.S. 421, 431 (1962) ("a union of government and religion tends to destroy government and to degrade religion"). This Court has repeatedly reaffirmed the appropriate separation that allows church and state "each to flourish in its separate sphere." *American Legion*, 139 S. Ct. at 2091 (Breyer, J., concurring), citing *Van Orden v. Perry*, 545 U.S. 677, 698 (2005) (cleaned up).

Church autonomy undergirds several of this Court's earlier decisions. *See, e.g.*, *Watson v. Jones*, 80 U.S. 679, 728-729 (1872) ("[t]he right to organize voluntary religious associations to assist in the expression and dissemination of any religious doctrine . . . is unquestioned"); *Serbian Eastern Orthodox Diocese v. Milivojevich,* 426 U.S. 696, 710 (1976) (courts must accept church's internal decisions of "discipline, or of faith, or ecclesiastical rule, custom, or law"). *Kedroff v. St. Nicholas Cathedral* contains a frequently quoted comprehensive description of church autonomy—"a spirit of freedom for religious organizations, an independence from secular control or manipulation—in short, power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine." 344 U.S. 94, 116 (1952); *see Hosanna-Tabor Lutheran v. Perich,* 565 U.S. 171, 186 (2012) ("*Hosanna*"); *Our Lady of Guadalupe School v. Morrissey-Berru,* 140 S. Ct. 2049, 2055 (2020) ("*OLG*"). These cases ensure that *Everson*'s "high and impregnable" "wall" is one that protects church autonomy. *Everson v. Board of Education of Ewing Township*, 330 U.S. 1, 17 (1947).

Church autonomy has historically encompassed several key areas. One is religious doctrine. "The law knows no heresy, and is committed to the support of no dogma . . . ." *Watson v. Jones*, 80 U.S. at 728. Internal church governance, organization, and administration is another. *Kedroff*, 344 U.S. at 107-108. Selection of church leadership is a major emphasis in church autonomy case law (*Hosanna*, *OLG*). Admission, discipline, and removal of members is also a broadly protected area. *Watson v. Jones*, 80 U.S. at 733 ("conformity of the members of the church to the standard of morals required of them"). COVID-19 restrictions overlap but may not immediately seem to fall squarely within any one of these. However, this list is not exhaustive and a mandate to shut down the church implicates the right to assemble and worship that is integral to the church's very existence. As this Court has observed, "doctrinal matters" encompass "the ritual and liturgy of worship" as well as "the tenets of faith." *Jones v. Wolf*, 443 U.S. 595, 602 (1979), citing *Maryland & Va. Churches v. Sharpsburg Church*, 396 U.S. 367, 368 (1970) (Brennan, J., concurring). Regular corporate worship is a quintessentially "doctrinal matter" and a "tenet of faith," widely recognized as a biblical mandate (Hebrews 10:25). Some of the other mandated COVID-19 protocols, such as masks and social distancing, arguably implicate "the ritual and liturgy of worship."[2] But the right to meet for worship

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[2] In Scripture, face coverings are often associated with sin, shame, and death, *e.g.,* Genesis 38:15 (prostitution); John 11:44, 20:7 (grave clothes). In the New Testament, "we all, *with unveiled face,* beholding the glory of the Lord, are being transformed into the same image from one degree of glory to another" (2 Corinthians 3:18, emphasis added).

is even more basic—and indeed essential to the church's continued existence as a body.

This Court has developed the doctrine of church autonomy in recent years through ministerial employment cases such as *Hosanna* and *OLG*. In *OLG*, this Court pointed out "the centrality of religious education to many faith traditions" (140 S. Ct. at 2065), but the ability to assemble for worship occupies an even more central position in virtually every faith tradition. The decision to meet "affects the faith and mission of the church itself" (*Hosanna*, 565 U.S. at 190) just as much, if not more, than decisions about who the church employs as its leaders. As Justice Alito noted, "[t]he First Amendment protects the freedom of religious groups to engage in certain key religious activities, *including the conducting of worship services* . . . . " *Id.* at 199 (Alito, J., concurring) (emphasis added). Indeed, "the autonomy of religious groups . . . has often served as a shield against *oppressive civil laws*" (*ibid.*, emphasis added) like the draconian shuttering of churches during the pandemic. Government attempts "to dictate or even influence" a church's decisions on matters of "faith and doctrine" "would constitute one of the central attributes of an establishment of religion," thus transgressing the First Amendment. *OLG*, 140 S. Ct. at 2060. Without the power to determine if, when, where, and under what circumstances the congregation shall meet, "without interference by secular authorities" (*ibid.*), the religious assembly could completely disintegrate. Much like the ministerial exception that protects the church's right to select its leaders, this Court should "preserve a church's independent authority to determine" whether

and under what circumstances to gather for worship. *Id*. at 2061.

Church autonomy is not limited to the selection of ministerial employees, important as that is to the life of a church. *Watson*, *Milivojevich* and *Kedroff* form the backdrop for this Court's more recent consideration of church autonomy in *Hosanna*, but "none was exclusively concerned with the selection or supervision of clergy." *OLG,* 140 S. Ct. at 2061 (2020) (describing church autonomy as a broad principle of "independence in matters of faith and doctrine and in closely linked matters of internal government"). Church autonomy has been applied in cases about pastoral counseling, including judicial rejection of "clergy malpractice" claims that would entangle courts in setting a standard of care for pastors who counsel church members. "[T]he secular state is not equipped to ascertain the competence of counseling when performed by those affiliated with religious organizations." *Nally v. Grace Community Church of the Valley*, 763 P.2d 948, 960 (Cal. 1988), quoting Samuel E. Ericsson, *Clergyman Malpractice: Ramifications of a New Theory*, 16 Val.U.L.Rev. 163, 176 (1981). The Texas Supreme Court, upholding the dismissal of a lawsuit against a pastor who was formerly a professional counselor, "zealously protected" "the constitutional interest in prohibiting judicial encroachment upon a church's ability to manage its affairs and discipline its members." *Westbrook v. Penley*, 231 S.W.3d 389, 403 (Tex. 2007). These cases are consistent with *Everson*'s admonition that "[n]either a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and *vice*

versa." 330 U.S. at 16. The same is true with respect to a church's decision about whether, when, how, and where the congregation will meet for worship.

In the context of COVID-19 restrictions, one church "explained that, based on [its] theological convictions, [its] ability to meet together in person as a church is of the essence of what it means to be a church, and that if a church cannot meet in an assembly it does not exist." *Capitol Hill Baptist Church v. Bowser*, 496 F. Supp. 3d 288, 291 (D.C. Dist. Ct. 2020) (internal quotation marks omitted). This case was litigated on the basis of unequal restrictions—mass protests were permitted while church attendance was severely limited—but the D.C. District Court acknowledged that "it is for the Church, not the District or this Court, to define for itself" the doctrinal question as to "the meaning of 'not forsaking the assembling of ourselves together.' Hebrews 10:25." *Id.* at 295.

II. THE CHURCH'S RIGHT TO WORSHIP IS MORE THAN MERELY A RIGHT TO EQUAL TREATMENT—THE FIRST AMENDMENT GIVES "SPECIAL SOLICITUDE" TO RELIGIOUS ORGANIZATIONS.

The Fifth Circuit rejected Petitioners' Establishment Clause claims but suggested they would have prevailed under *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520 (1993), because the church was subjected to greater restrictions than comparable secular activity. This Court has applied an "equal treatment" rationale in several cases striking down COVID-19 restrictions. *See, e.g.*, *Tandon v.*

Newsom, 141 S. Ct. 1294, 1296 (2021); *Gateway City Church v. Newsom*, 141 S. Ct. 1460 (2021); *Gish v. Newsom*, 141 S. Ct. 1290 (2021); *Harvest Rock Church v. Newsom*, 141 S. Ct. 1289 (2021); *S. Bay United Pentecostal Church*, 141 S. Ct. at 718; *Robinson v. Murphy*, 141 S. Ct. 972 (2020); *Harvest Rock Church v. Newsom*, 141 S. Ct. 889 (2020); *High Plains Harvest Church v. Polis*, 141 S. Ct. 527 (2020); *Roman Catholic Diocese*, 141 S. Ct. at 67.

Lukumi certainly offers religious liberty claimants a better chance of success than the "neutral, generally applicable" standard applied in *Employment Division v. Smith*, 494 U.S. 872 (1990). But in a matter that "affects the faith and mission of the church itself" (*Hosanna*, 565 U.S. at 190), equality is not the correct standard. In *Hosanna*, the lower court only required equality, reasoning that "Congress intended the ADA to broadly protect employees of religious entities from retaliation on the job, subject only to a narrowly drawn religious exemption." *EEOC v. Hosanna-Tabor Evangelical Lutheran Church & Sch.*, 597 F.3d 769, 777 (6th Cir. 2010). But this Court found that position "untenable . . . hard to square with the text of the First Amendment itself, which gives special solicitude to the rights of religious organizations." *Hosanna*, 565 U.S. at 188-189.

III. THE CHURCH'S RIGHT TO MEET FOR WORSHIP SHOULD BE EXAMINED IN THE CONTEXT OF HISTORY.

Never before in American history has either the federal government or any state government threatened criminal charges for holding or attending

church worship services. The unprecedented covid-era demands to shut down worship services find no support in historical precedent.

"Th[e] instinct to protect religious freedom has roots that predate the Constitution." *Capitol Hill Baptist*, 496 F. Supp. 3d at 293, citing James Madison, *Memorial and Remonstrance Against Religious Assessments* (June 20, 1785), *in* Selected Writings of James Madison 21, 22 (Ralph Ketcham ed., 2006) ("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.") The Constitution protects certain inalienable rights because the Framers were convinced that all persons were "endowed by their Creator with certain unalienable Rights" (Declaration of Independence). "The fact that the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself. . . ." *School Dist. of Abington Township v. Schempp*, 374 U.S. 203, 213 (1963); *Van Orden v. Perry*, 545 U.S. at 683.

The Founders recognized religion as both a human right and "a duty towards the Creator." *Wallace v. Jaffree*, 472 U.S. 3, 54 n. 38 (1985), citing James Madison's "Memorial and Remonstrance Against Religious Assessments." The duty to meet corporately as a church body is as much "a duty towards the Creator" as any individual's right to attend. In examining the state's intrusion on the church's ability to fulfill that duty, "[a]ny test the Court adopts must

acknowledge a practice that was accepted by the Framers and has withstood the critical scrutiny of time and political change." *Town of Greece v. Galloway*, 572 U.S. 565, 577 (2014). A few years after *Town of Greece*, this Court affirmed that it now "looks to history for guidance" in Establishment Clause cases. *American Legion v. American Humanist Assoc.*, 139 S. Ct. 2067, 2087 (2019). This Court has officially abandoned the frequently criticized, "abstract, and ahistorical approach" approach set forth in *Lemon v. Kurzman*, 403 U.S. 602 (1971). *Kennedy*, 142 S. Ct. at 2427. But even in *Lemon* itself, this Court stated that "the Constitution's authors sought to *protect religious worship* from the pervasive power of government." *Id.* at 623 (emphasis added). The historical approach now adopted by this Court is perhaps even more critical when the rights of the church as an independent entity are at stake.

Religion is a vital element of American history and government. But if the rights guaranteed by the Religion Clauses are severed from their roots, they will wither and die. They will no longer be inalienable but will hang by the thread of human whim. No one will be free—not even the atheists who loudly proclaim "separation of church and state" in a misguided attempt to purge religious expression from the public square. Thomas Jefferson cautioned against discarding America's religious roots, questioning how "can the liberties of a nation be thought secure when we have removed their only firm basis—a conviction in the minds of the people that these liberties are the gift of God?" Thomas Jefferson, *Notes on the States of Virginia* (Philadelphia: Mathew Carey, 1794), p. 237,

Query XVIII. America has long been known as "a religious people." *Church of the Holy Trinity v. United States*, 143 U.S. 457, 465 (1892). The American judicial system is inescapably linked to religion:

> We have no government armed with power capable of contending with human passions unbridled by morality and religion. . . . Our constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.

Letter (Oct. 11, 1798), reprinted in 9 Works of John Adams 229 (C. Adams ed. 1971).

History counsels us to embrace our religious roots, turning toward God, not away from Him, during times of both crisis and celebration. The Petition cites the 1849 presidential Proclamation recommending a "National Day of Fasting, Humiliation, and Prayer" in response to the cholera epidemic that hit the country at that time. Pet. 32. This is not an isolated declaration. President Lincoln designated April 30, 1863, as a National Day of Prayer and Humiliation. *See McCreary County v. ACLU,* 545 U.S. 855, 910 n. 13 (2005) (Scalia, J., dissenting). In 1789, both Houses of Congress passed resolutions asking President George Washington to issue a Thanksgiving Day Proclamation to "recommend to the people of the United States a day of public thanksgiving and prayer . . . ." 1 Annals of Cong. 90, 914 (internal quotation marks omitted). *Van Orden v. Perry*, 545 U. S. at 686.

James Madison said it well: "If a sparrow cannot fall to the ground without His notice, is it probable that

an empire can rise without His aid? We've been assured in the sacred writing that, 'Except the Lord build the house, they labor in vain that build it.'" James Madison, *The Papers of James Madison*, Henry Gilpin, editor (Washington: Langtree and O'Sullivan, 1840), Vol. II, p. 185, June 28, 1787. Once the church house is built, no government official has the right to shut it down.

IV. STATE CONSTITUTIONAL PROVISIONS CONSISTENTLY AFFIRM THE CHURCH'S RIGHT TO MEET FOR WORSHIP ABSENT ACTS THAT THREATEN PUBLIC PEACE OR SAFETY.

State constitutions are a powerful testimony to our nation's historical respect for the right to worship God. These constitutions display a "constant recognition of religious obligations" and "a profound reverence for religion." *Church of the Holy Trinity*, 143 U.S. at 468. As the Petition explains, only "overt acts against peace and good order" could justify an intrusion on the fundamental right to meet for worship. *Reynolds v. United States*, 98 U.S. 145 (1878) (upholding law prohibiting polygamy, which Court deemed contrary to peace and good order).

Many state constitutions echo the "peace and safety" limitation emphasized in the Petition, in language that is often coupled with "licentiousness." *See, e.g.,* A.R.S. Const. Art. II, § 12; Cal Const, Art. I § 4; Colo. Const. Art. II, Section 4; Idaho Const. Art. I, § 4; Illinois Const., Art. I, § 3; Me. Const. Art. I, § 3; ALM Constitution Appx. Pt. 1, Art. II; Minn. Const. art. I, § 16; Mo. Const. Art. I, § 5; Nev. Const. Art. 1,

§ 4; N.H. Const. Pt. FIRST, Art. 5; NY CLS Const. Art I, § 3; N.D. Const. Art. I, § 3; S.D. Const. Article VI, § 3; Wash. Const. art. 1, § 11; Wyo. Const. Art. 1, § 18.

Moving beyond the "peace and safety" limitations, numerous state constitutions explicitly identify the right to worship God in compelling terms that collide with the COVID-19 era decrees to shut down worship: Ga. Const. Art. I, § I, Para. III ("natural and inalienable right to worship God"); Ind. Const. Art. 1, § 2 ("the natural right to worship ALMIGHTY GOD"); Kan. Const. B. of R. § 7 ("right to worship God"); Ky. Const. § 1 ("right of worshipping Almighty God according to the dictates of their consciences"); MCLS Const. Art. I, § 4 ("liberty to worship God"); Minn. Const. art. I, § 16 ("[t]he right of every man to worship God according to the dictates of his own conscience shall never be infringed"); N.H. Const. Pt. FIRST, Art. 5 ("natural and inalienable right to worship God according to the dictates of his own conscience" and "and no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience"); N.J. Const., Art. I, Para. 3 ("[n]o person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience"); N.M. Const. Art. II, § 11 ("no person shall ever be molested or denied any civil or political right or privilege on account of his religious opinion or mode of religious worship"); Ore. Const. Art. I, § 3 ("All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences."); R.I. Const. Art. I, § 3 ("every person shall be free to

worship God according to the dictates of such person's conscience"); S.D. Const. Article VI, § 3 ("The right to worship God according to the dictates of conscience shall never be infringed."); Wis. Const. Art. I, § 18 ("[t]he right of every person to worship Almighty God according to the dictates of conscience shall never be infringed"). Several state constitutions expressly protect the "natural and indefeasible right to worship Almighty God." Ark. Const. Art. 2, § 24; Mo. Const. Art. I, § 5; Ne. Const. Art. I, § 4; Oh. Const. Art. I, § 7; Pa. Const. Art. I, § 3; Tenn. Const. Art. I, § 3; Tex. Const. Art. I, § 6. Others are nearly identical: N.C. Const. art. I, § 13 ("natural and inalienable right to worship Almighty God"); Vt. Const. Ch. I, Art. 3 ("natural and unalienable right to worship Almighty God").

The Delaware Constitution, while not mandating any religious observance, recites the "duty of all persons frequently to *assemble together* for the public worship of Almighty God" (emphasis added). Del. Const. art I, § 1 In Massachusetts, similarly: "It is the right as well as the duty of all men in society, publicly, and at stated seasons to worship the Supreme Being, the great Creator and Preserver of the universe." ALM Constitution Appx. Pt. 1, Art. II. Virginia defines religion as "the duty which we owe to our Creator." Va. Const. Art. I, § 16.

Several state constitutions contain ever stronger language, imposing affirmative duties on the state to protect the right to worship. In Nebraska, "it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship." Ne.

Const. Art. I, § 4. In Texas, "it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship." Tex. Const. Art. I, § 6. In Vermont, "every sect or denomination of christians ought to observe the sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God." Vt. Const. Ch. I, Art. 3. It is impossible to reconcile these explicit state duties with pandemic edicts shutting down religious worship.

CONCLUSION

Amicus curiae urges this Court to grant the Petition and examine the case under the doctrine of church autonomy.

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