No. 22-741

IN THE

Supreme Court of the United States

FAITH BIBLE CHAPEL INTERNATIONAL,
Petitioner,

v.

GREGORY TUCKER,
Respondent.

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

BRIEF OF *AMICI CURIAE* FORMER EEOC GENERAL COUNSEL AND RELIGIOUS NONDISCRIMINATION EXPERT IN SUPPORT OF PETITIONER

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INTEREST OF *AMICI CURIAE*[1]

The First Amendment protects religious organizations from government intrusion into ecclesiastical matters. But that protection is meaningless if the government can initiate an investigation or suit to probe a religious organization's relationship with its ministers at will. Religious groups will be forced to subject internal religious matters to government scrutiny in order to justify their decisions and, ultimately, must choose between incurring legal fees in their defense or caving to the government's demands. For smaller religious organizations, this is a Hobson's choice.

Amici are former Equal Employment Opportunity Commission ("EEOC" or "the Commission") employees. Sharon Fast Gustafson is a former General Counsel of the EEOC who, during her time there, established a Religious Discrimination Work Group and promoted religious nondiscrimination and accommodation. Rachel N. Morrison was an attorney advisor to General Counsel Gustafson and a member of the Religious Discrimination Work Group. Both are

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[1] *Amici* provided notice of their intent to file this brief to all counsel of record on Monday, February 27, 2023, at least 10 days prior to the filing deadline. This brief was not authored in whole or in part by counsel for any party. No party or party's counsel contributed money that was intended to fund preparing or submitting this brief. No person, other than *amici curiae*, their members, or their counsel, contributed money that was intended to fund preparing or submitting this brief.

experts in religion-related employment discrimination.

Amici offer this brief to explain how the Tenth Circuit's holding invites EEOC intrusion into religious matters and threatens to erode the First Amendment protections of religious organizations. Their knowledge of the Commission and its practices gives them a unique perspective on how EEOC investigations are likely to affect religious employers and force small religious organizations to choose between compliance and financial ruin.

SUMMARY OF REASONS FOR GRANTING CERTIORARI

The First Amendment guarantees the "independence of religious institutions in matters of faith and doctrine." *Our Lady of Guadalupe School* v. *Morrissey-Berru*, 140 S. Ct. 2049, 2060 (2020). That constitutional protection includes employment decisions falling under the "ministerial exception," which requires courts to "stay out of employment disputes involving those holding certain important positions with" religious organizations. *Id.*[2] Left undisturbed, the Tenth Circuit's holding would fatally undermine the Court's unanimous decision in *Hosanna-Tabor Evangelical Lutheran Church and School* v. *EEOC*, 565 U.S. 171 (2012), by exposing

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[2] Like Petitioner, *amici* use the term "ministerial exception" because of its familiarity, even though the principle covers roles and faiths beyond what the term suggests.

religious organizations to unconstitutional government intervention into their employment decisions through investigation and litigation. Indeed, the Tenth Circuit's decision has already created a split with thirteen other federal courts of appeals and state high courts, each of which recognized that the ministerial exception is far more expansive than a mere protection from liability.

EEOC investigations are one example of such government intrusion. The EEOC investigates charges of employment discrimination against a wide range of employers, including religious organizations. After *Hosanna-Tabor* and *Our Lady*, the Commission's guidance now instructs staff to determine the applicability of the ministerial exception at the outset of an investigation, before addressing the underlying discrimination claims. The approach of the Tenth Circuit, now joined by the Second Circuit and Massachusetts' Supreme Judicial Court, undercuts that guidance. If the ministerial exception prohibits only the imposition of liability, EEOC investigators will be free to investigate discrimination charges without regard to whether the charging employee is a minister or whether the employment decision in question was based in religious doctrine.

Such a regime opens the door to unconstitutional government interference with First Amendment rights. EEOC investigations are often expensive, time-consuming, and broad. Small religious

organizations typically lack the financial wherewithal to vindicate their rights once an investigation begins, which would create immense pressure to settle before defense costs become unsustainable. More than one in four American congregations, for example, reported less than $100,000 in income from all sources in 2017. DAVID P. KING ET AL., LAKE INST. ON FAITH & GIVING, NAT'L STUDY OF CONGREGATIONS' ECON. PRACTICES 11 (2017). Such organizations likely cannot afford the legal fees and other expenses associated with EEOC investigations.

Making matters worse, government officials, like anyone not specifically educated in a particular religious tradition, are ill-equipped to make informed decisions about the role doctrine may have played in an employment decision. Indeed, the "very process of inquiry leading to findings and conclusions" by government officials risks misunderstanding. *NLRB* v. *Cath. Bishop of Chi.*, 440 U.S. 490, 502 (1979). At worst, such inquiry increases the risk of adverse government action reflecting "hostility to religion." *See, e.g.*, *Masterpiece Cakeshop, Ltd.* v. *Colo. Civil Rts. Comm'n*, 138 S. Ct. 1719, 1732 (2018).

This Court should grant certiorari to consider the implications of the Tenth Circuit's holding for religious organizations across the country, particularly those without the means, monetary or otherwise, to withstand an unconstitutional government investigation.

REASONS FOR GRANTING CERTIORARI

I. The ministerial exception is ineffective if it does not protect religious organizations from investigation or suit over employment decisions involving their ministers.

The First Amendment "bar[s] the government from interfering with the decision of a religious group to fire one of its ministers," even in "a suit alleging discrimination in employment." *Hosanna-Tabor*, 565 U.S. at 181, 188. This "ministerial exception" extends to "employment discrimination claims" in general, as "[j]udicial review" of a religious organization's employment decisions "would undermine the independence of religious institutions in a way that the First Amendment does not tolerate." *Our Lady*, 140 S. Ct. at 2055.

The Court's admonitions reflect the consensus among the Courts of Appeals—unbroken before the panel decision below—that the First Amendment protects religious groups from the burdens of litigation, not merely the imposition of liability, regarding their ministerial employment decisions. *See Natal* v. *Christian & Missionary All.*, 878 F.2d 1575, 1577–1578 (1st Cir. 1989); *Lee* v. *Sixth Mount Zion Baptist Church*, 903 F.3d 113, 118 n.4 (3d Cir. 2018); *Rayburn* v. *General Conf. of Seventh-Day Adventists*, 772 F.2d 1164 (4th Cir. 1985); *McClure* v. *Salvation Army*, 460 F.2d 553 (5th Cir. 1972); *Conlon* v. *InterVarsity Christian Fellowship*, 777 F.3d 829, 836 (6th Cir. 2015); *Demkovich* v. *St. Andrew the Apostle*

Par., 3 F.4th 968, 980–982 (7th Cir. 2021) (en banc); *Scharon* v. *St. Luke's Episcopal Presbyterian Hosps.*, 929 F.2d 360, 363 (8th Cir. 1991); *EEOC* v. *Cath. U. of Am.*, 83 F.3d 455, 466-467 (D.C. Cir. 1996).

Those courts recognize that the danger goes beyond "substantive" government resolution of religious matters, *Lee*, 903 F.3d at 120, because "the mere adjudication of such questions poses grave problems for religious autonomy." *Hosanna-Tabor*, 565 U.S. at 205–06 (Alito, J., concurring). "[P]rocedural" entanglement, "where the state and church are pitted against one another in a protracted legal battle," *Lee*, 903 F.3d at 120, impermissibly subjects religious organizations to "the full panoply of legal process designed to probe the mind of the church." *Rayburn*, 772 F.2d at 1171 (discussing Title VII litigation); *see Demkovich*, 3 F.4th at 982 (expressing "worry about a protracted legal process pitting church and state as adversaries" and "the prejudicial effects of incremental litigation," in that case involving "two motions to dismiss, two subsequent decisions and orders, the beginnings of discovery, an interlocutory appeal, a panel opinion, and . . . en banc rehearing"); *Cath. U.*, 83 F.3d. at 457 ("[A]pplication of Title VII to [a nun's] employment requires an intrusion by the Federal Government in religious affairs that is forbidden by the Establishment Clause.").

Intrusion can begin long before parties reach the courthouse steps. Government investigations present

a similar threat to religious independence because "the very process of inquiry leading to findings and conclusions," *Cath. Bishop*, 440 U.S. at 502, which includes many tools of "discovery," will "probe the mind of the church." *Rayburn*, 772 F.2d at 1171. Faced with such an inquiry, religious organizations "might make [employment decisions] with an eye to avoiding . . . bureaucratic entanglement" rather than an eye to following their beliefs. *Id*.

Thus, the ministerial exception is only effective if it provides protection "akin to . . . qualified immunity." *Petruska* v. *Gannon U.*, 462 F.3d 294, 302 (3d Cir. 2006). Just as denial of qualified immunity is subject to immediate appeal as "an affirmative defense," *Crawford-El* v. *Britton*, 523 U.S. 574, 587 (1998), so too must denial of the ministerial exception fall under the collateral order doctrine. The Tenth Circuit's contrary holding has instead made religious "defendants subject to litigation, including discovery and possibly trial," which "imperils the First Amendment rights of religious institutions." *Belya* v. *Kapral*, 59 F.4th 570, 573 (2d Cir. 2023) (mem.) (Park, J., dissenting from denial of rehearing en banc). The EEOC's power and practices amplify that threat.

II. The time and expense of EEOC investigations can infringe the First Amendment rights of small religious organizations.

The Tenth Circuit's decision also compromises recent EEOC guidance that directs investigators to resolve threshold constitutional issues first. Without that guidance, organizations that lack the resources to resist and vindicate their rights will be left to face the full weight of an EEOC investigation, forcing them to choose between compliance or insolvency. That is no choice at all.

Consistent with *Hosanna-Tabor* and *Our Lady*, recent EEOC guidance directs its staff to "resolve[]" the ministerial exception "at the earliest possible stage before reaching [an] underlying discrimination claim." U.S. EQUAL EMP. OPPORTUNITY COMM'N, COMPLIANCE MANUAL § 12-I, C.2 (Jan. 15, 2021).[3] That guidance is explicitly based on the premise—followed by thirteen federal circuits and state high courts—that the exception is "not just a legal defense . . . , but a constitutionally-based guarantee that obligates the government and the courts to refrain from interfering or entangling themselves with

[3] The Commission issued that guidance on January 15, 2021 after public notice and comment. This sort of guidance is not binding on courts, but is binding on EEOC staff. The pertinent section of the compliance manual is located at https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination#h_43047406513191610748727011.

religion." *Id*; *cf. Osborn* v. *Haley*, 549 U.S. 225, 253 (2007) ("Immunity-related issues . . . should be decided at the earliest opportunity.").[4] The Tenth Circuit's holding that the exception is a defense to liability that will "often" go to a jury upends this understanding and undermines *Hosanna-Tabor*. *Tucker* v. *Faith Bible Chapel Int'l*, 36 F.4th 1021, 1031 n.4 (2022).

In doing so, the Tenth Circuit's decision provides an opening for the Commission to reinsert itself into religious matters during investigations. Pre-*Hosanna-Tabor* EEOC guidance was far less solicitous of the First Amendment. Rather than instructing staff to address constitutional protections first, the manual defined the ministerial exception as only covering "employees who perform essentially religious functions" and omitted any warning that the ministerial exception should be resolved early. *See* U.S. EQUAL EMP. OPPORTUNITY COMM'N, COMPLIANCE MANUAL § 12-I, C.2 (July 22, 2008). Nor is the EEOC

[4] The EEOC was slow to adapt to the Court's holding in *Hosanna-Tabor*, especially compared to its rapid adoption of new guidance following other decisions that bear on employment issues. *Compare* U.S. EQUAL EMP. OPPORTUNITY COMM'N, COMPLIANCE MANUAL § 12-I, C.2 (Jan. 15, 2021) (reflecting change in the law nine years after *Hosanna-Tabor*) *with, e.g.*, U.S. EQUAL EMP. OPPORTUNITY COMM'N, GUIDANCE DOCUMENT §§ I.B.1, I.C.1, (accessible at https://www.eeoc.gov/laws/guidance/enforcement-guidance-pregnancy-discrimination-and-related-issues) (updating guidance on pregnancy discrimination three months after the Court's decision in *Young* v. *United Parcel Serv., Inc.*, 575 U.S. 206 (2015)).

a stranger to investigating and litigating cases that implicate the ministerial exception. *See, e.g.*, *Hosanna-Tabor*, 565 U.S. 171; *EEOC* v. *Roman Cath. Diocese*, 213 F.3d 795 (4th Cir. 2000); *Cath U.*, 83 F.3d 455; *EEOC* v. *Southwestern Baptist Theological Seminary*, 651 F.2d 277 (5th Cir. 1981). Indeed, in *Hosanna-Tabor*, the EEOC argued that there was no such thing as a ministerial exception. 565 U.S. at 189. A return to prior form, wherein the EEOC aggressively pursues perceived Title VII violations by religious organizations regardless of ministerial status, would severely restrict religious liberty.

If not required to resolve the ministerial exception at the outset, EEOC staff will have free rein to launch long and onerous investigations into religious organizations, with all of their attendant costs. EEOC investigations begin when an aggrieved person, one acting on behalf of such a person, or a member of the Commission itself files a charge of discrimination with the Commission. 42 U.S.C. § 2000e-5(b). After serving the employer with notice, Commission staff investigate the charge. *Id.* That investigatory power includes issuing and compelling compliance with subpoenas for witnesses and evidence. 29 C.F.R. § 1601.16. The Commission has 120 days—"so far as practicable"—to determine whether there is "reasonable cause to believe that the charge is true." 42 U.S.C. § 2000e-5(b). If so, it attempts to use "informal methods of conference, conciliation, and persuasion" to resolve the matter. *Id.* If that process fails to resolve the dispute, the Commission may file

suit. *Id*. at (f)(1). If the Commission determines that there is not reasonable cause to believe the charge is true, it dismisses the charge. *Id* at (b). And if the Commission dismisses the charge, does not file suit, or fails to resolve the matter through conciliation within 180 days, it may provide notice to the aggrieved person that he or she may file suit. *Id*. at (f)(1).

In practice, investigations are much more "time-consuming" than 120 or 180 days. *VF Jeanswear LP* v. *EEOC*, 140 S. Ct. 1202, 1202 (2020) (mem.) (Thomas, J., dissenting from denial of certiorari). The EEOC represents that the average length of an investigation is ten months.[5] But while a particular investigation's length depends on the nature of the charge and attendant facts, investigations often take years. *See, e.g.*, *EEOC* v. *Hosanna-Tabor Evangelical Lutheran Church & Sch*., 582 F. Supp. 2d 881, 883–84 (E.D. Mich. 2008) (adjudicating EEOC suit filed two years and four months after charge); *Roman Cath. Diocese*, 213 F.3d at 799 (adjudicating EEOC suit filed three years and ten months after charge); *EEOC* v. *Cath. U. of Am.*, 856 F. Supp. 1, 2 (D.D.C. 1994)

[5] U.S. EQUAL EMP. OPPORTUNITY COMM'N, *What You Can Expect After You File a Charge*, https://www.eeoc.gov/what-you-can-expect-after-you-file-charge (last visited Feb. 9, 2023). The ten-month average includes investigations that were completed almost immediately, often because the EEOC lacks jurisdiction over the charge or the claims are time-barred. These types of charges lower the average investigation length.

(recounting EEOC investigation that concluded two years and three months after charge).[6]

Moreover, investigations can sprawl outside the scope of a charge's allegations. In *VF Jeanswear*, for example, the EEOC issued a right-to-sue notice to the individual who filed a charge, but "continued with its own, far broader investigation" by issuing "a subpoena covering material that departed significantly" from the original allegations. 140 S. Ct. at 1202 (Thomas, J., dissenting from denial of certiorari). There is no reason to think that the Commission—if operating under the Tenth Circuit's approach—will spare religious employers from these sorts of far-reaching investigations, as the EEOC's position in *VF Jeanswear* would permit a "universal investigation of any employer with a pending (or concluded) charge." *EEOC* v. *VF Jeanswear, LP*, 2017 WL 2861182 *6 (D. Ariz., July 5, 2017).[7]

The crux of the matter is that, faced with an EEOC investigation and possibly suit, religious employers must rally a legal defense or capitulate. Without

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[6] Two Courts of Appeals have held that the EEOC need not end its investigation when it issues a right-to-sue letter. *EEOC* v. *Union Pac. R. Co.*, 867 F.3d 843, 848 (7th Cir. 2017); *EEOC* v. *Fed. Express Corp.*, 558 F.3d 842, 851–852 (9th Cir. 2009). *But see EEOC* v. *Hearst Corp.*, 103 F.3d 462, 469 (5th Cir. 1997) (holding otherwise).

[7] Although the district court declined to enforce the subpoena, the Ninth Circuit reversed in part. *EEOC* v. *VF Jeanswear LP*, 769 Fed. Appx. 477, 479 (9th Cir. 2019).

protection from suit that Commission investigators must resolve at the outset, investigations will drag on and subject organizations to rising costs with indeterminate end. In *Catholic University*, for example, the EEOC conducted an investigation for over two years before bringing suit. 83 F.3d at 459. The ensuing litigation lasted four years, including a one-week trial and appeal. *Cath. U.*, 856 F. Supp. at 2; *Cath. U.*, 83 F.3d at 470. The D.C. Circuit ultimately concluded that "the EEOC's two-year investigation" and the ensuing litigation "constituted an impermissible entanglement" with religious doctrine. *Cath. U.*, 83 F.3d at 467. But even though Catholic University prevailed and was not ultimately liable, it still had to pay its lawyers for *six years* of EEOC investigation and litigation.

Under the Tenth Circuit's holding, organizations with far fewer resources than Catholic University will have to foot these bills too. Religious congregations typically lack the funds to mount a full-fledged defense of an EEOC investigation. In 2017, 61% of American congregations reported that they received less than $250,000 annually from all sources, and 28% reported less than $100,000. DAVID P. KING ET AL., LAKE INST. ON FAITH & GIVING, NAT'L STUDY OF CONGREGATIONS' ECON. PRACTICES 11 (2017). Minority religious congregations face even greater challenges. *See id.* at 5 (noting that only 5% of American congregations identify as something other than Catholic or Protestant Christian). Muslims and Jews, for example, are at a heightened risk of being

forced to settle as "mosques, synagogues, and affiliated schools are often not connected to any central organization and therefore may lack the resources of a large denomination." Brief of *Amici Curiae* Jewish Coalition for Religious Liberty and Professor Asma Uddin at 12, *Tucker* v. *Faith Bible Chapel Int'l*, 53 F.4th 620 (10th Cir. 2022) [hereinafter JCRL Br.].

The best-case scenario for these organizations is that investigation or litigation "will ultimately vindicate" them, "but not before subjecting them to expensive and costly" proceedings. Richard W. Garnett, John M. Robinson, Hosanna-Tabor*, Religious Freedom, and the Constitutional Structure*, CATO SUP. CT. REV., at 307, 329 (2012). Those costs are "not only financial[], but also" consist of "the distraction" investigation or litigation poses for organizations "simply seeking to return to their ministry." *Id*; *see also Corp. of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints* v. *Amos*, 483 U.S. 327, 344 (1987) (Brennan, J., concurring in the judgment) (noting the role religious groups play in charitable endeavors). Organizations without the resources or will to resist must succumb to the government or structure their employment decisions around avoiding employment charges, rather than around their beliefs. *See* JCRL Br. at 12 (litigating claims subject to the ministerial exception will "require smaller congregations to decide whether to divert donations to legal-defense funds or forsake the religious autonomy guaranteed by the First

Amendment"). Simply put, even "the prospects of [EEOC] litigation" or investigation can create impermissible entanglement because a religious group's "process of self-definition would be shaped" by that fear. *Amos*, 483 U.S. at 343–44 (Brennan, J., concurring in judgment).

III. Unfettered EEOC investigations will lead to impermissible government involvement in ecclesiastical matters.

Under the Tenth Circuit's narrow view of the ministerial exception, EEOC investigations will inevitably lead to agency involvement with ecclesiastical matters. This is no job for Commission investigators. Even assuming the best intentions, investigators are unlikely to grasp the nuances of religious doctrine, let alone understand its role in an employment decision. Even "[g]ood intentions" cannot "avoid entanglement with [an organization's] religious mission." *Cath. Bishop*, 440 U.S. at 502.

Investigating an employment decision that could fall under the ministerial exception will, if the exception is not a bar to suit, involve wading into ecclesiastical matters. Investigators will approach discrimination claims against religious employers like any other, tap dancing through a minefield of doctrine all the while. *Cf. Carroll Coll.* v. *NLRB*, 558 F.3d 568 (D.C. Cir. 2009) (emphasizing that the NLRB may not "troll[] through the beliefs of schools, making determinations about their religious mission, and that

mission's centrality to the 'primary purpose' of the school"). That process alone offends the Constitution, as "[i]t is not only the conclusions that may be reached by [an agency] which may impinge on rights guaranteed by the Religion Clauses, but also *the very process of inquiry* leading to findings and conclusions." *Cath. Bishop*, 440 U.S. at 502 (emphasis added); *see Combs* v. *Cent. Tex. Ann. Conf. of the United Methodist Church*, 173 F.3d 343 (5th Cir. 1999) (taking issue with "secular authorities . . . evaluating or interpreting religious doctrine"); *cf. Carson* v. *Makin* 142 S. Ct. 1987, 2001 (2022) (citations omitted) (government scrutiny of "whether and how a religious school pursues its educational mission . . . raise[s] serious concerns about state entanglement with religion and denominational favoritism").

EEOC investigators are unlikely to be sufficiently familiar with the doctrine of any particular religious organization to correctly navigate its nuances. Investigators, like "judges[,] cannot be expected to have a complete understanding and appreciation of the role played by every person who performs a particular role in every religious tradition." *Our Lady*, 140 S. Ct. at 2066. That risk increases when an investigator deals with an unfamiliar minority religion, where an employee may lack "a familiar title" or have a role defined by "an unfamiliar cultural context." JCRL Br. at 9–10. Several members of this Court have recognized that the government must use extra caution when engaging with "religious groups whose beliefs, practices, and membership are outside

of the 'mainstream.'" *Hosanna-Tabor*, 565 U.S. at 197 (Thomas, J., concurring); *see Our Lady*, 140 S. Ct. at 2064 (noting the danger of "privileging religious traditions with formal organizational structures over those that are less formal"); *id.* at 2070 (Thomas, J., joined by Gorsuch, J., concurring) (arguing that legal analysis should be tailored "[t]o avoid disadvantaging . . . minority faiths"); *Hosanna-Tabor*, 565 U.S. at 198 (Alito, J., joined by Kagan, J., concurring) (stressing the importance of a functional analysis because "the concept of ordination as understood by most Christian churches and by Judaism has no clear counterpart" in some other religions); *cf. Church of the Lukumi Babalu Aye, Inc.* v. *City of Hialeah*, 508 U.S. 520, 547 (1993) (voiding policies "stem[ming] from animosity to [a minority] religion").

That is why the ministerial exception keeps government officials, including EEOC officials, out of these ecclesiastical matters. The government should not conduct employment-related investigations of religious organizations before resolving whether a case falls under the ministerial exception. But the Tenth Circuit's holding will undermine *Hosanna-Tabor* and its progeny, exposing religious organizations to such inquiry. Worse still, history teaches that permitting government intrusion into religious matters can, at times, bring the taint of bias. *See, e.g.*, *Masterpiece Cakeshop*, 138 S. Ct. at 1732 (noting "official expressions of hostility to religion in some of the commissioners' comments"). EEOC investigators are no less fallible than other

government officials. For instance, in a series of dialogue sessions involving then-General Counsel Gustafson, Commissioner Andrea Lucas, and Religious Discrimination Work Group member Morrison, one participant expressed concern about "how far Title VII allows investigators and courts to pursue a charge" once the employer claims a religious exemption, while others "shared that their members do not view the EEOC as friendly to their religious beliefs."[8] Abrogating the ministerial exception as the Tenth Circuit has done increases the risk of unfortunate (and unconstitutional) situations rooted in bias.

CONCLUSION

If allowed to stand, the Tenth Circuit's holding places religious employers, particularly small or minority organizations, in the EEOC's crosshairs. EEOC investigation of employment-discrimination charges that the ministerial exception would otherwise bar is "inherently coercive," even if the employer is ultimately vindicated. *Combs*, 173 F.3d at 350. The Court should grant the petition for writ of certiorari.

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[8] *See* U.S. EQUAL EMP. OPPORTUNITY COMM'N, RELIGIOUS DISCRIMINATION IN EMPLOYMENT: GENERAL COUNSEL LISTENING SESSIONS FINAL REPORT at 11. The report has been removed from the EEOC's website, but is now available on the website of the Ethics and Public Policy Center, https://eppc.org/wp-content/uploads/2023/02/Religious-Discrimination-in-Employment-General-Counsel-Listening-Sessions-Final-Report.pdf (last visited Feb. 15, 2023).

Respectfully submitted,

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