No. 25-581

In the Supreme Court of the United States

ST. MARY CATHOLIC PARISH, LITTLETON, COLORADO, ET AL.,

Petitioners,

v.

LISA ROY, IN HER OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF EARLY CHILDHOOD, ET AL.,

Respondents.

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

BRIEF FOR AMICUS CURIAE UNITED STATES CONFERENCE OF CATHOLIC BISHOPS SUPPORTING PETITIONERS

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INTEREST OF AMICUS CURIAE

Amicus Curiae the United States Conference of Catholic Bishops ("USCCB") is a nonprofit religious organization dedicated to promoting and carrying out the Catholic faith in the United States and abroad.[1] The USCCB's members are the active Catholic Bishops in the United States. The USCCB works alongside the bishops of the Catholic Church to support their ministries and pastoral calling in diverse areas including the free expression of ideas, religious liberty, and the protection of the rights of parents and children.

This case provides the Court with a needed opportunity to clarify the principles established in *Carson v. Makin*, 596 U.S. 767 (2022), *Espinoza v. Mont. Dep't of Revenue*, 591 U.S. 464 (2020), and *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449 (2017). In each case, the USCCB filed amicus briefs arguing that the First Amendment prohibits governments from enacting laws that disqualify religious observers and organizations from generally available public benefits solely because of their religious character or exercise. *See* Br. of Amicus USCCB, *et al.*, *Carson v. Makin*, No. 20-1088 (U.S. Sept. 10, 2021); Br. of Amicus USCCB, *et al.*, *Espinoza v. Mont. Dep't of Revenue*, No. 18-1195 (U.S. Sept. 18,

[1] In accordance with Rule 37.6, no counsel for any party has authored this brief in whole or in part, and no person or entity other than the USCCB, its members, or its counsel made a monetary contribution to the preparation or submission of this brief. Amicus Curiae provided notice of its intent to file this brief to counsel of record for both parties at least 10 days before the brief's due date. *See* Sup. Ct. R. 37.2.

2019); Br. of Amicus USCCB, *et al.*, *Trinity Lutheran Church of Columbia, Inc. v. Pauley*, No. 15-577 (U.S. Apr. 21, 2016). This Court agreed.

The decision below, however, upholds a facially neutral statute that in practice denies Catholic preschools access to a state-run tuition assistance program solely because those schools adhere to Catholic doctrine about human sexuality. If that decision stands, it will provide a roadmap for governments to circumvent this Court's decisions, directly threatening the Free Exercise rights of religious adherents and organizations. The USCCB has a keen interest in avoiding that result.

SUMMARY OF ARGUMENT

This Court should grant review to correct the Tenth Circuit's misapplication of *Carson*, *Espinoza*, and *Trinity Lutheran*. Colorado has disqualified Catholic preschools from participation in the State's universal preschool program solely because of their adherence to Catholic doctrine. That violates this Court's precedents.

The government may not deny religious entities the right to participate in an otherwise generally available public program because of their religious character or exercise. *See Carson*, 596 U.S. at 778-80; *Espinoza*, 591 U.S. at 475; *Trinity Lutheran*, 582 U.S. at 458. That is indisputably true when the program discriminates on its face against religious institutions. And, as this Court's Free Exercise precedents have long recognized, it is equally true when the law at issue is facially neutral. "[R]eligious practice" cannot

be unconstitutionally "singled out for discriminatory treatment" through facially neutral "religious gerrymanders." *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 534, 538 (1993) (citation omitted).

The Tenth Circuit permitted exactly that kind of religious gerrymander. It reasoned that the Colorado law's facial neutrality distinguished it from the public programs at issue in *Carson*, *Espinoza*, and *Trinity Lutheran*, each of which "explicit[ly]" targeted religion. Pet.App.21a. If that is enough to distinguish those precedents, the Free Exercise Clause would be "reduced to a simple semantic exercise," easily circumvented by artful statutory drafting. *Carson*, 596 U.S. at 784. This Court should grant review to prevent *Carson*, *Espinoza*, and *Trinity Lutheran* from becoming "essentially meaningless." *Id.*

Absent review, the Tenth Circuit's decision will embolden other states and municipalities to discriminate against religious adherents' rights by enacting ostensibly neutral statutes. This case is just the latest example of a disturbing trend—states and cities across the country using nondiscrimination requirements to "covert[ly] suppress[] particular religious beliefs." *Church of Lukumi Babalu Aye*, 508 U.S. at 534 (citation omitted). For example, Maine has openly used this strategy to end-run this Court's decision in *Carson*. *See St. Dominic Academy v. Makin*, 744 F. Supp. 3d 43 (D. Me. 2024) (finding no likelihood of success in a challenge to Maine's revived tuition program, which now imposes a facially neutral

nondiscrimination requirement). This maneuver corrodes religious liberty. And it flouts this Court's First Amendment jurisprudence.

If this trend continues, it will impair the ability of Catholic organizations and other faith-based service providers to partner with state and local governments to serve the public. The resulting harm to the nation's social support infrastructure would be immense. Catholic charitable organizations are a profound force for good. They provide excellent education, heal the sick, care for the vulnerable, and feed the hungry. These and other faith-based organizations collectively provide billions of dollars in services to those in need every year. The Court should grant review to ensure that these service providers can continue providing vital, irreplaceable services in partnership with the states while freely exercising their faith.

ARGUMENT

I. This Court's review is necessary to prevent circumvention of its decisions in *Carson*, *Espinoza*, and *Trinity Lutheran*.

This Court should grant review and clarify that the Free Exercise Clause does not permit the government to exclude religious entities from public programs by adopting facially neutral requirements that in practice discriminate against people of certain disfavored faiths.

A. Colorado bars Catholic preschools from receiving tuition through the State's universal preschool program solely because those preschools, in their admissions processes, adhere to Catholic

doctrine regarding human sexuality. That violates core Free Exercise principles this Court recognized in *Carson*, *Espinoza*, and *Trinity Lutheran*.

The "Free Exercise Clause" protects "religious observers against unequal treatment and against laws that impose special disabilities on the basis of religious status." *Espinoza*, 591 U.S. at 475 (cleaned up). This bars not only "outright prohibitions" on the "free exercise of religion," but also "indirect coercion or penalties" on free exercise. *Trinity Lutheran*, 582 U.S. at 463 (cleaned up). Just as a state may not "regulate or outlaw conduct because it is religiously motivated," it may not require religious schools to "disavow [their] religious character" in order "to participate in a government benefit program." *Id.* at 461, 463. This Court has thus found it "'unremarkable'" that state laws that "disqualify[] otherwise eligible recipients" from public funding because of their religious exercise "trigger[] the most exacting scrutiny." *Espinoza*, 591 U.S. at 475 (quoting *Trinity Lutheran*, 582 U.S. at 462). "[A] person may not be compelled to choose between the exercise of a First Amendment right and participation in an otherwise available public program." *Thomas v. Review Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 716 (1981).

Here, Colorado has excluded Catholic preschools "from [a] generally available public benefit solely because of their religious character," thus "penaliz[ing] the free exercise of religion." *Carson*, 596 U.S. at 780 (cleaned up). Those preschools "adhere to Catholic faith, morals, and the building up of Catholic

culture within the school." Pet.App.11a (cleaned up). And they "hold a sincere belief that Catholic teaching requires them to consider the sexual orientation and gender identity of a student and their parents before admitting them to a Catholic School." Pet.App.11a. (explaining that the Archdiocese that oversees the preschools "does not recognize same-sex relationships or transgender status," and so "enrolling a child of same-sex parents in a Catholic school is 'likely to lead to intractable conflicts'" (citation omitted)). Yet Colorado's tuition program has a "nondiscrimination requirement," which prohibits the preschools from considering in their admissions processes the "sexual orientation [or] gender identity" of any "child or the child's family." Pet.App.6a. The upshot is that these Catholic preschools, and the parents who wish to enroll their children in them, receive no tuition benefits solely because the preschools adhere to Catholic teaching.

Carson, *Espinoza*, and *Trinity Lutheran* forbid that result. A "State need not subsidize private education," but "once a State decides to do so, it cannot disqualify some private schools solely because they are religious." *Espinoza*, 591 U.S. at 487. Nor may it favor schools associated with "certain religions" or "sects" over others because of the "theological lines" they draw in their religious practice. *Cath. Charities Bureau, Inc. v. Wis. Lab. & Indus. Review Comm'n*, 605 U.S. 238, 248-49 (2025).

B. The Tenth Circuit erroneously reached the opposite conclusion: Because "the nondiscrimination requirement . . . applies to all preschools regardless of

whether they are religious or secular," Colorado may exclude Catholic preschools. Pet.App.21a.

That holding could render *Carson*, *Espinoza*, and *Trinity Lutheran* "essentially meaningless." *Carson*, 596 U.S. at 784. The laws at issue in *Carson*, *Espinoza*, and *Trinity Lutheran* did "explicit[ly]" target religion. Pet.App.21a. But the First Amendment forbids the government from indirectly engaging in discrimination that it cannot do directly. *See Nat'l Rifle Ass'n v. Vullo*, 602 U.S. 175, 190 (2024) ("[A] government official cannot do indirectly what she is barred from doing directly.").

"The Free Exercise Clause protects against governmental hostility which is masked, as well as overt." *Church of Lukumi Babalu Aye*, 508 U.S. at 534. The Constitution "forbids" both "subtle departures from neutrality," *Gillette v. United States*, 401 U.S. 437, 452 (1971), and "covert suppression of particular religious beliefs," *Bowen v. Roy*, 476 U.S. 693, 703 (1986). "A regulation neutral on its face may, in its application, nonetheless offend the constitutional requirement for governmental neutrality if it unduly burdens the free exercise of religion." *Review Bd. of Ind. Emp. Sec. Div.*, 450 U.S. at 717 (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 220 (1972)). In *Church of Lukumi Babalu Aye*, for instance, the discriminatory city ordinance was facially neutral. But that was "not determinative" because in "effect," the ordinance accomplished "a religious gerrymander." 508 U.S. at 534-35 (cleaned up). The "only conduct" that the ordinance would be enforced

against was "the religious exercise of the Santeria church members." *Id.* at 535. That facially neutral attempt "to suppress the conduct because of its religious motivation" was unconstitutional. *Id.* at 538.

Governments may not circumvent *Carson*, *Espinoza*, and *Trinity Lutheran* through this sort of "religious gerrymander[]," either. *Walz v. Tax Comm'n of N.Y.*, 397 U.S. 664, 696 (1970) (Brennan, J., concurring). Although each of those cases involved expressly discriminatory statutes, their reasoning applies equally to neutrally applicable laws that discriminate against religion in fact, even if not in word.

Consider *Carson*. That case involved a tuition-assistance statute in Maine that imposed a "requirement that any school receiving tuition assistance payments must be 'a nonsectarian school.'" 596 U.S. at 774 (citation omitted). The Court held that facially discriminatory language triggered strict scrutiny. *Id.* at 780-81. But Maine had argued (and the court below had held) that the statute's requirement was properly viewed not as expressly discriminatory, but as merely providing funding for the "rough equivalent of [a] public school education that Maine may permissibly require to be secular." *Id.* at 782 (citation omitted).

This Court rejected that reasoning as incompatible with its "decision in *Espinoza*." *Id.* at 784. It explained that "[b]y Maine's logic," the Montana law at issue in *Espinoza* could have avoided strict scrutiny "simply by redefining its tax credit for

sponsors of generally available scholarships as limited to 'tuition payments for the rough equivalent of a Montana public education'—meaning a secular education" *Id.* at 785. That approach would have been, on its face, neutral. But the *effect* would have been to exclude religious schools "on the basis of their religious exercise." *Id.* at 789. That was impermissible because the Court's "holding in *Espinoza* turned on the substance of free exercise protections, not on the presence or absence of magic words" and it "applies fully whether the prohibited discrimination is in an *express* provision" like Maine's statute or in a *facially neutral* "reconceptualization of the public benefit." *Id.* at 785 (emphasis added).

Trinity Lutheran confirms this too. That case involved a Missouri grant program, which had "a strict and express policy of denying grants to any applicant owned or controlled by a church, sect, or other religious entity." *Trinity Lutheran*, 582 U.S. at 455. The Court applied strict scrutiny to strike down that program, relying on the "basic principle" that "denying a generally available benefit solely on account of religious identity imposes a penalty on the free exercise of religion." *Id.* at 458. Yet *Trinity Lutheran* made clear that even "facial[ly] neutral[]" laws could unconstitutionally "single out the religious for disfavored treatment," citing *Church of Lukumi Babalu Aye* as an example. *Id.* at 460-61.

Justice Gorsuch's concurrence likewise reasoned that the Free Exercise Clause "guarantees the free *exercise* of religion, not just the right to inward

belief." *Id.* at 469 (Gorsuch, J., concurring). "[T]he government may not force people to choose between participation in a public program and their right to free exercise of religion," meaning "it should [not] matter whether we describe the benefit, say, as closed to Lutherans (status) or closed to people who do Lutheran things (use)," because "[i]t is free exercise either way." *Id.* (Gorsuch, J., concurring).

The Tenth Circuit defied this clear guidance. It distinguished *Carson*, *Espinoza*, and *Trinity Lutheran* because Colorado's law does not overtly discriminate against religion. But Colorado's law excludes Catholic preschools from funding *because of* their religious exercise, disqualifying them solely based on their religious conduct—adherence to traditional religious beliefs about human sexuality. Pet.App.6a, 11a. Colorado's tuition program thus excludes high-quality Catholic preschools from a generally available tuition-assistance program simply *because* those schools are living out foundational Catholic doctrines by "act[ing] on those beliefs outwardly and publicly." *Espinoza*, 591 U.S. at 510 (Gorsuch, J., concurring). That violates the Free Exercise Clause. "The Constitution . . . protects not just the right to *be* a religious person, holding beliefs inwardly and secretly; it also protects the right to *act* on those beliefs outwardly and publicly." *Id.* (Gorsuch, J., concurring).

This case presents the same constitutional defect identified in *Carson*: A gerrymandered eligibility criterion that permits participation by *some* religious actors but excludes others who hold beliefs the state

disfavors. Like Maine's "rough equivalent of public education" argument, the Colorado nondiscrimination mandate here is facially neutral but operates to disqualify schools whose religious exercise conflicts with the State's preferred orthodoxy. *Carson*, 596 U.S. at 785. Both rules have legitimate secular targets but also target constitutionally protected religious conduct. *See id. Trinity Lutheran* and *Espinoza* make clear that religious entities cannot be excluded from generally available public programs based on religious status. *Carson* then confirmed that this protection extends to religious *exercise*, not merely inward belief. In *Carson*, that exercise was teaching a Catholic curriculum. Here, it is St. Mary's implementation of an admissions process consistent with its Catholic beliefs on human sexuality for the ultimate purpose of facilitating an environment where the school can teach its faith with integrity. Under *Carson*'s logic, the State cannot limit participation in the universal preschool program on the condition that St. Mary abandon its free exercise of religion.

Yet under Colorado's reasoning, any state could "manipulate" the scope "of a particular program" to *implicitly* exclude religious entities. *Id.* at 784. That would "reduce[]" the "First Amendment" to a "simple semantic exercise." *Id.* (quoting *Agency for Int'l Dev. v. All. for Open Soc'y Int'l, Inc.*, 570 U.S. 205, 215 (2013)). This Court's review is urgently needed to prevent that.

II. Without review, other states and cities may adopt similar restrictions, which will greatly harm those that rely on faith-based social services.

If the Tenth Circuit's decision stands, it will embolden other states and cities to violate religious adherents' rights, leaving communities across the country worse off. This is already happening. Without this Court's intervention, the resulting harm will be immense.

A. Colorado is not alone in adopting facially neutral laws that punish religious exercise in practice.

The Colorado law at issue exemplifies a troubling trend. States and municipalities across the country are using facially neutral nondiscrimination requirements to "covert[ly] suppress[] . . . particular religious beliefs" while avoiding public statements of religious animus. *Church of Lukumi Babalu Aye*, 508 U.S. at 534 (citation omitted). This Court should stop this trend in its tracks.

Colorado itself has repeatedly wielded facially neutral nondiscrimination requirements to quash faithful religious exercise. *See, e.g.*, *Masterpiece Cakeshop, Ltd. v. Colo. C.R. Comm'n*, 584 U.S. 617, 640 (2018); *see also 303 Creative LLC v. Elenis*, 600 U.S. 570, 602-03 (2023) (holding Colorado's Anti-Discrimination Act violated Christian website designer's right not to speak a message with which she

disagreed). Yet those losses before this Court have not deterred it from trying again.

Nor is Colorado alone. Maine has revived the town-tuition program this Court struck down in *Carson* on purportedly neutral, antidiscrimination terms. *See St. Dominic Acad.*, 744 F. Supp. 3d 43 (D. Me. 2024); *Crosspoint Church v. Makin*, 719 F. Supp. 3d 99. Now, if religious schools want to accept public funding, they must admit students with beliefs about "their sexual orientation, gender identity, or religion" that conflict with the school's deeply held religious values. *Crosspoint Church*, 719 F. Supp. 3d at 117. Maine's Speaker of the House openly described the change as a direct response to "the ludicrous decision from the far-right SCOTUS." *Id.* at 107 (citation omitted). And commentators have held up this "[]maneuver" as "a model for lawmakers" to "outmaneuver the [Supreme C]ourt and avoid the consequences of a" loss. Aaron Tang, Opinion, *There's a Way to Outmaneuver the Supreme Court, and Maine Has Found It*, N.Y. TIMES (June 23, 2022), https://perma.cc/L36M-GKRT.

The list of examples goes on. New York City's Human Rights Law's "public accommodations provision" has been used to force a Jewish university to recognize an LGBTQ group as an official student organization, in violation of its sincerely held religious values. *YU Pride All. v. Yeshiva Univ.*, 180 N.Y.S.3d 141, 144-46 (N.Y. App. Div. 2022). The Washington Supreme Court has interpreted the state's nondiscrimination law to require a Christian florist to

create arrangements celebrating a same-sex wedding in violation of her sincerely held beliefs. *State v. Arlene's Flowers, Inc.*, 441 P.3d 1203 (Wash. 2019). And, as this Court well knows, Philadelphia attempted to exclude Catholic foster care agencies from serving the city because of their religious beliefs. *Fulton v. City of Phila.*, 593 U.S. 522, 530-31 (2021).

This trend is corrosive. As these examples demonstrate, state and local governments often use generally applicable nondiscrimination laws not to root out invidious discrimination, but to "prescribe what shall be orthodox" in "matters of opinion," including religious doctrine. *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). This case proves the point. Colorado admits it has never received a single complaint about discrimination at a Catholic preschool. Pet.App.141a. And that makes sense—nothing in the universal tuition program *requires* families who disagree with the Catholic Church's views to send their children to St. Mary. Same-sex families are free to use the tuition program funds at any school they wish. Barring St. Mary from the program thus forecloses access to a school with decades of successful performance for many parents seeking preschool education for their families, providing Denver residents nothing in return. Nothing—except sending the unconstitutional message that Colorado condemns St. Mary's sincerely held religious views about sexuality, marriage, and the family.

B. If Catholic service organizations are driven from the public square, the harm to communities most in need would be immense.

If this trend goes unchecked, it will deny Catholic organizations and other faith-based service providers access to the funds necessary to provide services to the public. And if that happens, "a major portion of the nation's social safety net of human services would be lost."[2]

1. Catholic organizations are a profound force for good. Catholic institutions rank among the largest and most essential providers of human services both globally and in the United States. As Pope Benedict XVI wrote, "The Church cannot neglect the service of charity any more than she can neglect the Sacraments and the Word."[3]

In 2024, Catholic Relief Services served 198 million people in 134 countries on an annual operating revenue of roughly $1.3 billion.[4] In the same year, Catholic Charities USA, the national membership

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[2] Stephen V. Monsma, *Pluralism and Freedom: Faith-Based Organizations In a Democratic Society* 16 (2012).

[3] Pope Benedict XVI, *Deus Caritas Est* ¶ 22 (2005), https://perma.cc/L4GS-GGS6.

[4] Cath. Relief Servs., *2024 Annual Report* 4, 22 (2025), https://perma.cc/RD3W-5GQC.

organization for Catholic Charities across the country, served 16 million people in the United States.[5]

Catholic schools enroll over 1.6 million students in almost 6,000 schools across the country. Those students score higher in math and reading on the National Assessment of Educational Progress scale than public school students.[6] They also graduate at a high rate. For the 2021-2022 school year, Catholic high schools had a graduation rate of 98%,[7] eleven percent higher than the national average of 87%.[8]

Catholic charitable organizations heal the sick and care for vulnerable children. Catholic hospitals across the country help millions of patients each year, treating nearly 19 million emergency room visitors and nearly 99 million outpatient visitors.[9] Each day, more than one in seven patients are cared for in a Catholic hospital.[10]

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[5] Cath. Charities USA, *Pathways Forward: 2024 Annual Report* 6, https://perma.cc/PFY3-JZSY.

[6] Nat'l Cath. Educ. Ass'n, *U.S. Catholic School Data* (2025), https://perma.cc/6PG9-297Y (click "Download the 2024-2025 Infographic").

[7] *2021–2022 Highlights*, NCEA, https://perma.cc/6Z2M-ZRX7.

[8] *High School Graduation Rates*, Inst. of Educ. Scis. (May 2024), https://perma.cc/T2WN-Z6EF.

[9] *Catholic Health Care in the United States*, CHA (Apr. 2025), https://perma.cc/4XPE-L565.

[10] *Id.*

And Catholic foster care and adoption organizations place thousands of children in permanent homes, especially "hard-to-place children with special needs."[11] In 2017, Catholic Social Services in Philadelphia served "more than 120 children in foster care," "supervise[d] around 100 different foster homes," and "served more than 2,200 different at-risk children." Compl. ¶ 3, *Fulton v. City of Phila.*, 2018 WL 11376235, (E.D. Pa. May 16, 2018).

Without these Catholic organizations, there would be major gaps in social services. In New York, for instance, the organization Catholic Charities provides over 10 million meals and serves over 99,000 children every year.[12] The agencies provide day care, foster care, emergency shelter, counseling, financial aid, and aid for the mentally ill, refugees, immigrants, those with special needs, and those with disabilities.[13]

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[11] Thomas C. Berg, *Progressive Arguments for Religious Organizational Freedom: Reflections on the HHS Mandate*, 21 J. Contemp. Legal Issues 279, 313 (2013).

[12] Cath. Charities, Archdiocese of N.Y., *2023 Annual Report: Charity in Action* 4, https://perma.cc/7FE8-TDXS.

[13] *Id.* at 2, 4-5.

2. The economic burden of replacing faith-based human services with alternative providers would be almost "incalculably large."[14]

Using conservative figures, faith-based organizations provide *billions* of dollars in services to those in need every year. For example, congregation-based substance abuse recovery programs "contribute up to $316.6 billion in savings to the US economy" annually.[15] At the local level, the impact of faith-based organizations is also indispensable. A study of religious congregations in the Philadelphia area, for example, found that they provided, collectively, a quarter of a billion dollars in social services.[16] At that time, Philadelphia spent approximately $523 million a year on social services.[17] So roughly "one third of the [annual] cost to maintain quality of life in Philadelphia is voluntarily provided by local religious congregations."[18] A similar study in Michigan

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[14] Brian J. Grim & Melissa E. Grim, *The Socio-economic Contribution of Religion to American Society: An Empirical Analysis*, 12 Interdisc. J. Rsch. on Religion 2, 26 (2016).

[15] Brian J. Grim & Melissa E. Grim, *Belief, Behavior, and Belonging: How Faith Is Indispensable in Preventing and Recovering from Substance Abuse*, 58 J. Religion & Health 1713, 1737 (2019).

[16] Ram A. Cnaan, Jill W. Sinha & Charlene C. McGrew, *Congregations as Social Service Providers: Services, Capacity, Culture, and Organizational Behavior*, 28 Admin. Soc. Work 47, 55 (2004).

[17] *Id.*

[18] *Id.*

calculated that the annual replacement value of human services provided by local congregations was $95 to $118 million.[19]

Catholic charitable organizations, specifically, also provide billions of dollars of services every year. A February 2025 study conducted by researchers from the University of Colorado on the economic impact of the Catholic Church in Minnesota found that the "total economic value of Catholic programs" in the state "is estimated at $5.4 billion."[20] The study explains that healthcare institutions run by or affiliated with the Church generate $3.2 billion, Catholic schooling contributes $1.4 billion, and church events generate $56 million, to name just a few economic effects of the Catholic Church.[21]

Catholic colleges and universities across the country make a similarly strong impact on their communities. In the fall of 2023, Catholic colleges and universities enrolled 675,000 students in 230 institutions of higher learning.[22] About 84% of

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[19] Edwin I. Hernández et al., *Gatherings of Hope: How Religious Congregations Contribute to the Quality of Life in Kent County* 61 (Nov. 2008), https://perma.cc/D7YC-EZT9.

[20] Anna Faria & Grant Clayton, *Fruits of the Vine: The Economic Impact of the Catholic Church in Minnesota* 5 (Feb. 2025), https://perma.cc/PA3Y-S9UV.

[21] *Id.* at 6.

[22] *U.S. Catholic Higher Education Data*, Ass'n of Cath. Colls. & Univs., https://perma.cc/SW6C-7QCA (under "Catholic Higher

students at Catholic institutions receive some form of financial aid, averaging almost $24,000 per student in 2022-2023.[23] And graduates of these Catholic institutions have lower student debt default rates than the national average.[24]

In short, the exclusion of faith-based charities from public programs both violates the First Amendment and inflicts "major public policy consequences."[25] People in need "would go without needed services and private secular agencies and government—which is already under pressure to cut back on its services to those in need—would have to scramble in an effort to find some way to make up for the major gaps now created."[26] This Court should grant review to ensure that does not happen.

CONCLUSION

The Court should grant the petition.

Education FAQs," click "How many Catholic colleges are in the United States?" and "How many students are enrolled?").

[23] *Id*. (under "Catholic Higher Education FAQs," click "How much financial aid do students at Catholic institutions typically receive?").

[24] Quentin Wodon, *Catholic Higher Education in the United States: Exploring the Decision to Enroll from a Student's (or a Student Advisor's) Point of View*, 13 Religions (Special Issue) 7 (2022).

[25] Monsma, *supra* note 2, at 16.

[26] *Id*.

Respectfully submitted,

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DECEMBER 2025