No. 25-776

IN THE

Supreme Court of the United States

YOUTH 71FIVE MINISTRIES,

Petitioner,

v.

CHARLENE WILLIAMS, INDIVIDUALLY AND AS DIRECTOR OF OREGON DEPARTMENT OF EDUCATION, ET AL.,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

BRIEF OF AMICI CURIAE JEWISH COALITION FOR RELIGIOUS LIBERTY AND YOUNG LIFE IN SUPPORT OF PETITIONER

HOWARD SLUGH
JEWISH COALITION FOR RELIGIOUS LIBERTY
2400 Virginia Ave. N.W.
Apt. C619
Washington, D.C. 20037
(954) 328-9461

BRANDON BAKER
YOUNG LIFE
420 N. Cascade Ave.
Colorado Springs, CO 80903
(719) 381-1810

THOMAS G. HUNGAR
TRENTON J. VAN OSS
Counsel of Record
DAVID B. TYE
GIBSON, DUNN & CRUTCHER LLP
1700 M Street, N.W.
Washington, D.C. 20036
(202) 955-8500
TVanOss@gibsondunn.com

Counsel for Amici Curiae

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases **Page(s)**

Other Authorities

IN THE

Supreme Court of the United States

No. 25-776

YOUTH 71FIVE MINISTRIES,

Petitioner,

v.

CHARLENE WILLIAMS, INDIVIDUALLY AND AS DIRECTOR OF OREGON DEPARTMENT OF EDUCATION, ET AL.,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

BRIEF OF AMICI CURIAE JEWISH COALITION FOR RELIGIOUS LIBERTY AND YOUNG LIFE IN SUPPORT OF PETITIONER

INTEREST OF AMICI CURIAE*

The Jewish Coalition for Religious Liberty is an association of American Jews concerned with the current state of religious-liberty jurisprudence. It aims to protect the ability of all Americans to freely practice their faith and foster cooperation between Jews and other faith communities in pursuing that mission. Recognizing religious organizations' ability to vindi-

* Counsel of record for the parties received timely notice of amici's intent to file this brief. No counsel for a party authored this brief in whole or in part, and no person or entity other than amici or its counsel made a monetary contribution to this brief's preparation.

cate the right to religious autonomy serves to protect the religious liberty and freedoms of all Americans, including religious minorities.

Young Life is a Christian youth ministry organization committed to sharing the Good News of Jesus Christ with adolescents. Through local clubs and destination camps, Young Life desires to provide fun, adventurous, life-changing, and skill-building experiences, preparing kids for a life-long relationship with Christ and a love for His word, His mission, and the local church. Young Life employees commit to a central purpose of proclaiming the Gospel of Jesus Christ and introducing adolescents everywhere to Jesus Christ and helping them grow in their faith.

To those ends, amici urge the Court to grant certiorari and reverse the decision below.

INTRODUCTION AND SUMMARY OF ARGUMENT

The right to religious autonomy is an important protection against "[s]tate interference" in "matters of faith and doctrine." *Our Lady of Guadalupe School* v. *Morrissey-Berru*, 591 U.S. 732, 746 (2020) (quotation marks omitted). That right, which is grounded in both of the Religion Clauses, shields religious organizations from improper governmental "dictate[s]" or "influence" concerning religious matters—including choices about who may carry out an organization's religious mission—even when the government acts on a neutral and generally applicable basis. *Ibid.* It is therefore critical that religious organizations be able to assert this right as a standalone claim when it is infringed, in addition to any claim that the government's action is not neutral or generally applicable under cases like *Employment*

Division, Department of Human Resources of Oregon v. *Smith*, 494 U.S. 872 (1990).

The Ninth Circuit's conclusion that religious organizations may invoke religious autonomy only as a defense to a lawsuit—not as a standalone claim—leaves the right unprotected whenever the government infringes it by means other than a lawsuit. That decision, if allowed to stand, would lead to dangerous results. Many religious organizations rely on state funding to carry out their missions, including funding for security in increasingly dangerous environments. States should not be allowed to condition that funding on a religious organization's compliance with rules about who may serve in leadership positions; that is exactly the sort of "interference" and "influence" that the Religion Clauses forbid. *Our Lady of Guadalupe*, 591 U.S. at 746; see *Hosanna-Tabor Evangelical Lutheran Church & School* v. *E.E.O.C.*, 565 U.S. 171, 182 (2012) (describing historical background that led to adoption of the Religion Clauses).

Yet under the Ninth Circuit's rule, if a state revoked funding and never brought a lawsuit, religious organizations would be powerless to even present their claim in court. A rule like that threatens to "[d]riv[e] such organizations from the public square" and "greatly impoverish our Nation's civic and religious life." *Seattle's Union Gospel Mission* v. *Woods*, 142 S. Ct. 1094, 1096 (2022) (Alito, J., respecting the denial of certiorari).

To vindicate religious organizations' ability to assert their right to autonomy in matters of faith and doctrine, the Court should grant certiorari and reverse.

ARGUMENT

I. RELIGIOUS AUTONOMY IS AN IMPORTANT FIRST AMENDMENT RIGHT THAT APPLIES EVEN WHEN GOVERNMENTAL ACTION IS NEUTRAL AND GENERALLY APPLICABLE

The right to religious autonomy grants "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." *Kedroff* v. *St. Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 116 (1952). This right, rooted in both Religion Clauses, protects religious organizations from improper governmental influence even when the government acts on a neutral and generally applicable basis.

This Court has often evaluated claims under the Free Exercise Clause by asking whether a challenged law is neutral and generally applicable. *Smith*, 494 U.S. at 879. If not, the government must show that the law is justified by a compelling governmental interest and is narrowly tailored to advance that interest. *Church of Lukumi Babalu Aye, Inc.* v. *City of Hialeah*, 508 U.S. 520, 531–32 (1993); see also *Fulton* v. *City of Philadelphia*, 593 U.S. 522, 541 (2021). That analytical framework applies to a particular type of claim: a request for an exemption under the Free Exercise Clause. In *Smith*, this Court adopted a narrow view of what the Free Exercise Clause requires based on concerns that subjecting generally applicable and

religiously neutral laws to strict scrutiny would amount to "courting anarchy." 494 U.S. at 888.[1]

But *Smith*'s analytical framework and concerns about anarchy are inapplicable in religious-autonomy cases. Assertions of the right to religious autonomy are evaluated by asking whether the government has "attempt[ed] . . . to dictate or even to influence" "matters of faith and doctrine." *Our Lady of Guadalupe*, 591 U.S. at 746 (quotation marks omitted). Where the right to religious autonomy is at stake, the fact that a law may be neutral and generally applicable is not enough. The Court has relied on the right to religious autonomy to protect from government influence a religious entity's determination on "questions of discipline, or of faith, or ecclesiastical rule, custom, or law," *Watson* v. *Jones*, 80 U.S. 679, 727 (1871); its "right to use and occupy" church property, *Kedroff*, 344 U.S. at 96; and its "freedom to select its own ministers," *Hosanna-Tabor*, 565 U.S. at 189.

These distinct inquiries protect distinct values and liberties. And protection of the right to religious autonomy—even when the governmental action at issue is neutral and generally applicable—is firmly rooted in history and in this Court's precedents.

---

[1] Amicus Jewish Coalition for Religious Liberty has previously argued that *Smith*'s rule is mistaken, and that experience with religious-liberty claims under other laws (like the Religious Freedom Restoration Act) has shown *Smith*'s concerns were overstated. See, *e.g.*, Br. for Amicus Curiae Jewish Coalition for Religious Liberty, *Roman Catholic Diocese of Albany* v. *Emami*, No. 20-1501, 2021 WL 2182223 (U.S. May 25, 2021).

A. The Founders Recognized Religious Autonomy As A Core Right

1. The right to religious autonomy has deep roots in our Nation's history.

Many among the early English settlers fled to America with hopes of escaping religious interference. Michael McConnell, *The Origins and Historical Understanding of Free Exercise of Religion*, 103 Harv. L. Rev. 1409, 1422 (1990). Under the Crown, these settlers' religious institutions experienced interference on matters core to their religious character, including the election of church leaders and the determination of doctrine. *Ibid.* America was to be different. These men sought to ensure that, in this Nation, they would be free to "elect their own ministers and establish their own modes of worship." *Hosanna-Tabor*, 565 U.S. at 182.

To those ends, these colonists immediately took measures to protect the right to religious autonomy. In Massachusetts, for example, they forbade the government from placing "[i]njunctions . . . upon any Church, Church officers or member in point of Doctrine, worship or Discipline, whether for substance or cercumstance [sic] besides the Institutions of the lord." *Massachusetts Body of Liberties* (1641), reprinted in *Colonial Origins of the American Constitution: A Documentary History* (Donald S. Lutz, 1998), https://oll.libertyfund.org/pages/1641-massachusetts-body-of-liberties. They provided that "[e]very Church hath free libertie of Election and ordination of all their officers from time to time, provided they be able pious and orthodox." *Ibid.* And, critically, they ensured that "[e]very Church hath free libertie of Admission,

Recommendation, Dismission, and Expulsion, or deposall of their officers, and members, upon due cause." *Ibid.*

Roger Williams, founder of the Colony of Rhode Island and Providence Plantations, echoed these sentiments just three years later. In Rhode Island, he insisted, government "magistrates, as magistrates, [shall] have no power of setting up the form of church government, electing church officers," or "punishing with church censures." Roger Williams, *The Bloudy Tenent of Persecution for Cause of Conscience* (1644). This right of religious autonomy derived from the fact that "all civil states, with their officers of justice, in their respective constitutions and administrations, are proved essentially civil, and therefore not judges, governors, or defenders of the spiritual." *Ibid.*

2. This history carried through the Founding, and the Founders likewise recognized religious autonomy as a critical right.

In 1783, Benjamin Franklin—then serving as minister to France—received an inquiry from the French papal nuncio about whether the Confederation Congress would approve the pope's appointment of a French bishop to oversee the Catholic Church in America. Franklin responded that because Congress "can not . . . intervene in the ecclesiastical affairs of any sect," seeking such approval would be "absolutely useless." Thomas C. Berg et al., *Religious Freedom, Church-State Separation, and the Ministerial Exception*, 106 Nw. U. L. Rev. Colloquy 175, 181 (2011) (citation omitted). Congress itself reiterated that response in a resolution, directing Franklin "to notify to the apostolical nuncio . . . that the subject of his appli-

cation to doctor Franklin, being purely spiritual, it is without the jurisdiction and powers of Congress, who have no authority to permit or refuse it." 2 John G. Shea, *Life and Times of the Most Rev. John Carroll, Bishop and First Archbishop of Baltimore, 1763–1815* at 217 (1888).

Evincing the same understanding, newly elected President George Washington wrote to the United Baptist Churches in Virginia that "[i]f [he] could have entertained the slightest apprehension, that the Constitution framed in the Convention, where [he] had the honor to preside, might possibly endanger the religious rights of any ecclesiastical society, certainly [he] would never have placed [his] signature to it." Letter from George Washington to the United Baptist Churches in Virginia (May 10, 1789), in *The American Republic: Primary Sources* 69, 70 (Bruce Frohnen ed., 2002). In a similar letter written to the Dutch Reformed Church in North America, Washington underscored the two realms of civil and ecclesiastical authority, remarking that while "true religion affords to government its surest support," a "just government" protects religious institutions "in their religious rights." 12 George Washington, *The Writings of George Washington* 167 (Jared Sparks ed., American Stationers' Company 1838). Washington likewise promised the Jewish community of Newport, Rhode Island that they would be free to follow their faith in America, not merely at the "toleration" of the majority but as a matter of their "inherent natural rights." Letter from Geroge Washington to the Hebrew Congregation in Newport, Rhode Island (Aug. 18, 1790).

Thomas Jefferson, too, shared this view. In 1804, he wrote to the Ursuline Sisters of New Orleans (a

Catholic order) to assure them that the Louisiana Purchase would not threaten their religious autonomy. Previously, the Sisters had expressed anxiety over "the property vested in [their order] by the former governments of Louisiana." Letter from Thomas Jefferson, President, U.S., to the Ursuline Nuns of New Orleans (July 13, 1804), in 44 *The Papers of Thomas Jefferson* 78, 78–79 (James P. McClure ed., 2019). Jefferson remarked that the "principles of the constitution and government of the United states are a sure guarantee to you that it will be preserved to you sacred and inviolate, and that *your institution will be permitted to govern itself according to it[s] own voluntary rules, without interference from the civil authority*." *Ibid.* (emphasis added). And Jefferson similarly assured a Jewish correspondent that each religion's "peculiar dogmas" are "the exclusive concern of the respective sects embracing them, and no rightful subject of notice to any other." Letter from Thomas Jefferson to Mordecai Noah (May 28, 1818), in *The Jefferson Bible* 377, 377 (O.I.A. Roche ed., Clarkson N. Potter, Inc. 1964).

B. This Court's Precedents Protect Religious Autonomy Even When The Government Acts On A Neutral And Generally Applicable Basis

1. This Court's precedents have long protected the right to religious autonomy by forbidding governmental intrusion into church affairs and decisionmaking.

The Court first recognized the right to religious autonomy in 1871 in *Watson* v. *Jones*, 80 U.S. 679. There, the Court considered a dispute between two Presbyterian factions over who controlled the prop-

erty of a church. The General Assembly of the Presbyterian Church had recognized one faction, and this Court declined to question that determination. The Court explained that "whenever the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them." *Id.* at 727.

In *Kedroff*, this Court applied the right to religious autonomy again—this time to recognize that the "[f]reedom to select the clergy, where no improper methods of choice are proven, . . . must now be said to have federal constitutional protection as a part of the free exercise of religion against state interference." 344 U.S. at 116. At issue in *Kedroff* was the right to use a Russian Orthodox cathedral in New York City. *Id.* at 96. A group of North American churches, having split from the Supreme Church Authority in Moscow, claimed that the right to use the cathedral belonged to an archbishop elected by them. *Ibid.* The Supreme Church Authority disagreed, claiming the right belonged to an archbishop appointed by its patriarch. *Ibid.* New York's highest court sided with the North American churches. *Id.* at 97. The court relied on a state law that required every Russian Orthodox church in the state to recognize as authoritative all determinations made by the governing body of the North American churches. *Ibid.*

This Court reversed. In declaring the state law unconstitutional, the Court explained that the controversy between the churches was "strictly a matter of ecclesiastical government, the power of the Supreme Church Authority of the Russian Orthodox Church to

appoint the ruling hierarch of the archdiocese of North America." *Kedroff*, 344 U.S. at 115. Because the state law directed the "pass[ing] [of] . . . control of matters strictly ecclesiastical from one church authority to another," it impermissibly inserted the "power of the state into the forbidden area of religious freedom contrary to the principles of the First Amendment." *Id.* at 119. In sum, a "[c]hurch's choice of its hierarchy" is "an ecclesiastical right." *Ibid.*

The Court reaffirmed these principles in *Serbian Eastern Orthodox Diocese for United States and Canada* v. *Milivojevich*, 426 U.S. 696 (1976). There, the Court confronted a dispute over control of the American-Canadian Diocese of the Serbian Orthodox Church. *Id.* at 698. Dionisije Milivojevich sued the church after it removed him as bishop of the American-Canadian Diocese. *Ibid.* The Illinois Supreme Court "reinstat[ed] Dionisije" on the grounds that his removal failed to comply with church laws and regulations. *Id.* at 708.

This Court again reversed. *Milivojevich*, 426 U.S. at 698. The Court explained that the First Amendment "permit[s] hierarchical religious organizations to establish their own rules and regulations for internal discipline and government, and to create tribunals for adjudicating disputes over these matters." *Id.* at 724. "When this choice is exercised and ecclesiastical tribunals are created to decide disputes over the government and direction of subordinate bodies, the Constitution requires that civil courts accept their decisions as binding upon them." *Id.* at 724–25. Accordingly, the Illinois Supreme Court erred when it took upon itself "the resolution of quintessentially religious controversies whose resolution the First Amendment

commits exclusively to the highest ecclesiastical tribunals of this hierarchical church." *Id.* at 720.

2. This Court's more recent precedents have continued to protect religious autonomy, and have done so without asking whether the government's action was neutral or generally applicable.

In *Hosanna-Tabor*, the Court held that the right to religious autonomy prohibited a court from entertaining an employment discrimination claim brought by a teacher against the religious school where she taught. The teacher claimed she had been fired in violation of the Americans with Disabilities Act. 565 U.S. at 179. The school responded that it had fired her for violating the Lutheran doctrine that disputes be resolved internally. *Id.* at 180. This Court held that the suit was barred by the "ministerial exception," explaining that it "concern[ed] government interference with an internal church decision that affects the faith and mission of the church." *Id.* at 190.

The Court squarely held in *Hosanna-Tabor* that the right to religious autonomy applies even where governmental action may be neutral and generally applicable under cases like *Smith*. The Court explained that while "[i]t is true that the ADA's prohibition on retaliation, like Oregon's prohibition on peyote use, is a valid and neutral law of general applicability," "a church's selection of its ministers is unlike an individual's ingestion of peyote." 565 U.S. at 190. "*Smith* involved government regulation of only outward physical acts," but "[t]he present case" concerns "government interference with an internal church decision that affects the faith and mission of the church itself." *Ibid.*

In *Trinity Lutheran Church of Columbia, Inc.* v. *Comer*, 582 U.S. 449 (2017), the Court reiterated this point. The Court made clear that not every "application of a valid and neutral law of general applicability is necessarily constitutional." *Id.* at 461 n.2. That is why, the Court explained, it had held in *Hosanna-Tabor* that "the Religion Clauses required a ministerial exception to the neutral prohibition on employment retaliation contained in the Americans with Disabilities Act." *Ibid.*

Similarly, in *Our Lady of Guadalupe*, the Court held that the right to religious autonomy requires courts "to stay out of employment disputes involving those holding certain important positions with churches and other religious institutions." 591 U.S. at 746. In that case, a teacher claimed that a Catholic school had failed to renew her contract so that it could replace her with a younger teacher. *Id.* at 742. The Court held that because the teacher "performed vital religious duties" for the school, courts could not entertain her employment-discrimination claim. *Id.* at 756.

As in *Hosanna-Tabor*, the Court made clear that the right to religious autonomy applies regardless of whether the government's action is neutral or generally applicable. It explained that "[t]he constitutional foundation for [its] holding" was "the general principle of church autonomy" rooted in "the Religion Clauses." *Our Lady of Guadalupe*, 591 U.S. at 747. The Religion Clauses together "protect the right of churches and other religious institutions to decide matters 'of faith and doctrine' without government intrusion," such that "[s]tate interference" is unconstitutional. *Id.* at 746. That differs from the analytical framework in cases like *Smith*, which instead asks only whether the

government has acted on a neutral and generally applicable basis. 494 U.S. at 879; see also, *e.g.*, *Fulton*, 593 U.S. at 532–33.

* * *

The right to religious autonomy, as reflected in this Nation's history and this Court's precedents, safeguards important liberties that may otherwise go unprotected if a religious organization is limited to arguing that governmental action is not neutral or generally applicable. It is therefore critical that religious organizations be able to invoke this right, in addition to any claim under cases like *Smith*.

II. This Court Should Vindicate The Right To Bring Suit To Stop Infringements On The Right To Religious Autonomy

The Ninth Circuit concluded that the rights protected by "the religious-autonomy doctrines" cannot be asserted as "standalone claims challenging legislative or executive action," and may instead be raised only "as defenses against or limits upon plaintiffs' invocation of *judicial* authority." App.24a. For the reasons petitioner explains, that is wrong on the merits. See Pet. at 14–22. And curtailing the right to religious autonomy in this way would produce dangerous results inconsistent with this Nation's proud traditions, as the facts of this case themselves illustrate.

A. Treating Religious Autonomy Solely As A Defense Against A Lawsuit Leads To Dangerous Results

1. Since its inception, our Nation has "serv[ed] as a refuge for religious freedom." *Masterpiece Cakeshop* v. *Colorado C.R. Comm'n*, 584 U.S. 617, 649 (2018)

(Gorsuch, J., concurring). That commitment is embedded in our national DNA. George Washington, in writing to the Hebrew Congregation in Newport, Rhode Island, declared that "[a]ll possess alike liberty of conscience and immunities of citizenship," and that "the Government of the United States, which gives to bigotry no sanction, to persecution no assistance[,] requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support." Letter from George Washington to the Hebrew Congregation in Newport, Rhode Island, *supra*. He concluded with a fervent wish: "May the children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid." *Ibid.*

2. Threats to this promise of religious liberty can come in many forms, not just in a lawsuit. Recent upticks in religiously motivated violence provide a tragic example.

"Cases of antisemitism and hate crimes towards Jewish Americans have surged in recent years." Callum Sutherland, *The Rise of Antisemitism and Political Violence in the U.S.*, Time Magazine (June 2, 2025). A 2024 report on the state of antisemitism in America found that 33% of American Jews had been the personal targets of antisemitism in the past year, and 56% of American Jews had changed their behavior out of fear (for example, hiding their identities by forgoing religious garments in public)—two statistics representing sharp increases over previous years. The American Jewish Committee, *The State of Anti-*

semitism in America in 2024 (Feb. 12, 2025). These reports are accompanied by a startling increase in attacks on synagogues. See Combat Antisemitism Movement, *Threats to American Synagogues Soar in First Two Months of 2023*.

Against this backdrop, demand for state-provided security grants for synagogues and other religious institutions has risen. In 2024, for example, 37% of recipients of security grants from a New York grant program ("Securing Communities Against Hate Crimes") were Jewish groups. Marc Rod, *Under half of nonprofit security grant applications funded in 2024, despite additional funding*, Jewish Insider (Aug. 30, 2024). Likewise in 2024, 29% of grants in Texas went to Jewish groups. *Texas, California Federations Turn to NSGP-State for Security Aid*, Jewish Federations of North America (Aug. 15, 2025). Synagogues and other Jewish organizations rely on these grants for security and "have long advocated for the program[s]." Luke Tress, *New York awards record $63.9M in security funding for organizations at risk of hate crimes*, Jewish Telegraphic Agency (Dec. 3, 2024).

Religious schools are similarly reliant on funding for security. Pennsylvania, which launched a grant program in the wake of the 2018 massacre at the Tree of Life Synagogue, recently awarded nonprofit security grant funds to Jewish day schools. Andrew Guckes, *Local Synagogues, Schools Receive State Security Funds*, Philadelphia Jewish Exponent (Oct. 29, 2024). So too did California and Florida. *Cal OES Announces Release of $47 Million in Awards to Help Nonprofit and Faith-Based Organizations Enhance Security and Safety*, California Governor's Office of Emergency Services (Jan. 25, 2022); Danielle Prieur,

DeSantis announces an additional $40 million to protect Jewish day schools, HBCUs, Central Florida Public Media (May 8, 2024).

3. If religious autonomy were solely a defense to a lawsuit, vulnerable religious groups would have little to no recourse should the government deny them critical security grants based on their criteria for selecting religious leaders. Imagine, for example, that a state conditions receipt of such grants on an organization's compliance with a "nondiscrimination policy" like the one in this case. Synagogues, student groups, and any other religious organizations that limit leadership positions to those who share their "religious mission," *Our Lady of Guadalupe*, 591 U.S. at 762, could lose critical funding for security. Yet under the Ninth Circuit's rule, if the state simply revokes funding instead of bringing a lawsuit, the organization would have no way to assert its religious-autonomy rights.

That poses a threat to the very "faith and mission" of religious organizations dependent on security grants or other types of government funding. *Hosanna-Tabor*, 565 U.S. at 188. "To force religious organizations to hire messengers and other personnel who do not share their religious views would undermine not only the autonomy of many religious organizations but also their continued viability." *Seattle's Union Gospel Mission*, 142 S. Ct. at 1096 (Alito, J., respecting the denial of certiorari). If religious organizations are unable to vindicate their religious-autonomy rights anytime the government uses enforcement tools short of a lawsuit, they will have to choose between compromising their mission and withdrawing

from the public sphere. That "would greatly impoverish our Nation's civic and religious life." *Ibid.*

B. This Case Illustrates The Danger Of Treating Religious Autonomy Solely As A Defense

The facts of this case offer a prime illustration of the danger inherent in the Ninth Circuit's approach. After Oregon withdrew its grants to Youth 71Five, the ministry pursued dialogue with the State in hopes of reaching an amicable resolution. Initially, the State engaged. But over time, that engagement faltered.

In November 2023—several months after Oregon conditionally awarded Youth 71Five the grants—Oregon notified Youth 71Five that it was reneging on its commitment. In doing so, Oregon requested "patience" while it "work[ed] on a more detailed, thoughtful, and meaningful" explanation for its decision. App.130a. Youth 71Five, having already relied on Oregon's representation for months, respectfully requested "a timeframe regarding [the State's] response." App.129a. The ministry noted that "waiting continues to put [it] in a challenging position." *Ibid.* Specifically, the ministry explained that it had "two sub-recipients who have made commitments since receiving the award announcements and this puts them in a very tough position financially given their small size and budget." *Ibid.* As Youth 71Five notes in its petition, its only recourse was to file this lawsuit. See Pet. at 8.

This scenario is emblematic of the problem with denying religious entities the right to initiate litigation on religious-autonomy grounds: doing so places them at the mercy of the very state actors who are in-

fringing their rights. The state holds all the cards, and if (as here) it intrudes upon an organization's religious autonomy through means other than a lawsuit, the organization will have no opportunity to assert its rights. In a Nation committed to protecting religious organizations against improper governmental interference of all stripes, that cannot be the law.

CONCLUSION

The petition should be granted, and the judgment of the court of appeals should be reversed.

Respectfully submitted.

HOWARD SLUGH
JEWISH COALITION FOR RELIGIOUS LIBERTY
2400 Virginia Ave. N.W.
Apt. C619
Washington, D.C. 20037
(954) 328-9461

BRANDON BAKER
YOUNG LIFE
420 N. Cascade Ave.
Colorado Springs, CO 80903
(719) 381-1810

THOMAS G. HUNGAR
TRENTON J. VAN OSS
Counsel of Record
DAVID B. TYE
GIBSON, DUNN & CRUTCHER LLP
1700 M Street, N.W.
Washington, D.C. 20036
(202) 955-8500
TVanOss@gibsondunn.com

Counsel for Amici Curiae

February 17, 2026