No. 26-438

In the
Supreme Court of the United States

JOSEPH MILLER; ET AL.,
Petitioners,

v.

JAMES V. MCDONALD, COMMISSIONER OF HEALTH OF THE STATE OF NEW YORK; ET AL.,
Respondents.

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

BRIEF OF AMICUS CURIAE A VOICE FOR CHOICE IN SUPPORT OF PETITIONERS

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October 30, 2026

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INTEREST OF AMICUS CURIAE[1]

A VOICE FOR CHOICE ("AVFC") is a nonprofit organization that educates, advocates for, and empowers people to be fully informed about their rights with respect to all products that go into people's bodies, such as food, cosmetics, and pharmaceuticals. AVFC's members include families of faith whose children attend public and religious schools and who decline particular medical interventions for religious reasons. AVFC has a direct interest in ensuring that courts evaluating such families' free-exercise claims follow the analytical sequence this Court's precedents prescribe, rather than allowing the government's stated purpose to decide, at the threshold, whether a constitutional burden exists at all.

SUMMARY OF ARGUMENT

This brief posits that seemingly disparate precedent can be carefully synthesized to produce an accurate result here, without offending *stare decisis*.

Two lines of this Court's cases seem to collide, meriting *certiorari*. One line protects parents' authority over their children's religious upbringing and schooling. The other upholds state power to require vaccination. Lower courts have increasingly treated the choice between them as a binary one: a law is either a parental-

[1] Pursuant to Rule 37.6, amicus states that no counsel for a party authored this brief in whole or in part, and that no person or entity other than amicus, its members, or its counsel made a monetary contribution intended to fund its preparation or submission. Pursuant to Rule 37.2, counsel of record for all parties received timely notice of amicus's intent to file this brief.

rights case or a public-health case, and the label decides the outcome. The decision below is the latest example.

Yet the conflict is only apparent. Each of these precedents answers a different question at a different step of the same analysis. The first line of precedent tells courts what counts as a burden on religious upbringing, including a burden that threatens the schools parents have chosen. The second line bears on how much weight the State's interest in preventing disease may carry once that burden is identified. *United States v. Lee*, 455 U.S. 252 (1982), shows the two inquiries working in sequence: it analyzed the burden first and then held it justified.

Kept in that order, the cases fit together as one coherent framework. Collapse them, and one line of precedent swallows the other.

Reconciling these precedents requires no departure from any of them. The Court need not overrule any cases, nor need it revisit *Employment Division v. Smith*, 494 U.S. 872 (1990).

It need only reaffirm the sequence its own cases have always followed: identify the burden, then require the government to justify it.

The Second Circuit reversed that order. On remand in light of *Mahmoud v. Taylor*, 606 U.S. 522 (2025), it held that New York's school-vaccination law does not impose a burden of the kind recognized in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), because the law "imposes a health-and-safety condition on in-person school attendance" rather than regulating "what children are taught." Pet. App. 22a–23a. That holding rests on two errors that the petition does not develop and that independently warrant review.

First, the court's premise (that the parental right recognized in *Yoder* concerns what children are taught) omits the cases from which *Yoder* grew. In *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), and, critically, *Farrington v. Tokushige*, 273 U.S. 284 (1927), this Court protected parents against government action that threatened the survival of the private schools they had chosen, without asking whether the law dictated a curriculum. *Farrington*, which neither the petition nor the decisions below cite, enjoined a territorial regulatory scheme, enforced by penalties that accrued daily, that "probably would destroy most if not all" of the affected schools. 273 U.S. at 298. New York is fining three Amish schools per student, per day, and Petitioners allege the penalties will close them. For the Old Order Amish, losing the school is losing the means of religious formation *Yoder* protected.

Second, the Second Circuit used New York's justification for the law to decide whether the law burdens religious exercise at all. That inverts the sequence this Court has followed in every relevant case—*Pierce*, *Farrington*, *Yoder*, *Lee*, and *Mahmoud*: identify the burden first, then require the government to justify it. The courts of appeals, including the Second Circuit itself, apply that sequence to public-health and vaccination measures. Collapsing the two steps lets a pleading-stage label ("public health measure") do the work that strict scrutiny assigns to evidence, and it excuses the State from the showing *Yoder* required, that harm be "demonstrated." 406 U.S. at 230.

Jacobson v. Massachusetts, 197 U.S. 11 (1905), and *Prince v. Massachusetts*, 321 U.S. 158 (1944), do not

authorize that shortcut. *Jacobson* was a due-process case decided before the Free Exercise Clause applied to the States and before the Court developed its tiers of scrutiny. *Prince*'s vaccination sentence was dictum in a child-labor case that *Yoder* declined to read at its "broadest sweep." 406 U.S. at 229. Properly read, those cases bear on the weight of the State's interest at the justification stage—a question New York has never been required to answer on a record.

ARGUMENT

I. This Court's Parental-Rights Cases Protect the Schools Parents Choose, Not Only What Those Schools Teach.

The Second Circuit described the burden that triggers *Yoder* as interference with religious development through instruction. New York's law, the court reasoned, "does not regulate what children are taught, does not require them to affirm any belief, does not expose them to state-selected instruction contrary to their parents' faith, and does not enlist school officials to displace parental religious formation." Pet. App. 22a. So its burden, though it "may be serious," is "not the kind of state interference with a child's religious development that triggered strict scrutiny in *Yoder* or *Mahmoud*." *Id.* at 23a. That account lets the form in which a law is cast obscure the religious injury it inflicts. It also leaves out the cases in which this Court first recognized the parental right at issue.

A. *Pierce* and *Farrington* measured the burden by the law's effect on the survival of parent-chosen schools.

Oregon's law in *Pierce* did not regulate what private schools taught. It required parents to send their children to public school. The Court held that the law "unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control," 268 U.S. at 534–35, and it located the injury in the fate of the schools: "[t]he inevitable practical result of enforcing the Act under consideration would be destruction of appellees' primary schools." *Id.* at 534. Because those schools, one of which provided "[s]ystematic religious instruction and moral training according to the tenets of the Roman Catholic Church," *id.* at 532, were "threatened with destruction," their owners were entitled to an injunction. *Id.* at 535.

Farrington applied the same principle to a law that, like New York's, purported to regulate private schools. The Court held that Hawaii's extensive regulation of private foreign-language schools violated due process[2] by unreasonably interfering with parents' liberty to direct their children's education and the rights of private schools to operate. The government could not impose such sweeping controls over teachers, curricula, and textbooks without adequate justification. The Court affirmed the

[2] *Farrington* arose under the Fifth Amendment's Due Process clause because Hawaii was then a territory, but the Court held that the "fundamental rights" recognized against the States in *Meyer v. Nebraska*, 262 U.S. 390 (1923), and *Pierce* applied with equal force. 273 U.S. at 299.

preliminary injunction against enforcement, without ruling on the constitutionality of each provision individually. 273 U.S. at 298–99.

The Court explained that the measures "go far beyond mere regulation of privately supported schools," that "[e]nforcement of the Act probably would destroy most if not all of them," and that "certainly it would deprive parents of fair opportunity to procure for their children instruction which they think important." *Id.* at 298. "The Japanese parent has the right to direct the education of his own child without unreasonable restrictions." *Ibid.*

While *Pierce* did not strongly question a state's ability to regulate education, (268 U.S. at 534). *Farrington* determined that certain intrusive laws went "far beyond mere regulation."

And neither case asked whether the challenged law dictated a message. Both asked what the law would do to the institutions through which parents had chosen to educate their children, and both found a constitutional injury. *Farrington* is particularly instructive. Hawaii, like New York, defended its law as an exercise of its acknowledged power over schools. The burden was nonetheless recognized at the threshold, on affidavits and before any answer had been filed, *id.* at 290, with the government's fuller justification left for later proceedings. *Id.* at 299 ("when petitioners present their answer, the issues may become more specific and permit the cause to be dealt with in greater detail"). *Farrington* does not appear in the petition or the decisions below.

B. *Yoder* and *Mahmoud* continue that line; they do not confine it to curriculum.

Yoder built directly on *Pierce*, which it described as "a charter of the rights of parents to direct the religious upbringing of their children." 406 U.S. at 233. And the burden *Yoder* identified was not limited to the content of high-school lessons. Compulsory attendance, the Court found, "carries with it a very real threat of undermining the Amish community and religious practice as they exist today; they must either abandon belief and be assimilated into society at large or be forced to migrate to some other and more tolerant region." *Id.* at 218. That finding rested on what the Amish had proved: "the interrelationship of belief with their mode of life, the vital role that belief and daily conduct play in the continued survival of Old Order Amish communities and their religious organization, and the hazards presented by the State's enforcement of a statute generally valid as to others." *Id.* at 235. Petitioners allege each of those things here. *See* Pet. App. 7a. The Old Order Amish hold "a fundamental belief that salvation requires life in a church community separate and apart from the world and worldly influence," *Yoder*, 406 U.S. at 210, and where possible they "have established their own elementary schools," *id.* at 212—the schools New York's penalties now threaten.

Mahmoud confirmed that this Court has "never confined *Yoder* to its facts." 606 U.S. at 558. It held that strict scrutiny applies when a law imposes a burden "of the same character" as *Yoder*'s, that is, one that "substantially interfer[es] with the religious development" of children and poses "a very real threat

of undermining" the beliefs and practices their parents wish to instill. *Id.* at 565 (quoting *Yoder*, 406 U.S. at 218). Nothing in that formulation turns on whether the interference arrives through a lesson plan. And in *Mirabelli v. Bonta*, the Court rejected a reading of *Mahmoud* as "focused on uniquely coercive 'curricular requirements.'" 607 U.S. 492, 495 (2026) (per curiam) (citation omitted).

The Second Circuit acknowledged *Mirabelli* but recast it as another narrow category: "a case about school officials concealing from parents a matter central to their child's identity and upbringing." Pet. App. 23a–24a. The resulting test extends *Yoder*'s protection only to the particular mechanisms that happened to appear in *Yoder*, *Mahmoud*, and *Mirabelli*. That is the confinement-to-facts approach *Mahmoud* disapproved, relabeled as an inquiry into "character." *Pierce* and *Farrington* supply what the label omits: the parental right reaches government action that threatens the schools themselves.

C. New York's enforcement threatens the Amish schools in the way *Pierce* and *Farrington* condemned.

The allegations, which must be accepted as true at this stage, fit squarely within that line. New York has fined three Amish schools a total of $118,000, computing penalties of up to $2,000 for each noncompliant student and treating each day an unvaccinated child attends as a separate violation. Pet. App. 6a & n.9. Petitioners allege that "the fines and threat of additional penalties will shutter the Amish community's schools and their ability to educate children in a group setting,"

which they describe as "a vital part of [Amish] children's spiritual development." *Id.* at 7a. Homeschooling is not a religiously acceptable alternative. Pet. 7 n.3. This is quite similar to Hawaii's scheme in *Farrington*: using daily penalties the schools could not sustain, New York's law menaces the existence of the school itself. *See Farrington*, 273 U.S. at 296–97.

The Second Circuit treated this as a burden that "may be serious" but is of the wrong "kind" to trigger strict scrutiny. Pet. App. 23a. But under *Pierce* and *Farrington*, it is precisely the right kind. A law that forces Amish parents to choose between violating their faith and losing the schools through which they form their children in it "substantially interfer[es] with the religious development" of those children. *Mahmoud*, 606 U.S. at 565. The threshold question is what enforcement does to the religious exercise at stake, not what label the State gives its objective. Whether New York can justify that interference is a separate question, one the Second Circuit never reached.

II. The Second Circuit Inverted the Constitutional Sequence by Using New York's Justification to Deny the Burden.

The court below did not hold that New York's interest outweighs Petitioners' burden. It held that, because the law is "a health-and-safety condition on in-person school attendance to reduce the spread of communicable disease," the burden does not qualify. Pet. App. 22a–23a. It then adopted the Fourth Circuit's reasoning that a school-vaccination law "is a public health measure, not an instrument of

ideological indoctrination," and that "[t]he need for some to protect the health and well-being of all was not present in *Yoder* or *Mahmoud*." *Id.* at 24a (quoting *Perry v. Marteney*, 172 F.4th 315, 327 (4th Cir. 2026)). Those are statements about why the State acted and how important its objective is. Using them to measure the burden turns the State's justification into the definition of the right. This Court considers such statements only after the burden has been identified—and requires the government to prove them.

A. This Court identifies the burden first and weighs the government's justification second.

Yoder stated the sequence expressly. To compel attendance over a religious objection, "it must appear either that the State does not deny the free exercise of religious belief by its requirement or that there is a state interest of sufficient magnitude to override the interest claiming protection under the Free Exercise Clause." 406 U.S. at 214. The Court resolved the first question on the Amish evidence about their faith and community. *Id.* at 215–19. Only then did it "searchingly examine the interests that the State seeks to promote by its requirement for compulsory education to age 16, and the impediment to those objectives that would flow from recognizing the claimed Amish exemption." *Id.* at 221.

Health and safety arguments entered *Yoder* at that second step, and the State lost them for want of proof: "This case, of course, is not one in which any harm to the physical or mental health of the child or to the public safety, peace, order, or welfare has been

demonstrated or may be properly inferred." *Id.* at 230. Even *Yoder*'s reservation for health and safety is framed as a justification the State must establish. Parental authority, "even when linked to a free exercise claim, may be subject to limitation under *Prince* if it appears that parental decisions will jeopardize the health or safety of the child, or have a potential for significant social burdens." *Id.* at 233–34. And the State was required to "show with more particularity how its admittedly strong interest in compulsory education would be adversely affected by granting an exemption to the Amish." *Id.* at 236.

Lee, another case brought by an Amish claimant, shows that the sequence governs even when the government prevails. The Court first held that, "[b]ecause the payment of the taxes or receipt of benefits violates Amish religious beliefs, compulsory participation in the social security system interferes with their free exercise rights." 455 U.S. at 257. It then explained: "The conclusion that there is a conflict between the Amish faith and the obligations imposed by the social security system is only the beginning, however, and not the end, of the inquiry." *Ibid.* "The state may justify a limitation on religious liberty by showing that it is essential to accomplish an overriding governmental interest." *Id.* at 257–58. The Court sustained the tax only after finding the government's interest "very high" and accommodation unworkable. *Id.* at 258–60. The government's strong interest in *Lee* did not erase the burden. It justified it.

The Court's unemployment-compensation cases state the same rule in general terms. "Where the state conditions receipt of an important benefit upon conduct

proscribed by a religious faith, . . . thereby putting substantial pressure on an adherent to modify his behavior and to violate his beliefs, a burden upon religion exists." *Hobbie v. Unemployment Appeals Comm'n of Fla.*, 480 U.S. 136, 141 (1987) (quoting *Thomas v. Review Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 717–18 (1981)). Such burdens, the Court explained, "could be justified only by proof by the State of a compelling interest." *Ibid.* If conditioning a government benefit on conduct a faith forbids is a burden, so too—at least as plainly—is conditioning attendance at a community's own religious school on that conduct, under threat of escalating fines. Under *Hobbie*, the State's interest is something to be proved, not presumed.

Mahmoud followed the same order: having found a burden "of the same character" as *Yoder*'s, the Court turned to the school board's asserted interests and tested them under strict scrutiny. 606 U.S. at 565–68. So did the earliest cases. *Pierce* observed that there were "no peculiar circumstances or present emergencies which demand extraordinary measures relative to primary education"—a point about justification, made after the Court had described the destruction of the schools. 268 U.S. at 534. *Farrington* put it most directly:

> We, of course, appreciate the grave problems incident to the large alien population of the Hawaiian Islands. These should be given due weight whenever the validity of any governmental regulation of private schools is under consideration, but the limitations of the Constitution must not be transcended.

273 U.S. at 299. The government's "grave problems" receive "due weight" in deciding the law's validity. They do not determine whether the Constitution is implicated in the first place.

B. The courts of appeals, including the Second Circuit, apply the same sequence to public-health and vaccination measures.

This Court has not addressed the sequencing question in a school-vaccination case. Published decisions of the courts of appeals, however, have answered it consistently with *Yoder* and *Lee*—in decisions the court below did not engage.

Tenth Circuit. In *Yellowbear v. Lampert*, 741 F.3d 48 (10th Cir. 2014) (Gorsuch, J.), a prison denied an inmate access to its sweat lodge, citing cost and security. The court held that the burden inquiry "focuses only on the coercive impact of the government's actions" on the claimant's religious exercise. *Id.* at 55. The prison's reasons were addressed only after the burden was found, when "the burden of persuasion now shifts to the government." *Id.* at 56. And the court refused to allow officials to "declare a compelling governmental interest by fiat." *Id.* at 59.[3]

[3] *Yellowbear* applied the Religious Land Use and Institutionalized Persons Act, which, like the Religious Freedom Restoration Act, restores by statute the compelling-interest framework of *Sherbert v. Verner*, 374 U.S. 398 (1963), and *Yoder*. *See* 741 F.3d at 52–53. Its value here is structural: it describes how that framework allocates the burden inquiry and the justification inquiry.

Sixth Circuit. In *Dahl v. Board of Trustees of Western Michigan University*, 15 F.4th 728 (6th Cir. 2021) (per curiam), the court addressed a COVID-19 vaccination requirement for student-athletes. It first held that the policy burdened the plaintiffs' religious exercise because "[t]he University put plaintiffs to the choice: get vaccinated or stop fully participating in intercollegiate sports." *Id.* at 732. The public-health interest entered only at the next step. There, the court accepted that "[t]he University's interest in fighting COVID-19 is compelling," but held that "the question before us 'is not whether the [University] has a compelling interest in enforcing its [vaccine] policies generally, but whether it has such an interest in denying an exception' to plaintiffs." *Id.* at 735 (quoting *Fulton v. City of Philadelphia*, 593 U.S. 522, 541 (2021)).[4]

Second Circuit. In *Agudath Israel of America v. Cuomo*, 983 F.3d 620 (2d Cir. 2020), New York defended COVID-19 restrictions on worship by invoking public-health precedent. The Second Circuit held that "reliance on *Jacobson* was misplaced," because *Jacobson* "predated the modern constitutional jurisprudence of tiers of scrutiny, was decided before the First Amendment was incorporated against the states, and 'did not address the free exercise of religion.'" *Id.* at 635 (quoting *Phillips v. City of New York*, 775 F.3d 538, 543 (2d Cir. 2015)). It added that "courts may not

[4] *Dahl* reached strict scrutiny because the university's policy provided individualized exemptions, *see Fulton*, 593 U.S. at 533, rather than under *Yoder*. The point for present purposes is the court's treatment of the public-health interest: as the government's justification, assessed after the burden was found.

defer to the Governor simply because he is addressing a matter involving science or public health." *Ibid.*

The decision below cannot be reconciled with those holdings. In *Yellowbear* and *Dahl*, the government's interest was a justification the government had to prove. In *Agudath Israel*, the Second Circuit refused to let a public-health label substitute for that proof. Here, the label ended the case on a motion to dismiss, as it did in the Fourth Circuit in *Perry*, on which the court below relied. Pet. App. 24a. Two circuits now apply that method to school-vaccination laws.

C. Collapsing the two steps reverses the burden of proof and makes the outcome turn on characterization.

The error is not merely one of ordering. It has three concrete consequences.

First, it relieves the State of its burden. At the justification stage the government must establish its interest "in denying an exception" to the particular claimants before the court. *Fulton*, 593 U.S. at 541; *see Yoder*, 406 U.S. at 236. Folded into the burden inquiry, that interest is simply assumed—here, on the pleadings, where Petitioners allege that none of the measles cases in the outbreak preceding the 2019 repeal occurred in their communities. Pet. 11. The court below discussed transmission risk only in its general-applicability analysis, Pet. App. 17a, where rational-basis review demands neither tailoring nor any showing specific to these claimants.

Second, the "kind" test decides cases by label. The court conceded that New York's law "may weigh on Plaintiffs more heavily than the policy in *Mahmoud*."

Pet. App. 23a n.17. The burden was nonetheless disqualified because the law's purpose is health rather than instruction. But nearly every law that burdens religious upbringing can be described by its secular objective. Hawaii described its scheme as promoting "the Americanism of the pupils." *Farrington*, 273 U.S. at 293. If the government's asserted purpose defines the "character" of the burden, the government decides whether strict scrutiny applies.

The proper thing to do is to examine what the law does to religious exercise: its coercive effect and mechanism.

Third, the reasoning is circular. Because the law serves public health, its effects are not a cognizable burden; because there is no cognizable burden, the State never has to justify those effects under the standard that would otherwise govern. *Yoder* (and sound logic) forecloses that approach. The State's interest is to be "searchingly examine[d]" together with "the impediment to those objectives that would flow from recognizing the claimed Amish exemption," 406 U.S. at 221—not assumed in order to avoid that examination.

III. *Jacobson* and *Prince* Do Not Create a Public-Health Exception to the Threshold Inquiry.

The decision below draws on a familiar reading of *Jacobson* and *Prince* as placing vaccination laws outside ordinary free-exercise analysis. *See* Pet. App. 10a–11a (citing *Jacobson* and *Zucht v. King*, 260 U.S. 174 (1922)). Neither case supports so sweeping a proposition. As medical science advances and the range of vaccines

(including biologics) expand, a categorical exemption from constitutional scrutiny would permit States to impose an ever-growing array of medical requirements while insulating them from meaningful judicial review. Constitutional protections cannot turn on the label the State assigns to a medical intervention.

Jacobson rejected a due-process challenge to a smallpox-vaccination requirement in 1905—thirty-five years before this Court held the Free Exercise Clause applicable to the States, *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940), and decades before the modern tiers of scrutiny. As the Second Circuit has itself held, *Jacobson* "did not address the free exercise of religion." *Agudath Israel*, 983 F.3d at 635 (quoting *Phillips*, 775 F.3d at 543). *Jacobson* also recognized that a public-health measure, "even if based on the acknowledged police powers of a state, must always yield in case of conflict with . . . any right which [the Constitution] gives or secures." 197 U.S. at 25. This Court has since made the point for itself: "even in a pandemic, the Constitution cannot be put away and forgotten," and before allowing restrictions that strike at religious liberty, the Court has "a duty to conduct a serious examination of the need for such a drastic measure." *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 20 (2020) (per curiam); *see id.* at 70 (Gorsuch, J., concurring) ("*Jacobson* hardly supports cutting the Constitution loose during a pandemic."). *Zucht*, which rejected due-process and equal-protection objections to a school-vaccination ordinance, likewise involved no free-exercise claim. 260 U.S. at 175–77.

Prince upheld a child-labor law as applied to a girl distributing religious literature on a public street. Its

statement that a parent "cannot claim freedom from compulsory vaccination for the child more than for himself on religious grounds," 321 U.S. at 166–67, was unnecessary to that holding. And *Yoder* declined to give *Prince*'s language its full reach: "Taken at its broadest sweep, the Court's language in *Prince* might be read to give support to the State's position. However, the Court was not confronted in *Prince* with a situation comparable to that of the Amish as revealed in this record." 406 U.S. at 229. *Yoder* then assigned *Prince* its proper place: as a ground on which parental authority "may be subject to limitation . . . if it appears that parental decisions will jeopardize the health or safety of the child." *Id.* at 233–34.

The point is not that *Jacobson* and *Prince* are irrelevant. It is that their role is at the justification stage, where they may inform the weight of a State's interest in controlling communicable disease, subject to the evidentiary and tailoring requirements of modern doctrine. They do not license a court to treat "public health" as a category that removes a burden from *Yoder*'s protection before the government has proved anything. Amicus takes no position here on whether New York could satisfy strict scrutiny on a developed record. Under the decision below, it will never have to try.

IV. The Sequencing Question Warrants Review in This Case.

The method applied below now governs school-vaccination challenges in two circuits, and its logic is not limited to vaccination. Any regulation of religious schools that a State can describe by a health or safety

objective—whether licensing, staffing, facilities, medical requirements—would evade *Yoder,* at the pleading stage, under the Second Circuit's approach, however severe its effect on the schools. Resolving the question does not require the Court to revisit *Smith* or to settle the meaning of general applicability. It requires only that lower courts apply the order of analysis that *Pierce*, *Farrington*, *Yoder*, *Lee*, and *Mahmoud* followed. This case presents the question cleanly: the Second Circuit decided it on remand, after considering *Mahmoud* and *Mirabelli*, in affirming a Rule 12(b)(6) dismissal that turned on it.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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October 30, 2026