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 U.S. Court of Appeals for the Ninth Circuit

BRIEF OF *AMICUS CURIAE* HEARTBEAT INTERNATIONAL, INC. IN SUPPORT OF PETITIONER

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INTEREST OF AMICUS CURIAE[1]

Heartbeat International, Inc. ("Heartbeat"), headquartered in Columbus, Ohio, is a nonprofit, Christian organization whose mission is to serve women and children through a network of life-affirming pregnancy help centers. Heartbeat serves more than 4,000 pregnancy help centers, clinics, maternity homes, and nonprofit adoption agencies in over one hundred countries, including more than 2,300 such affiliates in the United States. Among its services, Heartbeat operates the Abortion Pill Rescue® Network and the "Abortion Pill Reversal Hotline," which answers an average of two hundred calls a month. These calls typically are from women who regret their recent decision to take abortion-inducing drugs and are urgently seeking connection with a local medical professional who can start the scientifically supported abortion pill reversal process, which, statistics show, has saved more than 7,000 lives. Heartbeat also operates a 24/7 toll-free telephone and web-based help line, Option Line, which provides information and referrals to nearby pregnancy help organizations. In 2025, Option Line handled more than two million contacts—including phone calls, e-mails, instant messages, and online chats in English and Spanish.

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[1] No counsel for a party authored this brief in whole or in part, and no party, party's counsel, or any person other than amicus curiae or their counsel contributed money intended to fund preparation or submission of this brief. Counsel for all parties received timely notice of the intent to file this brief.

Heartbeat and its affiliates hire and maintain a workforce that is fully aligned with their Christian beliefs and committed to their mission. Having a workforce composed of dedicated believers is vital to a Christian mission. All religious organizations must remain free to choose who to employ based not only on whether prospective employees agree with the religious beliefs of the organization, but also whether there is a shared commitment to live consistently with those beliefs. Since the founding of our country, the vital contributions of faith-based ministries to our communities have been recognized and valued. However, these ministries are increasingly experiencing the conflict caused by the prevailing culture's push to marginalize religious people and organizations who adhere to orthodox Christian beliefs on human sexuality, marriage, and gender. The State of Oregon's unconstitutional exclusion of coreligionist hiring will harm both religious organizations and the people they seek to serve, as well as the community at large.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

Youth 71Five Ministries ("71Five"), a Christian nonprofit youth-mentoring ministry, has been participating in Oregon's Youth Community Investment Grant Program since 2017 and serves its local community by providing free mentoring, vocational training, and recreational activities for at-risk youth. 71Five serves students and families of all backgrounds, without regard to their religious beliefs, and does not discriminate on the basis of religion in its vendor selection, subcontracting, or service

delivery. However, 71Five does require its board members, employees, and volunteers to sign a statement of faith and be actively involved in a local church. The Oregon Department of Education, through its Youth Development Division, rescinded its 2023-2025 grant to 71Five after an anonymous complainant alleged that 71Five's website, which described its coreligionist, mission-based hiring standards, violated the Division's new grant eligibility rule that prohibits grantees from discriminating based on religion.

This case follows a growing trend of challenges presented by anti-discrimination laws that provide special protection to groups defined by their sexuality and gender identity at the expense of religious freedom. This trend resulted from a misunderstanding of *Obergefell* v. *Hodges*, 576 U.S. 644 (2015), and *Bostock* v. *Clayton County, Ga*, 590 U.S. 644 (2020). In the wake of the confusion arising from *Bostock*, subsequent decisions by this Court have focused on the need to preserve religious liberty in the inevitable collision between anti-discrimination laws and First Amendment rights.

71Five Ministries is a nonprofit religious organization with roots that date back to the 1960s. Its name, 71Five, is a reference to Psalm 71:5—"Lord God, you are my hope. I have trusted in you since I was young." Since its founding, 71Five has invested in programming to provide support and resources to at-risk youth. 71Five invests in these young people by building trusting relationships and resilience through camp experiences and outdoor adventures such as biking, backpacking, skiing, and hiking. Recognizing

that today's youth flounder when disconnected, discouraged, and without direction, 71Five develops resources within its community by inspiring, training, and equipping responsible adults to build authentic mentoring relationships with vulnerable youth to enable them to grow and thrive as productive, well-adjusted teens and young adults.

All of 71Five's efforts are driven by its mission—to share God's story of hope with young people by meeting needs in a tangible way. From its founding more than 60 years ago, 71Five has pursued its religious purpose, guided by its sincere and deeply-rooted religious beliefs and values. While its name has changed, 71Five's mission has not. This mission drives 71Five's programming and is clearly reflected in everything 71Five does. Consequently, 71Five believes it is imperative to seek out employees who share those beliefs and wholeheartedly support its mission.

Religious employers' pursuit of employees who share their mission is not invidious but indispensable to maintaining the character of the religious organization. A religious employer should be free to hire those who both believe what the organization believes and who seek to live consistently with those beliefs. Recognition of coreligionist, non-ministerial protections for religious organizations is essential to religious freedom, freedom of speech, and freedom of association. Without these protections, religious groups cannot carry out their religious mission.

Oregon has determined not only to impose and elevate its own secular viewpoint and values above

the views and rights of 71Five and other like-minded religious organizations, but it has also acted to exclude those viewpoints and rights completely. In doing so, Oregon has trampled 71Five's constitutional rights of religion, speech, and association. The First Amendment rights undergirding the coreligionist doctrine and mission-based hiring are critical to the ability of 71Five and other religious employers to carry out their religious purpose. The result of laws and rules such as Oregon's rule excluding organizations that adhere to coreligionist hiring is clear—religious organizations will be forced to choose between their religious mission and continuing to operate. When the government shuts down religious organizations, their unique contributions and service to their communities are lost at great consequence.

This Court has "repeatedly held that a State violates the Free Exercise Clause when it excludes religious observers from otherwise available benefits." *Carson* v. *Makin*, 596 U.S. 767 (2022); see also *Thomas* v. *Review Bd. of Ind. Employment Sec. Div.*, 450 U.S. 707, 716 (1980) ("More than 30 years ago, the Court held that a person may not be compelled to choose between the exercise of a First Amendment right and participation in an otherwise available public program."). Oregon's rule has forced a choice that violates the First Amendment rights of 71Five and other religious organizations. Unless this Court steps in to provide meaningful First Amendment protection, states will have carte blanche to prevent faith-based nonprofits from associating around and promoting religious views, views which this Court in *Obergefell* declared to be "decent and honorable." *Obergefell*, 576 U.S. at 672.

ARGUMENT

I. A State Rule Excluding a Religious Organization From Participation in the State's Grant Program Solely Because the Organization is Committed to Mission-Based Hiring, if Allowed to Stand, Threatens the Independence and Very Existence of Religious Organizations.

There is an alarming surge in the use of anti-discrimination laws to compel uniformity of thought and action. Increasingly, these laws have caused conflict for those who dare to think and speak against the beliefs and viewpoints advocated by the cultural tide. This is particularly dangerous when it is the government that is proscribing the sanctioned viewpoints and messages. Undeniably, most of the conflict has arisen over sexual mores, contrary to *Obergefell*'s admonition that religious organizations and persons should be free to organize their lives around these beliefs. This is hardly a shocking development. Indeed, it was a foreseeable result of this Court's rulings in *Obergefell* and *Bostock*. Because the Court put its thumb on the scale on issues of profound cultural and religious significance, it must now clarify the protections for religious freedom in order to relieve the burdens it created. *Obergefell*, 576 U.S. at 711 (Roberts, C.J., dissenting) ("[f]ederal courts * * * do not have the flexibility of legislatures to address concerns of parties not before the court"). Justice Thomas warned of "potentially ruinous consequences for religious liberty." *Id*. at 734 (Thomas, J., dissenting). Unfortunately, the Court's

promises to preserve religious liberty, see *id.* at 679-680, ring hollow if states can simply enact laws and rules that exclude religious organizations from participating in the public square unless they abandon their core beliefs. The warnings proved prescient, as even the majority's reference to the First Amendment rights of religious organizations in *Obergefell* has been ignored and undercut by state laws and rules like the one imposed by Oregon. See *id.* ("The First Amendment ensures that religious organizations * * * are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives and faiths, and to their own deep aspirations to continue the family structure they have long revered.").

Subsequent decisions by this Court have served to clarify and preserve First Amendment liberties in the face of government wielding its anti-discrimination punitive authority. *Masterpiece Cakeshop, Ltd.* v. *Colorado Civil Rights Commission*, 584 U.S. 617 (2018), protects against open government hostility to religion. In *Fulton* v. *City of Philadelphia*, 593 U.S. 522 (2021), the Court ruled that the City violated the Free Exercise rights of a foster care agency by refusing to contract with the ministry because of its religious conviction against placing foster children with same-sex couples. More recently, in *303 Creative LLC* v. *Elenis*, 600 U.S. 570 (2023), this Court considered the impact of Colorado's sweeping public accommodations law on a website designer's free speech. Reviewing its rulings in *Hurley* v. *Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 557 (1995), and *Boy Scouts of America* v. *Dale*, 530 U.S. 640 (2000), the Court concluded,

"[I]n both cases this Court held that the State could not use its public accommodations statute to deny speakers the right 'to choose the content of [their] own message[s].'" *303 Creative*, 600 U.S. at 592 (quoting *Hurley*, 515 U.S. at 573).

Despite the clarifications from these cases, misinterpretations and distortions of *Obergefell* and *Bostock* continue to result in brazen efforts to coerce uniformity of thought—particularly on the nature and morality of marriage and sexuality, redefining basic biology and concepts that have stood for millennia. Attempts to compel uniform thought are dangerous to a free society where the government must respect a wide range of diverse viewpoints. In the past, "[s]truggles to coerce uniformity * * * have been waged by many good as well as by evil men." *W.Va. State Bd. of Educ.* v. *Barnette*, 319 U.S. 624, 640 (1943). These efforts are ultimately futile. "Compulsory unification of opinion achieves only the unanimity of the graveyard." *Id.* at 641. Religious organizations and individuals are especially jeopardized by laws and policies that prohibit "discrimination" based on sexual orientation and/or gender identity because many systems of religious doctrine maintain strong convictions about marriage and sexuality.

Oregon's rule, however, is more insidious. It does not just elevate its own viewpoints above others, it cancels dissenting viewpoints, specifically targeting those viewpoints that are ordered and defined by faith. By mandating that a religious organization consider candidates who fundamentally disagree with the organization's religious values and mission,

Oregon is denying the right of the organization to exist and carry out its mission according to its core beliefs. To exclude 71Five from participating in a program generally open to all applicants simply because 71Five hires its staff in furtherance of its religious mission denies 71Five its First Amendment freedoms to faithfully exercise its religious beliefs according to its religious calling. Moreover, the Ninth Circuit's conclusion that 71Five could reasonably be expected to abandon its faith in any initiative funded in part with state funds is offensive because it presumes that religious freedom can and should simply be carved out and ignored to satisfy the demands of the state.

71Five holds religious beliefs about life that are baked into the religious worldview that undergirds its mission, message, and choice of messengers. The Constitution guarantees 71Five and other religious organizations "independence from secular control or manipulation" in matters of "faith and doctrine." *Kedroff* v. *St. Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 116 (1952). Oregon crushes that independence, and its assault on religious freedom will inevitably create additional collateral damage. A clear ruling is needed by this Court to guard the liberty of religious organizations to employ those who maintain the same beliefs and who seek to live consistently with those beliefs. Without these protections, religious employers will be unable to preserve their identity and pursue their mission while remaining faithful to their core beliefs.

II. Operating a Religious Organization in Accordance With That Organization's Religious Doctrine is Not Invidious, Irrational, or Arbitrary Discrimination.

71Five was forced to take legal action when its funding was rescinded due to its unwillingness to abandon its First Amendment rights to the free exercise of religion, religious autonomy, and expressive association. Oregon excluded 71Five from participation in its grant program because 71Five insisted on acting in accordance with its identity and mission as a religious organization. But the action of a *religious* organization, motivated by its *religious* doctrine, is not arbitrary, irrational, unreasonable, or invidious. Indeed, 71Five's selection of employees who support its religious identity and purpose is not "discrimination" at all. This is not a case involving a refusal to conduct business with an entire group based on personal animosity or *irrelevant* criteria. It is *relevant* for a religious employer to consider a prospective employee's agreement (or disagreement) with its religious doctrine and mission. A court's refusal to consider religious motivation and relevance and to distinguish that from invidious discrimination "tends to exhibit hostility, not neutrality, towards religion." *Hobbie* v. *Unemployment Appeals Comm'n of Fla.*, 480 U.S. 136, 142 n.7 (1987); see also *Thomas* v. *Review Bd. of Ind. Employment Sec. Div.*, 450 U.S. 707, 715-716.

Religious organizations do not engage in invidious discrimination when they select from a pool of applicants those employees who are most closely aligned with the religious beliefs of the organization.

Religious organizations do not exist merely to provide a framework to exchange human labor or services. Religious organizations hire employees to speak and act on the employer's behalf; however, that speech and conduct is not limited to expressions towards outsiders. The importance of hiring coreligionists extends also to the building of an internal community of like-minded coreligionists who share a commitment to strengthen each other in their faith and encourage one another to live out their faith. If employees are not committed to the organization's purposes, they are more likely to weaken or misrepresent the group. When a group is not cohesive in its beliefs, the ability to encourage and provide accountability for each other is compromised. Over time, the organization's fundamental identity may be distorted beyond recognition.

The clash between anti-discrimination principles and the First Amendment is particularly volatile when the free exercise of religion and religious autonomy are subverted in favor of state-favored priorities. However, this clash between rights should not be difficult to reconcile. This Court has spoken clearly against states' attempts to use cultural forces to castigate and marginalize anyone whose traditional beliefs contradict the current zeitgeist.

In *303 Creative LLC* v. *Elenis*, 600 U.S. 570, the Court articulated what the outcome must be when anti-discrimination laws and administrative rules like Oregon's collide with First Amendment rights: "When a state public accommodations law and the Constitution collide, there can be no question which must prevail." *Id*. at 592. (citing the U.S. Const., Art.

VI, cl.2). Leaving no doubt on how the collision caused by Colorado's anti-discrimination law must be resolved, the Court concluded:

> [T]he opportunity to think for ourselves and to express those thoughts freely is among our most cherished liberties and part of what keeps our Republic strong. Of course, abiding the Constitution's commitment to the freedom of speech means all of us will encounter ideas we consider "unattractive," "misguided, or even hurtful." But tolerance, not coercion, is our Nation's answer. The First Amendment envisions the United States as a rich and complex place where all persons are free to think and speak as they wish, not as the government demands.

Id. at 603 (internal citations omitted).

Government should not legislate against views that are shaped by religious beliefs. Nor should it compel religious institutions and individuals to choose to either abandon their beliefs in order to participate in a public benefit or remain faithful to those beliefs and forfeit the rights that everyone else enjoys. Religious voices have helped to define and shape cultural views for centuries. For many, deeply-held religious convictions shape the way they live, both privately and in public. On the contrary, advocates of social change—especially with respect to sexuality—tend to be "anything but indifferent toward the teachings of traditional religion—and

since they are not indifferent they are not tolerant." Michael W. McConnell, *"God is Dead and We have Killed Him!" Freedom of Religion in the Post-Modern Age*, 1993 BYU L. REV. 163, 187 (1993). Political power can be used to squeeze religious views out of public debate and even public participation, as this case demonstrates.

III. The Coreligionist Doctrine is Constitutionally Mandatory to Preserve a *Trilogy* of Core First Amendment Rights—Speech, Association, and Religion.

Speech, association, and religion are fundamental rights inherently recognized and protected by the First Amendment. These three intertwined rights are "deeply rooted in this Nation's history and tradition" and are "implicit in the concept of ordered liberty," so that "neither liberty nor justice would exist if they were sacrificed." *Washington* v. *Glucksberg,* 521 U.S. 702, 721 (1997) (internal citations omitted).

Without the robust protection for hiring coreligionists, 71Five would forfeit all three core First Amendment rights. These basic liberties "are protected not only against heavy-handed frontal attack, but also from being stifled by more subtle governmental interference." *Healy* v. *James*, 408 U.S. 169, 183 (1972) (quoting *Bates* v. *City of Little Rock,* 361 U.S. 516, 523 (1960)). Here, Oregon's rule against hiring coreligionists is wielded as a sword to force a religious organization to hire employees who have little or no interest in abiding by the organization's religiously-based conditions for employment. Worse yet, religious organizations like 71Five would be

forced to hire individuals who are antagonistic and actively oppose the organization's religious mission. The state's denial of this Court's longstanding protection for religious hiring obstructs 71Five's ability to form a cohesive expressive association with persons who will faithfully disseminate its message.

Recognizing the unique constitutional protection for religion, Title VII of the Civil Rights Act of 1964 accommodates religious employers by exempting them from the prohibition against religious discrimination. 42 U.S.C. § 2000e-1. This Court has upheld the exemption against Establishment and Equal Protection Clause challenges, observing that government should not interfere with "the ability of religious organizations to define and carry out their religious missions." *Corporation of Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints* v. *Amos,* 483 U.S. 327, 339 (1987) (Title VII's religious exemption applied to a church's discharge of a building engineer who worked for a nonprofit gymnasium owned by the church and open to the public). This broad exemption, as the Court recognized in *Amos*, covers the nonprofit activities of religious employers. *Id.* at 339.

In *National Labor Relations Board* v. *Catholic Bishop of Chicago*, 440 U.S. 490 (1979), this Court held that the NLRB did not have jurisdiction over lay teachers employed by church-operated schools because allowing the government to intrude into the affairs of the schools implicated the rights guaranteed by the Religion Clauses. *Id.* at 507. Noting the NLRB's attempt to distinguish between church-operated schools that are "completely religious" and

those "religiously associated," *id*. at 499, the Court concluded that the distinction itself was an implicit "acknowledgement of some degree of entanglement" with the Religion Clauses. *Id*. at 499. "The church-teacher relationship in a church-operated school differs from the employment relationship in a public or nonreligious school. We see no escape from conflicts flowing from the Board's exercise of jurisdiction over teachers in church-operated schools and the consequent serious First Amendment questions that would follow." *Id*. at 504. As this Court reaffirmed more recently, "courts are bound to stay out of employment disputes involving those holding certain important positions with churches and other religious institutions." *Our Lady of Guadalupe School* v. *Morrissey-Berru*, 591 U. S. 732, 746 (2020). The same is true for 71Five's decision to restrict employment to co-religionists. Whether the state intrudes on a religious institution's autonomy through "direct coercion" or, as in this case, "the withholding of a benefit," it violates the organization's right to internal governance. *Catholic Charities Bureau, Inc.* v. *Wis. Labor & Indus. Rev. Comm'n*, 605 U.S. 238, 269 (2025) (Thomas, J., concurring).

In light of this Court's clear guidance, the Ninth Circuit's conclusion that 71Five could receive Oregon's funding only if it bifurcated the grant-funded initiatives from its religious mission and other activities is troubling. Oregon's mandate is an unconstitutional intrusion into the religious autonomy of 71Five. It is also a denial of 71Five's First Amendment rights of free exercise of religion and free association as 71Five seeks to govern its affairs and hire its employees in furtherance of its

religious mission. In choosing to fund 71Five's programming for multiple years, then rescinding that funding only because 71Five would not abandon its religious hiring requirements, Oregon has executed a clear and targeted attack on 71Five's religious autonomy under the First Amendment.

A. Because a Religious Organization is Engaged in Speaking a *Message* Inextricably Linked to its *Mission*, the Organization Must Retain the Exclusive Right to Select its Employees.

"Religious groups are the archetype of associations formed for expressive purposes, and their fundamental rights surely include the freedom to choose who is qualified to serve as a voice for their faith." *Hosanna-Tabor Evangelical Lutheran Church & Sch.* v. *EEOC,* 565 U.S. 171, 200-201 (2012) (Alito, J., concurring). Every religious organization has a religious *mission* and the right to disseminate its *message* to further that mission. They are "dedicated to the collective expression and propagation of shared religious ideals." *Id*. at 200. "[A] religious body's right to self-governance must include the ability to select, and to be selective about, those who will serve as the very 'embodiment of its message' and 'its voice to the faithful.'" *Id.* at 201 (quoting *Petruska* v. *Gannon University*, 462 F. 2d 394, 306 (3d Cir. 2006)). A religious organization's control over its employees "is an essential component of its freedom to speak in its own voice, both to its own members and to the outside world." *Id.* at 201.

Even secular expressive associations enjoy comparable rights to join together to advocate a cause and select those who will disseminate its message. See *Cal. Democratic Party* v. *Jones*, 530 U.S. 567, 586 (2000); *Hurley,* 515 U.S. 557, 578. With these protections in place for secular associations, it is imperative that religious speech, "far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression. * * * [G]overnment suppression of speech has so commonly been directed *precisely* at religious speech that a free-speech clause without religion would be Hamlet without the prince." *Capitol Square Review & Advisory Bd.* v. *Pinette*, 515 U.S. 753, 760 (1995) (internal citations omitted); see also *Lamb's Chapel* v. *Center Moriches Union Free Sch. Dist.,* 508 U.S. 384 (1993); *Bd. of Ed. of Westside Community Schools (Dist. 66)* v. *Mergens,* 496 U.S. 226 (1990); *Widmar* v. *Vincent,* 454 U.S. 263 (1981); *Heffron* v. *International Soc'y. for Krishna Consciousness, Inc.,* 452 U.S. 640 (1981).

Regardless of motives, the State "may not substitute its judgment as to how best to speak" for that of an organization. *Riley* v. *Nat'l Fed'n of the Blind of N.C., Inc.,* 487 U.S. 781, 791 (1988); see also *Nat'l Inst. of Family & Life Advocates* v. *Becerra*, 585 U.S. 755, 775 (2018) (pregnancy help organizations protected against compelled speech regarding state-financed abortions). Compelling an organization to retain an unwanted employee (or pay a hefty fine) is tantamount to compelled speech. See*, e.g., Wooley* v. *Maynard*, 430 U.S. 705, 717 (1977); *Hurley,* 515 U.S. at 573. Even a secular business may create a unique brand, free of government compulsion, to convey a

message to the public. See*, e.g., Matal* v. *Tam*, 582 U.S. 218, 247 (2017) (trademark); *United States* v. *United Foods, Inc.*, 533 U.S. 405, 410 (2001) (mushroom producer).

The First Amendment protects 71Five's right to select employees who align with the organization's religious values. This freedom is vital when that religious expectation happens to contradict prevailing orthodoxy of society. By excluding 71Five from a generally available grant program solely because it asserts its First Amendment religious autonomy to hire those individuals who would most effectively advance its message and mission, Oregon tramples the religious freedom of 71Five. If permitted to enforce its rule to exclude religious organizations, Oregon will coerce those organizations to choose between abandoning their faith in order to participate in the public forum or holding to that faith and forfeiting their constitutional rights to participate. Eventually, under the demands of the state's orthodoxy, all religious organizations and minority views will cease to exist, and their voices will be extinguished.

B. A Religious Association Conveys its Message Not Only Through Speech, but Also the *Conduct* of its Representatives.

Religion is a comprehensive worldview, not a compartment detached from daily life. Representatives of a religious organization not only speak *about* religion—they must model its values in their interactions with each other, inside *and* outside

the organization. The Supreme Court has long recognized that a religious organization can require conformity to its moral standards as a condition of membership. *Watson* v. *Jones,* 80 U.S. (13 Wall.) 679 (1872). That same principle applies to the conduct of employees hired by a religious organization—an issue that was before the Court in *Corporation of Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints* v. *Amos,* 483 U.S. 327. In *Amos*, the Court affirmed the freedom of religious employers to select their non-ministerial employees based on alignment with the employers' religious mission. *Id*. at 339. The Court held that Title VII's religious exemption applied to a church's decision to discharge a building engineer for a church-owned gymnasium because he had failed to qualify for membership in the church. *Id.* at 330, 339. The Court recognized that the gymnasium, while serving the community at large, represented the church's expressive means of furthering its mission and religious values within that community. *Id.* at 336 n. 13, 337.

71Five's comprehensive worldview is foundational to its existence, its integrity, and its effective operation as a religious organization. Because this worldview encompasses both beliefs and conduct, 71Five recognizes that it cannot fulfill its religious purposes unless its employees accept, support, and model its core beliefs and values. Those core beliefs have deep roots that are reflected and woven throughout 71Five's mission statements, core values, and statements of vision. But 71Five's commitment to its mission is meaningless if it is prohibited from hiring and maintaining a workforce of individuals who share and live consistently with its

beliefs. It is the people of an organization who are charged with carrying out the organization's mission and fulfilling its purpose. The conduct of a religious organization's employees is what gives credence and integrity to the stated beliefs that undergird and drive the work of a religious organization. For these reasons, it is essential for this Court to clarify that the First Amendment protects a religious organization's ability to select coreligionist employees who will carry out its religious mission.

CONCLUSION

For the foregoing reasons, this Court should grant the petition for a writ of certiorari.

Respectfully submitted,

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