# IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 05-1383

# MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE BY 24 RELIGIOUS AND CIVIL RIGHTS ORGANIZATIONS IN SUPPORT OF PETITIONERS' EMERGENCY MOTION FOR A STAY PENDING APPEAL

The *amici* are a collection of 24 religious and civil liberties organizations. (A complete list of the *amici* is provided in Appendix A.) These organizations represent almost every major faith group in America, spanning the full spectrum of religious diversity: Buddhists, Christians, Hindus, Jews, Muslims, Native Americans, and Sikhs. Though the *amici* sometimes find themselves on opposite sides of religious freedom issues, they speak with one voice in the conviction that accommodating religious exercise by removing government-imposed substantial burdens on religious exercise is an essential element of a democratic society. For that reason, many of the *amici* were leaders in supporting the enactment of the Religious Freedom Restoration Act. And all of the *amici* join together in this case to ensure that RFRA remains the potent protection for religious freedom that Congress intended it to be.

Amici believe that the FAA's application of RFRA, if adopted by this Court, would largely destroy RFRA as a meaningful constraint on the application of federal laws to override religious rights and interests. That, in turn, would deprive amici, their members, and all people of faith of the important protection for religious liberty that RFRA has heretofore provided. And such an approach would enfeeble other statutory and constitutional protections that rest upon similar formulations of strict scrutiny.

Amici believe that their collective experience in this area of the law will enable them to aid the Court in clarifying the application of RFRA to the facts of this case, and so will assist the Court in its resolution of this motion. Amici have reviewed the Petitioners' filings and are confident that their focused examination of the application of RFRA in their brief avoids redundancy and should prove valuable to the Court.

They therefore respectfully consent that their motion for leave to file the attached brief *amicus curiae* be granted.

## Respectfully submitted,

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October 17, 2005

#### APPENDIX A

Advocates for Faith and Freedom American Values Association on American Indian Affairs Center for a Just Society Coalition for the Defense of Human Rights Illinois Council of Churches Institute on Religion and Public Policy International Church of the Foursquare Gospel Jewish Prisoner Services International Jewish Reconstructionist Federation Jubilee Campaign USA Liberty Counsel Liberty Legal Institute Minaret of Freedom Institute National Council of Churches USA Peyote Way Church Queens Federation of Churches Religious Freedom Coalition Religious Freedom Action Coalition Sikh Coalition Sikh American Legal Defense and Education Fund ("SALDEF") Soka Gakkai International-USA Buddhist Association

Union of Orthodox Jewish Congregations

United Sikhs

#### CERTIFICATE OF SERVICE

I hereby certify that the foregoing Brief Amicus Curiae of 24 Religious and Civil Rights Organizations in Support of Petitioners' Emergency Motion for a Stay Pending Appeal was served upon the following counsel by Federal Express on this 17<sup>th</sup> day of October, 2005:

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